

LEGAL NOTICE NO. 16

REPUBLIC OF TRINIDAD AND TOBAGO

THE STATE LAND (REGULARISATION OF TENURE) ACT, 1998

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 34(2) OF THE STATE LAND
(REGULARISATION OF TENURE) ACT, 1998

THE STATE LAND (REGULARISATION OF TENURE)
(CERTIFICATE OF COMFORT) REGULATIONS, 2000

1. These Regulations may be cited as the State Land Citation
(Regularisation of Tenure) (Certificate of Comfort) Regulations, 2000.
2. (1) A squatter to whom the Act applies shall apply for a Application
Certificate of Comfort on the prescribed form. for Certificate
of Comfort
(2) The Application shall have annexed thereto—
 - (a) the sworn declarations of two deponents, as required by
section 11(3) of the Act, which declarations shall be made on
the prescribed form; and
 - (b) other documentary evidence supportive of the fact that the
applicant was in occupation of the dwelling house, which is
the subject of the application, on or before the appointed
day.
3. (1) The documentary evidence referred to in regulation 2(2) may Proof of
include bills, receipts, testamentary dispositions, agreements, bills of occupation of
exchange, bills of sale and any other documents which tend to prove the dwelling
applicant's occupation. house which
is the subject
of the
application
(2) The Agency may refer to the 1998 aerial photography lodged
with the Director of Surveys to assist in establishing the applicant's
occupation on or before the appointed day.
4. (1) For the purpose of determining whether a contractual or Where the
quasi-contractual relationship, as referred to in section 4(4) of the Act, Applicant is
exists between the applicant and the actual occupier, the Agency may out of
have regard to the following: occupation
 - (a) the written statement of the actual occupier made in the
presence of a duly authorised officer of the Agency;
 - (b) investigations conducted by the Agency into the applicant's
reasons for being out of occupation;

(c) documents from any source supportive of the reasons tendered by the applicant for being out of occupation; or

(d) any other evidence that the Agency considers relevant.

(2) Reasons acceptable to the Agency for the applicant being out of occupation include the following:

(a) the applicant had to be institutionalised for medical treatment over a period of time or had to seek medical attention overseas;

(b) the applicant vacated the dwelling house for a period of not more than 6 months to seek seasonal employment either overseas or elsewhere in Trinidad and Tobago;

(c) the applicant vacated the dwelling house for a period of not more than 6 months in order to look after an ailing relative;

(d) the applicant was forced to flee the neighbourhood of the dwelling house because of threats to the security of his person or life; or

(e) any other reason that justifies the applicant leaving the dwelling house in the occupation of another person.

(3) Where the Agency is satisfied that the applicant is not entitled to the Certificate of Comfort by reason of having fulfilled none of the criteria mentioned in subregulation (2) it may issue the Certificate of Comfort in the name of the actual occupier.

Duties of the Agency in respect of an application for a Certificate of Comfort

5. Upon receipt of an application, the Agency shall—

(a) determine that the application has been made in accordance with the procedure set out in these Regulations;

(b) check the accuracy of the information contained in the application; and

(c) ascertain whether the dwelling house, which is the subject of the application, is on State Land.

Issue of Certificate

6. (1) Subject to the requirements of regulations 4 and 5 the Agency shall issue a Certificate of Comfort to the applicant.

(2) The Certificate shall be signed by the Secretary or where the Secretary is unable to sign, by a member of the Committee, duly authorised by resolution of the Committee for that purpose.

Issue of Certificate in joint names

7. (1) Where an applicant is legally married and living together with his spouse, the Agency shall advise the parties to make a joint

application for the Certificate of Comfort, and where the parties so apply, the Certificate of Comfort and subsequently, the Statutory Lease, shall be issued in the names of both parties.

(2) Where it is brought to the attention of the Agency that the applicant is living in the dwelling house with another person, as husband and wife on a *bona fide* domestic basis, and has continued to live in such a cohabitational relationship for a period of not less than five years, the Agency shall advise the parties to make a joint application for the Certificate of Comfort, and where the parties so apply, the Certificate of Comfort and subsequently, the Statutory Lease, shall be issued in the names of both parties.

(3) Where the parties referred to in subregulation (2) are no longer desirous of living together in the dwelling house, they may take such action that is available under the law to have the issue of property adjustment determined.

8. The provisions of these Regulations shall apply to late applications made under section 12 of the Act. Late applications

9. These Regulations do not apply to State Land vested in the Tobago House of Assembly pursuant to section 54 of the Tobago House of Assembly Act. Applications of regulations
Act No. 40 of 1996

Made this 13th day of January, 2000.

J. HUMPHREY
Minister of Housing and Settlements