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Third Session Eleventh Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 10 of 2018

[L.S.]

AN ACT to amend the Land Adjudication Act, 2000

[Assented to 4th July, 2018]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Land Adjudication Short title
(Amendment) Act, 2018.

Interpretation
Act No. 14 of 2000

2. In this Act, “the Act” means the Land Adjudication Act, 2000.

Section 2 amended

3. Section 2 of the Act is amended—

(a) by deleting the definition of “Adjudication Officer” and substituting the following definition:

““adjudication officer” means the Chief Adjudication Officer or a Deputy Adjudication Officer appointed under section 4;”;

(b) in the definition of “Registrar” by deleting the word “Lands” and substituting the word “Land”; and

(c) by inserting in the appropriate alphabetical sequence, the following definitions:

““Chief Adjudication Officer” means the Chief Adjudication Officer appointed under section 4;

“Deputy Adjudication Officer” means a Deputy Adjudication Officer appointed under section 4; and

“Director of Surveys” means the person holding the office of Director of Surveys referred to in the Civil Service Act;”.

Chap. 23:01

Section 4 amended

4. Section 4 of the Act is amended—

(a) in subsection (1)—

(i) by deleting the words “an Adjudication Officer” and substituting the words “a Chief Adjudication Officer”; and

(ii) by deleting the words “shall be appointed by the”, and substituting the words “shall be appointed for a period of five years by the President on the advice of the”;

(b) by inserting after subsection (1), the following subsections:

“ (1A) There shall be such number of Deputy Adjudication Officers who may be appointed as necessary for the respective adjudication areas.

(1B) A Deputy Adjudication Officer shall be an attorney-at-law of at least ten years' experience in conveyancing who shall be appointed for a period of three years by the President on the advice of the Judicial and Legal Service Commission.”;

(1C) The remuneration, allowances and other conditions of the Chief Adjudication Officer and Deputy Adjudication Officers shall not be altered to their disadvantage after their appointment and during their tenure of office.

(1D) There shall be paid to the Chief Adjudication Officer or a Deputy Adjudication Officer such remuneration and allowances as may be determined by the President, and such remuneration and allowances shall be a charge on the Consolidated Fund.

(1E) Notwithstanding that their term of office has expired, the Chief Adjudication Officer and a Deputy Adjudication Officer, may, with the approval of the President, continue in office for such a period after the expiry of their term as may be necessary to complete adjudications conducted by them in an adjudication area or to do anything in relation to proceedings that were commenced before their term of office expired.”

- (c) in subsection (2), by—
- (i) inserting before the words “Adjudication Officer” the word “Chief”; and
 - (ii) inserting after the word “Officer” the words “and Deputy Adjudication Officers”;
- (d) in subsections (3) and (4), by deleting the words “Assistant Adjudication Officers,” wherever they occur;
- (e) in subsection (5), by—
- (i) inserting before the words “Adjudication Officer” in the first line, the word “Chief”;
 - (ii) deleting the word “Assistant” and substituting the word “Deputy”;
- (f) by repealing subsection (8) and substituting the following new subsections:
- “ (8) A Demarcation Officer or Survey Officer may—
- (a) with the permission of the owner or occupier; and
 - (b) on giving no less than fourteen days notice to the owner,
- at any reasonable time, after the notice is given, enter upon land within the adjudication area for the purpose of demarcating or surveying any parcel therein.
- (8A) Where a Demarcation Officer or Survey Officer wishes to enter upon any land for the purpose of demarcating or surveying a parcel therein, but the owner or occupier of the land cannot be found, the

Demarcation Officer or the Survey Officer shall cause a Notice to be published in at least two daily newspapers in circulation in Trinidad and Tobago, for at least once a week, in two consecutive weeks requiring the owner or occupier to come forward within two weeks of the publication of the Notice for the purpose of consenting to entry on the land to demarcate or survey the parcel.

(8B) Where the owner or occupier under—

- (a) subsections (8) and (8A) refuses to give consent for the Demarcation Officer or Survey Officer to enter onto the land; or
- (b) subsection (8A) fails to identify himself within the period set out in the Notice,

the Demarcation Officer or Survey Officer may apply to a judge for an order authorizing the Demarcation Officer or Survey Officer to enter onto the land for the purpose of demarcating or surveying the parcel.

(8C) An application under subsection (8B)(b) shall be made *ex parte*.”.

5. Section 5 of the Act is amended by inserting before Section 5 amended the words “Adjudication Officer” the word “Chief”.

6. Section 6 of the Act is amended—

Section 6 amended

- (a) in subsections (1), (3) and (4), by inserting before the words “Adjudication Officer” wherever they occur, the words “Chief”; and

(b) in subsection (4)—

- (i) in paragraph (a), by deleting the words “such notices and schedule, if any, to be published in a daily newspaper” and substituting the words “any notice and schedule, if any, to be published in at least two daily newspapers in circulation in Trinidad and Tobago, at least once a week, for four consecutive weeks, on the website of the Ministry with responsibility for legal affairs”; and
- (ii) in paragraph (b), by deleting the words “such notices” and substituting the words “any notice”.

Section 8 amended

7. Section 8 of the Act is amended—

- (a) in subsection (1), by deleting the word “claming” in the first line and substituting the word “claiming”; and
- (b) in subsection (3), by deleting the words “If any such person” and substituting the words “Where a person who”.

Section 10 amended

8. Section 10 of the Act is amended in subsection (1), by deleting—

- (a) the word “seven” and substituting the word “fourteen”; and
- (b) the words “a daily newspaper” and substituting the words “at least two daily newspapers in circulation in Trinidad and Tobago, at least once a week for two consecutive weeks and on the website of the Ministry with responsibility for legal affairs”.

Section 12 amended

9. Section 12 of the Act is amended in subsection (1)—

- (a) by deleting paragraph (a); and

(b) in paragraph (e), by deleting the words “award such compensation as may appear to him” and substituting the words “recommend the adjudication officer award such compensation as may appear to the adjudication officer to be”.

10. The Act is amended by repealing section 13 and substituting the following section: Section 13 amended

“Duties of a Survey Officer 13.(1) Subject to any general or special directions issued by an adjudication officer or a Demarcation Officer, the duties of a Survey Officer shall include the—

(a) carrying out of such survey work as may be required in the execution of the adjudication process; and

(b) preparation of a demarcation map of the adjudication section which shall be compiled from survey data or aerial photographs, on which shall be shown every separate parcel of land identified by a distinguishing number.

(2) In preparing a demarcation map under subsection (1)(b), public roads are not required to be identified by number.

Chap. 58:04

(3) Notwithstanding any provision of the Land Surveyors Act or of any regulation or rule made thereunder in preparing a demarcation map, the Survey Officer shall make only such field measurements as may be prescribed under this Act and that in his opinion are sufficient for parcel identification under the Registration of Titles to Land Act, 2000.”.

Act No. 16 of 2000

11. The Act is amended in section 16—

Section 16 amended

(a) by deleting the words “the Adjudication Officer” and substituting the words “an adjudication officer”;

(b) in subsection (1)—

(i) in paragraph (b)—

(A) by inserting after the words “such possession”, the words “with the intention to possess the land as his own”; and

(B) by deleting the word “thirty” and substituting the word “sixteen”;

(C) by deleting the word “absolute” and substituting the word “provisional”;

(ii) by deleting paragraphs (c) and (d) and substituting the following paragraphs:

“(c) a person who, without a documentary title to land is in open and peaceable possession of a parcel of State land and has been in such possession with the intention to possess the land as his own, whether by himself or through his predecessors in title, for a period of thirty years or more, the adjudication officer shall record title in the name of the State;

(d) a person has a good documentary title to a parcel of land and that no other person has acquired or is in the process of

acquiring valid title to the land under any law relating to prescription or limitation, the adjudication officer shall declare that person as the owner of the parcel with an absolute title and record it as such;

(*da*) a person is in possession of, or has a right to a parcel of land but an adjudication officer is not satisfied that such person is entitled to be recorded under paragraph (*b*) or (*d*) as the owner of the parcel with absolute title, the adjudication officer may nevertheless declare that person the owner of the parcel with a provisional title and record it as such;” and

(iii) in paragraph (*e*), by deleting the words “paragraph (*d*) above, he” and substituting the words “paragraph (*d*) or (*da*) above the adjudication officer”;

(*c*) by deleting subsection (2) and substituting the following subsections:

“ (2) Where an adjudication officer records title in the name of the State under subsection (1)(*c*) or (*e*), he shall serve notice on the—

(*a*) adverse possessor indicating that the adverse possessor may approach the Land Tribunal to determine whether he has

rights to a vesting order based on adverse possession; and

(b) Commissioner of State Lands or other relevant authority having control of the particular land, indicating that the land is in occupation by an adverse possessor.

(3) An adverse possessor of State lands under subsection (1)(b) or (c) may apply to the Land Tribunal in the prescribed manner for a vesting order.

(4) Where an adjudication officer records a person as the owner of a parcel of land with a provisional title under subsection (1)(da), he shall also record—

(a) the date on which the possession of that person shall be considered to have commenced;

(b) the particulars of any deed, instrument or other document by virtue of which an estate, right or interest, adverse to, or in derogation of the title of that person might exist; and

(c) any other reservation which may affect the title.

(5) The holder of a provisional title declared under subsection (1)(b) and (da) may apply to the Land Tribunal in the prescribed manner to have the title declared absolute.

(6) An adjudication officer shall refer an application under subsection (5) to the Land Tribunal for its hearing and determination.

(7) Notwithstanding subsection (1), an adjudication officer shall not make any declaration in respect of State land under subsection (1)(b), (c) or (da) which—

- (a) is declared to be a protected area or Forest Reserve under the Forests Act;
- (b) is declared to be an environmentally sensitive area under the Environmental Management Act; or
- (c) has been identified by the State for public purposes.”.

12. Section 17 of the Act is amended—

Section 17 amended

- (a) in subsection (5), by inserting after the words “reference to the”, the words “claim or”; and
- (b) by repealing subsection (6) and substituting the following subsection:

“ (6) The Recording Officer shall retain a copy of the document referred to in subsection (5) and return the original document to the claimant endorsed with a statement that the land is subject to adjudication under this Act.”.

13. Section 18(1) of the Act is amended—

Section 18 amended

- (a) in paragraph (a), by deleting the words “unique parcel” and substituting the words “parcel number”; and
- (b) in paragraph (e), by deleting the words “Recording Officer” and substituting the words “Recording or Demarcation Officer”.

- Section 19 amended **14.** Section 19 of the Act is amended by deleting the words “a daily newspaper” and substituting the words “at least two daily newspapers in circulation in Trinidad and Tobago, at least once a week, in two consecutive weeks”.
- Section 20 amended **15.** Section 20 of the Act is amended—
- (a) in subsection (1), by inserting after the word “manner” the word “of”; and
- (b) by inserting before the words “Adjudication Officer” wherever they occur, the word “Chief”.
- Sections 21 and 22 amended **16.** Sections 21 and 22 of the Act are amended by inserting before the words “Adjudication Officer” wherever they occur, the word “Chief”.
- Section 23 amended **17.** The Act is amended by repealing section 23 and substituting the following section:
- “Finality of adjudication record **23.** Upon the expiry of ninety days from the date of publication of the notice of completion of the adjudication record or on determination of all objections presented in accordance with section 20, whichever shall be the later, the adjudication record shall, subject to the provisions of the Registration of Titles to Land Act, become final and an adjudication officer shall sign a certificate to that effect and deliver the adjudication record and the relevant demarcation map to the Registrar together with the certificate and all documents received or copied in the process of adjudication.”
- Act No. 16 of 2000
- Section 24 amended **18.** Section 24 of the Act is amended—
- (a) in subsection (1), by deleting the words “, who has raised an objection pursuant to section 20(1) and”; and
- (b) in subsection (2), by deleting the word “restriction” and substituting the word “caveat”.

19. Section 25 of the Act is amended—

Section 25 amended

(a) by deleting paragraph (a) and substituting the following new paragraph:

“ (a) having been served with a notice issued by an adjudication officer under section 4(6), willfully neglects to attend in pursuance of such notice”;
and

(b) by deleting the words “is guilty of” and substituting the word “commits”.

20. (1) Sections 3, 4(6), 7, 8, 9, 10, 11, 12, 14, 15, 19, 24 and 26 of the Act are amended by deleting the words “the Adjudication Officer” wherever they occur and substituting the words “an adjudication officer”. Consequential amendments

(2) The Act is amended by deleting the words “Real Property Ordinance” wherever they occur and substituting the words “Real Property Act”.

Passed in the House of Representatives this 21st day of March, 2018.

J. SAMPSON-MEIGUEL
Clerk of the House

Passed in the Senate this 8th day of June, 2018.

B. CAESAR
Clerk of the Senate (Ag.)

Senate amendments were agreed to by the House of Representatives this 25th day of June, 2018.

J. SAMPSON-MEIGUEL
Clerk of the House

