

LAND TRIBUNAL ACT, 2000

Arrangement of Sections

PART I

PRELIMINARY

Section

1. Short title and commencement
2. Interpretation

PART II

ESTABLISHMENT AND JURISDICTION OF LAND TRIBUNAL

3. Establishment of Tribunal
4. Disqualification of a member
5. Jurisdiction of Tribunal
6. Application for directions
7. Appeal to Tribunal
8. Claim for compensation
9. Application by Registrar for directions
10. Sittings
11. Powers of Tribunal
12. Extension of jurisdiction of Tribunal

PART III

APPEALS

13. Appeals to the High Court
14. Appeals to the Court of Appeal

PART IV

ADMINISTRATION

15. Appointment of Registrar and other officers

PART V

MISCELLANEOUS

16. Appearance before Tribunal
17. Tribunal not bound by rules of evidence
18. Rules

SCHEDULE

*Legal Supplement Part A to the "Trinidad and Tobago Gazette", Vol. 39,
No. 120, 20th June, 2000*

**Fifth Session Fifth Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 15 of 2000

[L.S.]

AN ACT to establish a Land Tribunal to hear and determine appeals from any decision made in the course of the Land Adjudication process, and from the decision of any other body relating to the use and enjoyment of land, the division, the development and the compulsory acquisition of land, and for matters connected therewith and incidental thereto.

[Assented to 15th June, 2000]

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

PART I

PRELIMINARY

Short title and commencement **1.** This Act may be cited as the Land Tribunal Act, 2000 and shall come into operation on such day as is fixed by the President by Proclamation.

Interpretation **2.** In this Act—

No. 14 of 1999 “Adjudication Officer” means the Adjudication Officer appointed under section 4 of the Land Adjudication Act, 2000;

“Chairman” and “Deputy Chairman” means the Chairman and Deputy Chairman respectively of the Land Tribunal appointed under section 3;

“land” and “interest in land” have the same meaning assigned respectively to those expressions in the Land Adjudication Act, 2000;

Act No. 16 of 2000 “Registrar” means the Registrar of Land appointed under the Registration of Titles to Land Act, 2000;

“Minister” means the Minister to whom the responsibility for Planning and Development has been assigned;

“rules” means rules made by the Minister;

“Tribunal” means the Land Tribunal established under section 3.

PART II

ESTABLISHMENT AND JURISDICTION OF LAND TRIBUNAL

Establishment of Tribunal **3.** (1) A Tribunal to be known as the Land Tribunal is hereby established.

(2) The Tribunal shall comprise a Chairman, a Deputy Chairman, and such other members appointed under this section.

(3) The Chairman and Deputy Chairman shall be appointed by the Judicial and Legal Service Commission, and shall be attorneys-at-law of Trinidad and Tobago of at least ten years' experience in Land Law.

(4) The other members, not exceeding six in number, shall be appointed by the President from among persons as appear to him to be suitably qualified by virtue of their knowledge and experience in the various disciplines necessary for the implementation of this Act.

(5) The Chairman, the Deputy Chairman and other members of the Tribunal shall be appointed for a period not exceeding five years on such terms and conditions as shall be fixed by the President on the recommendation of the Salaries Review Commission.

(6) The quorum of the Tribunal shall comprise the Chairman or Deputy Chairman and four other members.

(7) In the absence of the Chairman the Deputy Chairman shall preside.

(8) The decision of the Tribunal shall be by majority vote.

(9) Notwithstanding subsection (4), where the need arises, the President may, upon the advice of the Chairman, appoint as a temporary member of the Tribunal, for such period as the Chairman may recommend, a person with special knowledge and experience in one or more of the following matters:

- (a) Administration in local government;
- (b) Town and Country Planning;
- (c) Environmental planning, environmental science, or environmental development;

- (d) Architectural engineering, surveying or building construction;
- (e) Land valuation;
- (f) Matters relating to the management and use of agricultural lands and the practice relating thereto;
- (g) Land Law;
- (h) Attorneys-at-law with experience in Land Law;
- (i) Any other matter in respect of which the Tribunal needs assistance in determining any issue which engages its attention.

(10) The terms and conditions of temporary members shall be the same as those of the other members of the Tribunal.

Disqualification of a member

4. Where a member has a pecuniary interest, direct or indirect in any proceedings before the Tribunal, or is a member, officer, employee of any public body or local authority that is a party in any such proceedings, the member shall inform the Chairman accordingly, whereupon the member shall cease to take part in the proceedings.

Jurisdiction of Tribunal

5. (1) Subject to this Act and any other written law, the Tribunal shall have jurisdiction—

- (a) to hear and determine appeals against a decision of the Adjudication Officer made under the Land Adjudication Act, or to review any recording, cancellation of recording, any revision of registration, or any decision of the Registrar made under the Registration of Titles to Land Act and to direct any correction thereof;
- (b) to hear a claim for compensation under the Registration of the Titles to Land Act; and
- (c) to hear and determine any other matter that may be assigned to it by Order made under section 12.

(2) Any appeal or claim under subsection (1) shall be as of right.

6. A person who objects to—

Application for
direction

- (a) any action or decision of any officer appointed pursuant to the provisions of the Land Adjudication Act; or
- (b) any action or decision of any officer appointed pursuant to the Registration of Titles to Land Act,

may apply to the Tribunal for directions and the Tribunal may give such directions as it deems proper.

7. (1) Where any person wishes to appeal under section 24(1) of the Land Adjudication Act he shall lodge a written notice of appeal in the prescribed form with the Registrar of the Tribunal within thirty days of the receipt of the reasons of the decision of the Adjudication Officer issued pursuant to section 21(2) of the Land Adjudication Act and shall serve copies of such notice on all interested parties.

Appeal to Tribunal

(2) The time within which a notice of appeal may be lodged may, for good reason and in the interest of justice, be extended upon application to the Tribunal made within a reasonable time, and in any event such application must be made within the period of thirty days mentioned in subsection (1).

(3) On an appeal under this section, the Tribunal may—

- (a) affirm the decision of the Adjudication Officer;
 - (b) remit the matter to the Adjudication Officer with such directions as the case warrants to do justice between the parties;
- or

(c) make such other Orders as it thinks fit in the circumstances, including an Order for costs.

(4) The Registrar of the Tribunal shall thereupon draw up an Order and transmit a copy of such Order to the Registrar who shall make a suitable entry in the appropriate land register kept under the Registration of Titles to Land Act.

(5) All decisions and Orders made by the Tribunal under this Act shall be in writing, signed by the presiding officer, and a copy thereof furnished to the Adjudication Officer, the Registrar, and to the parties to the proceedings.

(6) Notwithstanding any other written law, proceedings before the Tribunal shall be treated for the purposes of the Legal Aid and Advice Act as though they were proceedings before the Supreme Court.

(7) Where a person makes an application to the Land Tribunal, the Tribunal may make an Order for that person to be given Legal Aid for the proceedings before the Tribunal.

(8) Where the Adjudication Officer is of the opinion that a person who has a reasonable cause to appeal to the Land Tribunal is in such financial circumstances that he cannot appeal to the Tribunal, he may recommend that person to the Legal Aid and Advisory Authority for assistance.

Chap. 7:07

Claim for
compensation

8. (1) Where a person submits a claim for compensation under the Registration of Titles to Land Act, the Tribunal shall, having regard to all the circumstances of the case and subject to subsection (2) decide on the compensation to be paid which shall be just and equitable.

(2) Before deciding on the compensation the Tribunal may make such investigation or enquiry as it thinks fit in the circumstances.

(3) The Tribunal may order costs in appropriate cases.

9. Upon an application by the Registrar for directions under the Registration of Titles to Land Act, the Tribunal may give such directions and make such Orders as it thinks fit.

10. The Tribunal shall sit at such places and at such time as the Chairman directs, and more than one sitting may be held at the same time.

11. (1) The Tribunal shall have the power to compel attendance and examination of witnesses and production of documents.

(2) All summonses for attendance of witnesses or the production of documents, shall be in such form as may be prescribed.

12. (1) Notwithstanding any other written law, the jurisdiction vested in the authority set out in the Second Column of the Schedule by the Act which is set out in the First Column shall, on a date fixed by Order made by the President, be transferred to the Tribunal established under this Act with such modifications and adaptations as the President sees fit.

(2) Where an Order is made under subsection (1), such Order shall specify the composition of the Tribunal, its jurisdiction, powers and procedures to be adopted by the Tribunal for the hearing and determination of the matters before it by virtue of the transfer of jurisdiction by such Order.

(3) The President may amend the Schedule as he sees fit.

(4) Where the President makes an Order under this section, the Minister shall forthwith make such rules under section 18 as may be necessary.

(5) Until an Order is made under this section in respect of the jurisdiction of an authority set out in the Second Column of the Schedule, the authority shall continue to perform the functions assigned to it in the Act set out against it in the First Column of the Schedule.

PART III

APPEALS

Appeal to the Court
of Appeal

13. (1) An appeal against a decision of the Tribunal shall lie to the Court of Appeal.

(2) On the hearing of an appeal from any Order of the Tribunal in any matter, the Court of Appeal shall have the power to confirm, vary, amend, or set aside the Order or make any such Order as the Tribunal might have made, or to make any Order which ought to have been made, or to make such other Orders as the nature of the case requires and on such terms and conditions as the Court of Appeal thinks fit to ensure the determination on the merits of the question in controversy between the parties to the appeal.

Appeals to the Privy
Council

14. (1) An appeal against a decision of the Court of Appeal shall lie to the Privy Council subject to section 109 of the Constitution.

(2) Rules governing appeals to the Court of Appeal may be made by the Rules Committee established under the Supreme Court of Judicature Act.

Chap. 4:01

PART IV

ADMINISTRATION

Appointment of
Registrar and other
Officers

15. (1) There shall be a Registrar and a Deputy Registrar of the Tribunal and such other officers as may be necessary for the proper administration of this Act and of any regulations made thereunder.

(2) The Registrar and Deputy Registrar of the Tribunal shall be attorneys-at-law of Trinidad and Tobago who have been admitted to practice in the courts of Trinidad and Tobago and who are of five years' standing.

(3) The Registrar and Deputy Registrar of the Tribunal shall be appointed by the Judicial and Legal Service Commission and other officers of the Tribunal shall be appointed by the Public Service Commission, and shall perform all such duties and functions under the direction of the Chairman as are necessary for the proper administration of the business of the Tribunal. Act No. 21 of 1986

(4) The terms and conditions of the Registrar and Deputy Registrar of the Tribunal shall be determined by the Salaries Review Commission.

(5) The Deputy Registrar of the Tribunal shall have and may exercise the powers and functions of the Registrar of the Tribunal and things done by the Deputy Registrar shall be valid and effective as if done by the Registrar of the Tribunal.

(6) The officers other than the Registrar and Deputy Registrar of the Tribunal shall be public officers and shall, for the purposes of this Act, be under the supervision of the Registrar or the Deputy Registrar, as the case may be.

PART V

MISCELLANEOUS

16. A party to proceedings before the Tribunal is entitled to appear in person, or may be assisted by an attorney-at-law, or by a friend authorised by him to do so. Appearance before Tribunal

17. Subject to this Act, proceedings before the Tribunal shall be informal, and on the hearing and determination of any matter before it, the Tribunal may Tribunal not bound by rules of evidence

Chap. 7:08

act without regard to technicalities and legal form, and shall not be bound to adhere to the rules of evidence as provided for under the Evidence Act, or any other written law.

Rules

18. The Minister may, subject to negative resolution of Parliament make rules for prescribing:

- (a) the procedure and forms to regulate applications and appeals to the Tribunal;
- (b) arrangements and procedure to be followed for developing and regulating the systematic rationalization of the title to land, its use, development and enjoyment, and for matters connected therewith; and
- (c) for any other matter necessary for the implementation of this Act.

SCHEDULE

(Section 12)

FIRST COLUMN	SECOND COLUMN
<i>Act</i>	<i>Jurisdiction</i>
1. State Lands Act, Chap. 57:01 (sections 20 to 24)	Magistrate
2. Town and Country Planning Act, Chap. 35:01 (section 16)	Magistrate
3. Pipelines Act, Chap. 35:51 (sections 9, 10, 11, 14)	Magistrate
4. Advertisements Regulation Act, Chap. 35:53 (section 7)	Minister
5. Land Acquisition Act, No. 28 of 1994 (section 11)	Judge of the High Court

Passed in the House of Representatives this 15th day
of November, 1999.

J. SAMPSON-JACENT

Clerk of the House

Passed in the Senate this 4th day of April, 2000.

N. COX

Clerk of the Senate

Senate amendments agreed to by the House of
Representatives this 4th day of May, 2000.

J. SAMPSON-JACENT

Clerk of the House