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Trinidad and Tobago

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REPUBLIC OF TRINIDAD AND TOBAGO

## **Act No. 8 of 2018**

[L.S.]

An Act to repeal and replace the Crown Suits  
Limitation Ordinance

*[Assented to 22nd June, 2018]*

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

1. This Act may be cited as the State Suits Limitation Short title  
Act, 2018.

Limitation of the  
State's right of  
action

2. (1) Subject to section 3, the State shall not at any time sue, impeach, question or implead any person for, or in relation to, any—

- (a) lands;
- (b) tenements;
- (c) rents; or
- (d) hereditaments,

whatsoever, which the person has held or enjoyed or taken rents, revenues, issues or profits thereof for a period of thirty years next before the filing, issuing or commencing of every such action, bill, pliant, information, or other suit or proceedings as shall at any time be filed, issued or commenced for recovering the same or in respect thereof.

(2) Notwithstanding subsection (1), the State or any person claiming by subsequent grant through the State, may within sixteen years after the cessation or expiration of the determination of the grant, file an information or commence an action to show title in the State or in the grantee under the grant be reason of the—

- (a) cessation;
- (b) expiration; or
- (c) determination,

of the interest of any grantee who was in possession for thirty years or more under a previous grant.

(3) For the purposes of subsection (2), the State or a person claiming by subsequent grant through the State may show title through any information of intrusion, or action for possession or to establish title.

State lands not  
subject to bar on  
right of action

Chap. 66:01

Chap. 35:05

3. This Act shall not apply to land—

- (a) declared to be a protected area or forest reserve under the Forests Act;
  - (b) declared to be environmentally sensitive under the Environmental Management Act;
- and

(c) identified by the State for a public purpose.

4. (1) In any—

(a) information of intrusion on behalf of the State, or other proceeding by, or on behalf of the Attorney General or other public officer, to recover possession of, or establish title to lands on behalf of the State; and

(b) action of ejectment, or to establish title, or for damages for, or an injunction to restrain trespass to realty, in which the plaintiff claims under a grant from the State within sixteen years before action,

Onus of proof on  
State after 16 years  
possession by  
defendant

the defendant, upon serving notice of a defence, may give in evidence, proof of exclusive possession by him and his predecessors in the title for sixteen years immediately before the commencement of such action.

(2) Where possession under subsection (1) is proved in fact, the State or the person claiming through or under the State, shall not be entitled to judgment except on proof of title within and subject to the limitation referred to in section 2.

(3) Service of a notice under subsection (1) shall be made on the opposite party seven clear days before trial.

(4) Nothing in this section shall be construed to prevent the granting of an interim injunction in any case in which the same might have been granted if this Act had not been passed.

5. Nothing in this Act shall be construed as <sup>Savings</sup> extinguishing any rights accrued or any proceedings commenced under the Crown Suits Limitation <sup>Cap. No. 2</sup> Ordinance prior to the coming into force of this Act.

Repeal of  
Cap. 5: No. 2

**6. The Crown Suits Limitation Ordinance is repealed.**

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

J. SAMPSON-MEIGUEL  
*Clerk of the House*

Passed in the Senate this 7th day of June, 2018.

B. CAESAR  
*Clerk of the Senate (Ag.)*