

CHAPTER 221

AGRICULTURAL HOLDINGS (OPTION TO PURCHASE)

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CHAPTER 221

AGRICULTURAL HOLDINGS (OPTION TO PURCHASE)

An Act to make provision respecting the purchase by tenants of agricultural holdings for the purpose of facilitating agricultural development in Barbados.

1982-20.
1985/131.

[9th April, 1982] Commence-
ment.

1. This Act may be cited as the *Agricultural Holdings (Option to Purchase) Act*. Short title.

2. In this Act

Interpreta-
tion.

"agricultural holding" has the meaning assigned to it by section 2(1) of the *Security of Tenure of Small Holdings Act*;

Cap. 237.

"tenant" means a person who holds, or who 6 months prior to 9th April, 1982, held, a contract of tenancy within the meaning of section 2(1) of the *Security of Tenure of Small Holdings Act*.

Cap. 237.

3. (1) Notwithstanding any other law or any term or condition of any lease, contract or licence relating to a tenancy, it is a term or condition of every tenancy of an agricultural holding of a plantation specified in the *First Schedule* that a tenant, as of right and at his option may, if he is a qualified tenant, purchase the freehold of that agricultural holding at a price to be agreed upon between the landlord and the tenant.

Purchase of
agricultural
holdings.

First
Schedule.

(2) Subject to this Act, a qualified tenant of an agricultural holding is a tenant who, at 9th April, 1982,

(a) has been cultivating the agricultural holding for 5 consecutive years; or

(b) has been cultivating the agricultural holding for 5 out of the last 7 years,

immediately preceding that day.

Cap. 249. (3) For the purpose of this section, a qualified tenant includes his spouse or child as defined by section 2 of the *Succession Act*, living within the household of that tenant.

Exercise of
option to
purchase
freehold.
Second
Schedule.

4. (1) A qualified tenant may exercise his option to purchase the freehold of the agricultural holding in respect of which he holds a contract of tenancy by giving notice to the landlord or his agent in the form set out in the *Second Schedule*.

(2) When a qualified tenant gives his landlord notice under subsection (1), it becomes the duty of the landlord to sell the freehold of the agricultural holding at the agreed price.

(3) Notwithstanding anything contained in any enactment, after 9th April, 1982, a magistrate may only make an order for recovery of possession of an agricultural holding if he is satisfied that the proceedings for recovery of possession are not for the purpose of evading the requirements of this Act.

Determina-
tion of
compensa-
tion.

Cap. 228.

5. In the absence of an agreement between the landlord and tenant as to the purchase price, compensation payable in respect of the freehold to be acquired for the purposes of this Act shall be determined by a Judge of the High Court in accordance with the provisions of the *Land Acquisition Act*.

Special
powers of
the Court.

6. (1) Where a qualified tenant is unable to purchase the freehold of his agricultural holding because

- (a) the landlord does not reside or have an agent, in Barbados;
- (b) the landlord refuses to sell the agricultural holding in accordance with section 4(2); or
- (c) the landlord cannot be found or his identity cannot be ascertained,

the tenant may apply to the High Court, and the Court shall do all such things as are necessary in order to give the tenant a good title in accordance with this Act.

(2) In the exercise of its powers under subsection (1), the Judge shall determine the purchase price to be paid in accordance with the rules set out in section 11 of the *Land Acquisition Act*.

Cap. 228.

7. (1) Where the sale of an agricultural holding is effected in accordance with section 6(1), the tenant shall pay the purchase price into court.

Payment of purchase money into court.

(2) Where money is paid into court in accordance with subsection (1), that money shall be held by the Court until the person claiming it or any part thereof, proves his right to receive that money to the satisfaction of a Judge of the High Court.

8. Notwithstanding that the landlord and a tenant may have agreed on a price for the purpose of the sale of an agricultural holding, the landlord or the tenant may appeal to the High Court for a variation of that agreement or in respect of any other matter arising out of that agreement.

Access to the Court generally.

9. The conveyance of a freehold for the purposes of this Act must be in the form set out in the *Third Schedule* or as near thereto as circumstances admit.

Form of conveyances. Third Schedule.

10. Notwithstanding any other law, the Cabinet may, by regulations, fix the fees for all matters relating to the conveyance of freeholds under this Act.

Regulations.

11. A person who

Offences.

(a) contravenes this Act;

(b) assaults, obstructs or interferes with any person acting or purporting to act under this Act,

is guilty of an offence and liable on summary conviction to a fine of \$1 000 or imprisonment for 6 months, or to both.

12. Sections 14, 15, 16, 18 and 23 of the *Tenancies Freehold Purchase Act*, apply *mutatis mutandis* to this Act.

Application of *Tenancies Freehold Purchase Act*, Cap. 239B.

Amendment
of First
Schedule.

13. (1) The Minister responsible for Agriculture, may by order amend the *First Schedule*.

(2) An order under subsection (1) is subject to negative resolution.

1985/131.

FIRST SCHEDULE

(Section 3(1))

PLANTATIONS

- | | |
|------------------|---------------|
| 1. CHRIST CHURCH | 3. ST. GEORGE |
| Adams Castle | Ashbury |
| Balls | Boarded Hall |
| Bannantyne | Brighton |
| Coverley | Bulkeley |
| Fairy Valley | Buttals |
| Hannays | Constant |
| Lowthers | Cottage |
| Ridge | Drax Hall |
| Searles | Fairview |
| Spencers | Farm |
| Staple Grove | Golden Ridge |
| Wotton | Groves |
| Yorkshire | Hanson |
| | Jordans |
| 2. ST. ANDREW | Locust Hall |
| Bawdens | Mount |
| Bruce Vale | Stepney |
| Greenland | Valley |
| Haggatts | Walkers |
| Rock Hall | Windsor |
| Sedgepond | Woodland |
| Turner's Hall | |

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- | | |
|--|--|
| <p>4. ST. JAMES</p> <p>Apes Hill</p> <p>Lancaster</p> <p>Taitts</p> <p>Waterhall</p> <p>Westmoreland</p> | <p>6. ST. JOSEPH</p> <p>Andrews</p> <p>Blackmans</p> <p>Castle Grant</p> <p>Easy Hall</p> <p>Foster Hall</p> <p>Frizers</p> <p>Indian Pond</p> <p>Joes River</p> <p>Redland</p> <p>Springfield</p> |
| <p>5. ST. JOHN</p> <p>Ashford</p> <p>Bath</p> <p>Bowmanston</p> <p>Claybury</p> <p>Cliff</p> <p>Clifton Hall</p> <p>Codrington</p> <p>Colleton</p> <p>Eastmonte</p> <p>Edge Cliff</p> <p>Guinea</p> <p>Haynes Hill</p> <p>Henley</p> <p>Hothersal</p> <p>Kendal</p> <p>Lemon-Arbor</p> <p>Malvern</p> <p>Pool</p> <p>Society</p> <p>Todds</p> <p>Wakefield</p> | <p>7. ST. LUCY</p> <p>Alleynedale</p> <p>Bourbon</p> <p>Bromefield</p> <p>Friendly Hall</p> <p>Hannays</p> <p>Harrisons</p> <p>Hope</p> <p>Mount Gay</p> <p>Pickerings</p> <p>Trents</p> |
| | <p>8. ST. MICHAEL</p> <p>Belle</p> <p>Lears</p> <p>Lower Estate</p> <p>Neils</p> |

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- | | |
|----------------|--------------------------------|
| 9. ST. PETER | 10. ST. PHILIP - <i>Cont'd</i> |
| Bakers | Edgecumbe |
| Battalleys | Foursquare |
| Black Bess | Fortescue |
| Castle | Frenches |
| Colleton | Grove |
| Ebworth | Halton |
| Four Hill | Hampton |
| Lamberts | Harrow |
| Mangrove | Hillview |
| Mt. Brevitor | Mount Pleasant |
| Mt. Prospect | Oldbury |
| Orange Hill | Oughterson |
| Oxford | Palmers |
| Pleasant Hall | Pollard |
| Portland | River |
| Rock Hall | Sunbury |
| Six Men's | Thickets |
| St. Nicholas | Three Houses |
| Warleigh | Vineyard |
| Welchtown | Woodbourne |
| White Hall | |
| 10. ST. PHILIP | 11. ST. THOMAS |
| Bentley | Applewhaites |
| Bushy Park | Ayhsford |
| Byde Mill | Bennetts |
| Carrington | Canefield |
| Chapel | Cane Garden |
| Congo Road | Clifton |
| Dodds | Content |
| | Dukes |

11. ST. THOMAS - *Cont'd*

Duncombe

Endeavour

Exchange

Farmers

Fisherpond

Highland

Hopewell

Lamberts

Lion Castle

Mount Wilton

Strong Hope

Sturges

Vaucluse

Walkes Spring

s.9.

THIRD SCHEDULE

FORM OF CONVEYANCE

BARBADOS

THIS CONVEYANCE is made the day of 19.....
BETWEEN [Name of Vendor] of [address] (hereinafter referred to as the
Vendor) of the one part and [Name of Purchaser] of [address] (hereinafter
referred to as the Purchaser) of the other part

WHEREAS

- (i) The Vendor is seized of the property in the SCHEDULE hereto for an estate in fee simple free from encumbrances.
- (ii) The Purchaser is a qualified tenant under the *Agricultural Holdings (Option to Purchase) Act Cap. 221*.
- (iii) The Vendor has agreed with the Purchaser for the sale to him at the price of \$ of the said property described in the SCHEDULE hereto in fee simple subject as hereinafter expressed but otherwise free from encumbrances.

NOW THIS CONVEYANCE WITNESSETH as follows:

In pursuance of the said agreement and in consideration of the sum of \$ now paid by the Purchaser to the Vendor (the receipt whereof the Vendor hereby acknowledges) the Vendor as BENEFICIAL OWNER hereby conveys unto the Purchaser ALL THAT parcel of land described in the SCHEDULE hereto TOGETHER with all the rights appertaining or annexed to the property hereby conveyed as provided for by section 66 of the *Property Act, Cap. 221* TO HOLD the same unto the Purchaser in fee simple.

SCHEDULE

[Description of Property]