

SUBSIDIARY LEGISLATION

**AGRICULTURAL SMALL HOLDINGS TENURE
REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Form of tenancy agreement.
3. Form of receipt for payment by a tenant under a contract of tenancy.
4. Form of application to fix maximum rent.
5. Form of notice required by section 22(2) of Act.
6. Form of notice required by section 30(2) of Act.
7. Form of certificate of maximum rent.
8. Form of notice of appeal required by section 36(2)(b).
9. Form of application for possession or ejectment.
10. Form of application for an order consenting to subletting.
11. Form of notice of intention to assign small holding.
12. Expenses and allowances of members of a tribunal.

SCHEDULE.

AGRICULTURAL SMALL HOLDINGS TENURE 35/1966.
REGULATIONS

made under section 57

1. These Regulations may be cited as the Agricultural Small Holdings Tenure Regulations. Citation.

2. A tenancy instrument required by section 5 of the Act shall be in the form set out as Form 1 in the Schedule. Form of tenancy agreement.
Form 1.

3. A receipt issued under section 6(1) to a tenant by a landlord for the payment of rent by or on behalf of a tenant shall be in the form set out as Form 2 in the Schedule. Form of receipt for payment by a tenant under a contract of tenancy.
Form 2.

4. An application made under section 22(1) of the Act by a tenant or landlord to a tribunal for the purpose of having the maximum rent of a small holding assessed, fixed and certified shall be in the form set out as Form 3 in the Schedule. Form of application to fix maximum rent.

Form 3.

5. A notice given under section 22(2) of the Act to a tenant and landlord of the date, time and place fixed for investigating an application referred to in regulation 4 shall be in the form set out as Form 4 in the Schedule. Form of notice required by section 22(2) of Act.

Form 4.

6. A notice given under section 30(2) of the Act of a tribunal's intention to inspect a small holding shall be in the form set out as Form 5 in the Schedule. Form of notice required by section 30(2) of Act.
Form 5.

7. A certificate of maximum rent issued under section 33 of the Act by the chairman of a tribunal shall be in the form set out as Form 6 in the Schedule. Form of certificate of maximum rent.

Form 6.

8. A written notice of appeal from the decision of a tribunal required by section 36(2)(b) of the Act shall be in the form set out as Form 7 in the Schedule. Form of notice of appeal required by section 36(2)(b).
Form 7.

L.R.O. 1/2006

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

36

Chap. 59:53 *Agricultural Small Holdings Tenure*

[Subsidiary]

Agricultural Small Holdings Tenure Regulations

Form of application for possession or ejectment.

Form 8.

9. An application made under section 38 of the Act by a landlord to a tribunal for the possession of a small holding or for the ejectment of a tenant from a small holding shall be in the form set out as Form 8 in the Schedule.

Form of application for an order consenting to subletting.
Form 9.

10. (1) An application made under section 45(1) of the Act to a tribunal for an order consenting to the subletting of a tenant's small holding shall be in the form set out as Form 9 in the Schedule.

(2) The provisions of sections 22 to 32 of the Act apply *mutatis mutandis* to applications made under regulation 9 or under subregulation (1) of this regulation.

Form of notice of intention to assign small holding.

Form 10.

11. A written notice given under section 47(1) by a tenant of an intention to assign his contract of tenancy of a small holding, where the landlord is or appears to be unwilling to give consent to such assignment, shall be in the form set out as Form 10 in the Schedule.

Expenses and allowances of members of a tribunal.

12. (1) The chairman of a tribunal shall be paid an allowance of \$30.00 for each day on which he attends a sitting of the tribunal.

(2) A member of a tribunal shall be paid an allowance of \$20.00 for each day on which he attends a sitting of the tribunal.

(3) Where the chairman or a member of the tribunal uses his own motor vehicle for the performance of his duties, he shall be paid a travelling allowance at the rates provided for civil servants by the Travelling Allowances Regulations for the time being in force.

Ch. 23:50,
Sub. Leg.

(4) Where the chairman or a member of the tribunal uses public transport for the performance of his duties, he shall be reimbursed the actual amount spent in such transport.

SCHEDULE

Regulation 2.

FORM 1

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)

**FORM OF TENANCY INSTRUMENT REQUIRED BY
SECTION 5(1) OF THE ACT**

REPUBLIC OF TRINIDAD AND TOBAGO

AN AGREEMENT made this day of in the
 year of our Lord Two Thousand and between
 of (hereinafter called "the Landlord") of the one part and
 of (hereinafter called "the Tenant")
 of the other part.

WHEREBY the Landlord agrees to let and the Tenant to take subject to the
 following terms and conditions ALL that parcel of land situated in the Ward of
 in Trinidad and Tobago, the particulars
 whereof are set out in the Schedule hereto (hereinafter called "the Holding").

1. (a) The rent payable under this Agreement shall be the sum of \$.....
 (b) The said rent of \$ shall be paid by the Tenant at
 (c) The purpose of the tenancy created herein shall be to permit the
 Tenant to cultivate (or farm),

 (d) The tenancy shall commence on the day of
 20....., and shall be for a term of years, unless determined
 in the manner provided by sections 37, 38 and 43 of the Agricultural
 Small Holdings Tenure Act.

2. *Statutory Conditions:*

(1) The rental payable under this contract shall be paid annually by
 the Tenant not later than the 31st December in each year of the term of
 the contract.

(2) The Landlord undertakes and agrees to issue to the Tenant a
 receipt in writing for the payment of rent by or on behalf of the Tenant,
 and the receipt shall be in such form as may be prescribed under the
 Agricultural Small Holdings Tenure Act.

L.R.O. 1/2009

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

38

Chap. 59:53 *Agricultural Small Holdings Tenure*

[Subsidiary]

Agricultural Small Holdings Tenure Regulations

(3) The Landlord undertakes and agrees not to evict or attempt to evict the Tenant or to give the Tenant notice to quit or otherwise to terminate or attempt to terminate the contract except as permitted and authorised by the Agricultural Small Holdings Tenure Act.

(4) The Tenant undertakes and agrees not to terminate or attempt to terminate the tenancy except as permitted and authorised by the Agricultural Small Holdings Tenure Act.

(5) *Cane Land*: (In the case of all other holdings delete)

The Landlord undertakes and agrees that the Tenant may not use more than one-fifth of the total area of the small holding for the purpose of growing food crops of the Tenant.

3. The Tenant agrees to observe the following stipulations:

- (a) The Tenant shall farm, manage, cultivate and maintain the holding in a good husbandlike manner and in accordance with the practice of good husbandry as contemplated by section 9 of the Agricultural Small Holdings Tenure Act.
- (b) The Tenant shall allow the Landlord or any person authorised by him at all reasonable times to enter the holding or any part of it for the purpose of making an inspection thereof that may reasonably be required for the purposes of the Agricultural Small Holdings Tenure Act.
- (c) The Tenant shall not assign, sublet, or part with possession of the holding or any part thereof without the consent of the Landlord previously obtained in writing.
- (d) The Tenant shall not convert the whole or any part of the holding to any use other than that set out in clause 1(c) herein without the consent of the Landlord first obtained in writing.
- (e) The Tenant shall not permit or suffer any waste or spoil of any part of the holding nor use the holding so as to cause nuisance or annoyance to neighbouring occupiers.

SCHEDULE

ALL that parcel of land comprising Acres,
..... Roods, and Perches, situated in the Ward
of and bounded on the N
S E and W

IN WITNESS WHEREOF the parties hereto have hereunto subscribed their names the day and the year first hereinbefore written.

SIGNED by the within named

.....
and the within named

.....
in the presence of me,

.....
Justice of the Peace

REPUBLIC OF TRINIDAD AND TOBAGO.

Regulation 3.

FORM 2

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)

**FORM OF RECEIPT FOR PAYMENT OF RENT
REQUIRED BY SECTION 6(1) OF THE ACT**

Received from/on behalf of*
(here insert name of tenant)

the sum of dollars in respect of payment of the annual
rent of a small holding situated at

.....
(here insert location of small holding)

in the agricultural district of
(here insert agricultural district)

Dated this day of 20.....

.....
Landlord

*Delete whichever is inapplicable.

L.R.O. 1/2006

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

40

Chap. 59:53 *Agricultural Small Holdings Tenure*

[Subsidiary]

Agricultural Small Holdings Tenure Regulations

Regulation 4.

FORM 3

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)

**APPLICATION FOR FIXING MAXIMUM RENT OF
SMALL HOLDING—SECTION 22(1) OF THE ACT**

To the Secretary of the Agricultural Tribunal for the agricultural district of

.....
(here insert agricultural district)

I/We* of
(here insert name of applicant) (insert address of applicant)

landlord*/tenant* of a small holding situated at

.....
(here insert location of small holding)

in the agricultural district of
(here insert agricultural district)

hereby apply to the agricultural tribunal of the said agricultural district to have
the maximum rent of the said small holding assessed, fixed and certified.

Dated this day of 20.....

.....
Signature of applicant

*Delete whichever is inapplicable

FORM 4

Regulation 5.

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)

NOTICE OF HEARING OF APPLICATION FOR FIXING
MAXIMUM RENT OF A SMALL HOLDING—
SECTION 22(2) OF THE ACT

To
(here insert name of tenant)

and
(here insert name of landlord)

TAKE NOTICE that the day of 20.....,
at the hour of in the noon has been fixed by
the Agricultural Tribunal of the agricultural district of
..... for the hearing of an application made by
(here insert agricultural district)
..... for the assessment, fixing and certification
(here insert name of applicant)
of the maximum rent of a small holding situated at
..... of which the said applicant is landlord*/tenant*.
(here insert location of small holding)

Dated this day of 20.....

.....
Secretary,
Agricultural Tribunal for the
agricultural district of

.....
(here insert agricultural district)

*Delete whichever is inapplicable.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

42

Chap. 59:53 *Agricultural Small Holdings Tenure*

[Subsidiary]

Agricultural Small Holdings Tenure Regulations

Regulation 6.

FORM 5

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)

**NOTICE OF INTENTION TO INSPECT A SMALL
HOLDING—SECTION 30(2) OF THE ACT**

To
(here insert name of landlord)

of
(here insert address of landlord)

TAKE NOTICE that Agricultural Tribunal for the agricultural district of
.....
(here insert agricultural district)

intends to inspect on the day of at o'clock
in the noon the small holding situated at
(here insert location of small holding)

of which you are landlord and is the tenant.
(here insert name of tenant)

Dated this day of 20.....

.....
Secretary,
Agricultural Tribunal for the
agricultural district of
.....
(here insert agricultural district)

FORM 6

Regulation 7.

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)

**CERTIFICATE OF MAXIMUM RENT OF A SMALL
HOLDING—SECTION 33 OF THE ACT**

This is to certify that on the application of
and upon investigation of the said application, the Agricultural Tribunal for the
agricultural district of has ascertained,
(here insert agricultural district)

assessed and fixed the maximum rent of the small holding situated at
.....
(here insert location of small holding)

of which is the tenant and
..... is landlord at
..... per
(here insert rent) (here insert period)

This certificate is issued pursuant to section 33 of the Agricultural Small
Holdings Tenure Act.

.....
Chairman,
Agricultural Tribunal for the
agricultural district of
.....
(here insert agricultural district)

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

44

Chap. 59:53 *Agricultural Small Holdings Tenure*

[Subsidiary]

Agricultural Small Holdings Tenure Regulations

Regulation 8.

FORM 7

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)

NOTICE OF APPEAL—SECTION 36(2)(b) OF THE ACT

To the Chairman:

Agricultural Tribunal for the agricultural district of

(here insert agricultural district)

TAKE NOTICE that I,

(here insert name of appellant)

of

(here insert address)

being dissatisfied with the decision of the Agricultural Tribunal for the

agricultural district of

(here insert agricultural district)

in respect of the matter of

(here insert nature of matter)

do hereby appeal against such decision on the following grounds:

(here insert grounds of appeal)

Dated this day of 20.....

.....
Signature of Appellant

FORM 8

Regulation 9.

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CII. 59:53)

APPLICATION FOR POSSESSION OF A SMALL
HOLDING—SECTION 38 OF THE ACT

To the Agricultural Tribunal:

Agricultural District of
(here insert agricultural district)

I, of
(name of landlord) (address of landlord)

landlord of a small holding situated at
(here insert location of small holding)

in the above agricultural district of which
(here insert name of tenant)

of is the tenant, hereby apply to the
(here insert address of tenant)

Agricultural Tribunal for the said agricultural district for the possession of the
said small holding*/the ejectment of the said tenant from the said small
holding* on the following ground*/grounds*:

(here insert grounds)

Dated this day of 20.....

.....
Signature of Landlord

*Delete whichever is inapplicable.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

46

Chap. 59:53 *Agricultural Small Holdings Tenure*

[Subsidiary]

Agricultural Small Holdings Tenure Regulations

Regulation 10.

FORM 9

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)

**APPLICATION FOR AN ORDER CONSENTING TO THE
SUBLETTING OF A SMALL HOLDING—
SECTION 45(1) OF THE ACT**

I of
(here insert name of tenant) (here insert address of tenant)

having claimed that
(here insert name of landlord)

of has unreasonably
(here insert address of landlord)

withheld consent to the subletting of a small holding situated at
.....
(here insert location of small holding)

in the agricultural district of
(here insert name of agricultural district)

of which I am the tenant, hereby apply to the Agricultural Tribunal of the
said agricultural district for an order consenting to the subletting of the said
small holding.

Dated this day of 20.....

.....
Signature of Applicant

FORM 10

Regulation 11.

THE AGRICULTURAL SMALL HOLDINGS TENURE ACT (CH. 59:53)

NOTICE OF INTENTION TO ASSIGN A CONTRACT OF
TENANCY OF A SMALL HOLDING—
SECTION 47(1) OF THE ACT

To of
(here insert name of landlord) (here insert address of landlord)

landlord of the small holding situated at
(here insert location of small holding)

TAKE NOTICE that, whereas
(here insert name of landlord)

landlord of a small holding situated at
(here insert location of small holding)

is*/appears* to be unwilling to give consent to the assignment of the contract of
tenancy in respect of the said small holding, I
(here insert name of tenant)

intend to assign the contract of tenancy in respect of the said small holding to
.....
(here insert name of proposed assignee)

of
(here insert address of proposed assignee)

Dated this day of 20.....

.....
Signature of Tenant

*Delete whichever is inapplicable.

cc. To the Secretary:

The Agricultural Tribunal of the agricultural district of
.....
(here insert agricultural district)

L.R.O. 1/2009