

STATE LAND (REGULARISATION OF TENURE) ACT

CHAPTER 57:05

Act
25 of 1998

Current Authorised Pages

<i>Pages</i>	<i>Authorised</i>
<i>(inclusive)</i>	<i>by L.R.O.</i>
<i>1-46</i>	<i>.. 1/2009</i>

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

2

Chap. 57:05 *State Land (Regularisation of Tenure)*

Index of Subsidiary Legislation

	<i>Page</i>
Notification (LN 151/1999)	34
State Land (Regularisation of Tenure) (Delegation of Power) Order (LN 198/1999)	38
State Land (Regularisation of Tenure) (Certificate of Comfort) Regulations (LN 36/2000)	39
Notification (LN 134/2000)	43
Notification (LN 135/2000)	45

Note on Act No. 25 of 2005

Section 13 of the Caroni (1975) Limited and Orange Grove National Company Limited (Divestment) Act, 2005 (Act No. 25 of 2005) provides as follows:

“Non-application of certain Acts Ch. 59:53, Ch. 59:54 and Ch. 57:05.

13. (1) Subject to subsection (2) from the appointed day, the Agricultural Small Holdings Tenure Act, the Land Tenants (Security of Tenure) Act and the State Lands (Regularisation of Tenure) Act, shall not apply to the real estate undertakings vested in the State.

(2) This Act shall not operate to extinguish or otherwise derogate from any rights, benefits, legitimate expectations or real estate undertakings already acquired by or vested in any tenant or squatter under the Acts listed in subsection (1).”.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2011

CHAPTER 57:05

**STATE LAND (REGULARISATION OF
TENURE) ACT**

ARRANGEMENT OF SECTIONS

SECTION

PART I

PRELIMINARY

1. Short title.
2. Interpretation.
3. Application of Act.
4. Protection from ejection.

PART II

ADMINISTRATION

5. The Land Settlement Agency.
6. Ministerial direction.
7. The Land Settlement Committee.
8. Tenure of office.
9. Termination of office.
10. General powers of the Agency and the Assembly.

PART III

CERTIFICATE OF COMFORT

11. Certificate of Comfort and application therefor.
12. Late applications.
13. False declarations.

PART IV

LEASES

14. Statutory Leases.
15. Deeds of Lease.
16. Delegation of power by the President.

ARRANGEMENT OF SECTIONS—*Continued*

SECTION

PART V

DESIGNATED AREAS

17. Designated Areas.
18. Power of Minister to designate areas.
19. Criteria for designation.
20. Obligations of Minister in designing an area.

PART VI

**INVESTIGATIONS AND PROCEDURES TO ASCERTAIN
CLAIMANTS TO DESIGNATED AREAS**

21. Title investigations.
22. Publication of list of claimants.
23. Dispute procedure.
24. Names to be entered in Register.

PART VII

LAND SETTLEMENT AREAS

25. Land Settlement Areas.
26. Entitlement to Statutory Lease, Deed of Lease *re*: land within a land settlement

PART VIII

GENERAL PROVISIONS

27. Relocation of squatters.
28. Ejectment from Land Settlement Area.
29. State agencies.
30. Fund established.
31. Deposit.
32. Bank account.
33. Audit.
34. Regulations.
35. Act No. 20 of 1986 repealed.

SCHEDULE.

CHAPTER 57:05

STATE LAND (REGULARISATION OF TENURE) ACT

An Act to protect certain squatters from ejection from State Land; to facilitate the acquisition of leasehold titles by both squatters and tenants in designated areas and to provide for the establishment of land settlement areas. 25 of 1998.

[28TH OCTOBER 1998]

Commencement.

WHEREAS the Government of the Republic of Trinidad and Tobago (hereinafter called “the Government”) is committed to the goal of improving living conditions, so that everyone in this society will have access to adequate and affordable shelter, with security of tenure: Preamble.

And whereas the Government is further committed to the objectives of promoting security of tenure and facilitating access to land, bearing in mind the need of the population for serviced land, but at the same time recognising the inability of the underprivileged to afford serviced land:

And whereas squatting is recognised as a phenomenon in Trinidad and Tobago for well over one hundred years:

And whereas in furtherance of its commitment to improving living standards and to fostering healthy development, the Government is undertaking a programme to regularise certain squatter settlements and to prevent further squatting by providing an alternative solution in the form of land for the landless, with the intention of developing sustainable human settlements:

PART I

PRELIMINARY

1. This Act may be cited as the State Land (Regularisation of Tenure) Act. Short title.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

6

Chap. 57:05 *State Land (Regularisation of Tenure)*

Interpretation.

2. (1) In this Act—

“appointed day” means 1st January, 1998;

“Certificate of Comfort” or “certificate” means the certificate issued by the Agency under Part III;

Ch. 18:01.

“citizen” has the same meaning as in the Immigration Act;

“Deed of Lease” or “Deed” means a Deed of Lease or Memorandum of Lease for 99 years to which a squatter or tenant may be entitled under section 4(2)(b), 4(5) or 26;

Schedule.

“Designated Area” means an area set out in the Schedule as amended from time to time by Order of the Minister under section 17(3);

“dwelling house” means a building or part of a building used mainly as a dwelling or residence, construction of which was completed or was in the course of completion immediately before the appointed day, and includes land occupied therewith, not exceeding 5,000 square feet more or less;

“Land Settlement Area” means an area defined and declared as such under Part VII;

“Land Settlement Agency” or “Agency” means the Agency established under section 5;

“Land Settlement Chairman” or “Chairman” means the person appointed under section 7;

“Land Settlement Committee” or “Committee” means the Committee appointed under section 7;

“landless” refers to a person who falls within a category designated as disadvantage by the Minister to whom responsibility for Social Development is assigned and who has no legal or equitable interest or any other interest or claim to such an interest, in a dwelling house, residential land, or agricultural land upon which a dwelling house is permitted to be built;

“Minister” means the Minister to whom responsibility for settlements is assigned and “Ministry” has a corresponding meaning;

Ch. 33:01.

“National Housing Authority” or “Authority” means the Authority established by section 3(1) of the Housing Act;

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2011

“regularisation” means the incremental physical upgrading of and provision of services to, designated areas and land settlement areas and the provision of leasehold title thereto;

“relative” in respect of any person means the spouse, parent, grandparent, brother or sister, children, including step-children and the spouses of those persons;

“resident” has the same meaning as in the Immigration Act; Ch. 18:01.

“spouse” includes a person who lives together with another person as husband or wife on a *bona fide* domestic basis although not married to that person;

“squatter” means a person who is in actual occupation of State Land without probable claim or pretence of title thereto;

“State Agency” means a Ministry or department of Government, the National Housing Authority and a State enterprise wholly owned by the State;

“State Land” includes land held by the National Housing Authority, State Land vested in the Tobago House of Assembly, and any other land transferred to the State from time to time by any State agency for the purposes of this Act;

“Statutory Lease” means a lease for thirty years to which a squatter or tenant is declared to be entitled in a designated area under section 4(2)(b), 4(5) or 26 respectively;

“tenant” means a tenant from year to year of State Land and includes the heirs and successors in title of such tenant.

“Tobago House of Assembly” or “Assembly” means the Tobago House of Assembly referred to in section 141(A) of the Constitution.

(2) Nothing in this Act affects the operation of—

(a) the Real Property Act with respect to the bringing of State Land under the provisions thereof; Ch. 56:02.

(b) the State Lands Act, except in so far as section 4(1) of this Act confers security from ejection on any squatter, and in particular section 20 of that Act continues to have effect Ch. 57:01.

in any case where a person squats or otherwise occupies State Land either before or after the appointed day in contravention of the provisions of this Act;

Ch. 9:01.
Ch. 9:03.

- (c) the Administration of Estates Act and the Wills and Probate Act in their application to succession to the estate of a tenant arising under this Act.

Application
of Act.

3. This Act applies to—

- (a) a squatter in respect of his actual occupation of State Land on which there is a dwelling house before the appointed day;
- (b) a squatter or tenant within a Designated Area and to a person within a Land Settlement Area;
- (c) a squatter or tenant in respect of his actual occupation or tenancy of lands owned by a State Agency listed in the Schedule, and on which there is a dwelling house before the appointed day, so however that no occupant therein may obtain a Statutory Lease or a Deed of Lease until such time as the land is designated and legally transferred to the State.

Schedule.

Protection from
ejectment.

4. (1) Subject to sections 11 and 27, a squatter to whom this Act applies has protection from ejectment in respect of his dwelling house.

- (2) A squatter to whom subsection (1) applies is entitled—
- (a) to the issue of a Certificate of Comfort in accordance with Part III in respect of one dwelling house only and such certificate may be issued in the squatter's own name or jointly with another;
- (b) subject to the provisions of this Act, to a Statutory Lease in a designated area where he complies with the requirements of section 14(2) and to the grant of a Deed of Lease in accordance with section 15.

(3) Nothing in subsection (2) or any other provision of this Act permits the issue of more than one certificate, statutory lease or Deed of lease in respect of the same dwelling house.

(4) A person who would, but for a contractual or quasi-contractual relationship with the actual occupier, be the squatter to whom this Act applies, may be treated as if he is entitled to the security provided for by this section and to a Statutory Lease if the Land Settlement Committee or the Assembly in its discretion so determines.

(5) Subject to the provisions of this Act, a tenant in a Designated Area or a Land Settlement Area is entitled to a Statutory Lease and a Deed of Lease in accordance with section 15.

PART II ADMINISTRATION

5. (1) There is hereby established a body corporate to be known as the Land Settlement Agency.

The Land Settlement Agency.

(2) The Agency shall have a common seal which shall be officially and judicially noticed, and shall in its corporate name be capable of suing and being sued.

(3) The Constitution and procedure of the Agency shall be in accordance with the Rules pursuant to section 34(1).

(4) The Agency is charged with the responsibility for administering and carrying out the provisions of this Act with respect to State Land in the Island of Trinidad.

(5) The Tobago House of Assembly is responsible for administering and carrying out the provisions of this Act with respect to State Lands which are vested in the Tobago House of Assembly pursuant to section 54 of the Tobago House of Assembly Act.

Ch. 25:03.

6. In the performance of its functions and in the exercise of its powers the Agency shall act in accordance with any special or general directions, not inconsistent with the provisions of this Act, given to it by the Minister, in writing.

Ministerial direction.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

10

Chap. 57:05 *State Land (Regularisation of Tenure)*

The Land Settlement Committee.

7. (1) The Agency shall be managed by a Land Settlement Committee which shall be headed by a Land Settlement Chairman.

(2) The Minister shall appoint a member of the Committee to be the Land Settlement Chairman.

(3) The Committee shall be appointed by the Minister and shall consist of no fewer than five persons having qualifications and practical experience in matters relating to law, planning, surveying, engineering, land management, community and social development and other related disciplines.

Tenure of office.

8. A member of the Committee shall, subject to section 9, hold office for a period not exceeding three years and such member shall be eligible for reappointment.

Termination of office.

9. (1) A member of the Committee may at any time resign his office by instrument in writing submitted to the Minister.

(2) The appointment of a member and the termination of his office whether by death, resignation, revocation, effluxion of time or otherwise shall be noted in the *Gazette*.

(3) The Minister may terminate the appointment of a member for any good or sufficient cause, and in particular, where the member—

- (a) becomes of unsound mind or incapable of carrying out his duties;
- (b) becomes bankrupt or compounds with his creditors;
- (c) is convicted of a criminal offence;
- (d) is guilty of misconduct in relation to his duties;
- (e) fails to carry out any of the duties or functions conferred or imposed on him under this Act.

General powers of the Agency and the Assembly.

10. The Agency and the Assembly shall have the power to cause the following to be done:

- (a) title investigations;
- (b) sociological and physical surveys;

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2011

- (c) preparation of planning and design layouts with a view to developing viable communities;
- (d) infrastructural upgrading works;
- (e) cadastral surveys;
- (f) establishment of Settlement Councils in communities for the purpose of—
 - (i) fostering community spirit and development;
 - (ii) settling of disputes;
- (g) preparation and issue of Certificates of Comfort and Deeds of Lease;
- (h) preparation and upkeep of a Register containing all relevant information pertaining to Certificates of Comfort, Statutory Leases and Deeds of Lease.
- (i) enter into contract to carry out and do other acts or things incidental to the purpose of the Agency or the Assembly under this Act;
- (j) research and development;
- (k) facilitation of micro-enterprise within communities;
- (l) all such things as are incidental or conducive to the carrying out of its functions as prescribed in this section and the Act generally.

PART III

CERTIFICATE OF COMFORT

11. (1) A Certificate of Comfort—

- (a) confirms protection from ejectment pursuant to section 4(1); and
- (b) does not create an interest in land but only a personal right to protection from ejectment.

Certificate of Comfort and application therefor.

(2) Within one year after the commencement of this Act (hereinafter referred to as the “prescribed period”) a squatter to whom section 4(1) applies, shall apply to the Land Settlement Agency or the Assembly for the issue of a Certificate of Comfort in respect thereof.

(3) The application shall be in the form of a sworn declaration as prescribed and shall be supported by evidence as to the existence of the squatter's occupation before the appointed day and such evidence shall include the declaration of two deponents who are not relatives of the squatter who attest to the fact that the squatter was in actual occupation of the dwelling house before the appointed day.

(4) Upon receipt of any such application within the prescribed period, the Agency or the Assembly shall issue a certificate if it is satisfied that the dwelling house is situated on State Land.

Late applications.

12. A late application made after the prescribed period shall be entertained by the Agency or the Assembly for a further period of one year only and it shall be supported by the declarations of two deponents who are not relatives of the applicant who attest to the fact that the squatter was in actual occupation of the dwelling house, to which the application refers, before the appointed day.

False declarations.

13. Where a person makes a false declaration under section 11(3) or 12 he shall be liable, upon summary conviction, to a fine of five thousand dollars and to imprisonment for six months and the Certificate of Comfort shall be void *ab initio*.

PART IV

LEASES

Statutory Leases.

14. (1) A Statutory Lease is an interest which derives from the operation of this Act, to which a squatter or tenant in occupation of State Land, within a Designated Area or Land Settlement Area, is entitled, subject to the requirements of subsection (2).

(2) A Statutory Lease may be acquired only—

(a) by a squatter, to whom this Act applies, who has obtained a Certificate of Comfort pursuant to section 11 and who—

(i) is a citizen or resident of at least eighteen years of age;

- (ii) does not own or occupy any other dwelling house or residential land or agricultural land upon which a residential structure is permitted;
 - (b) by a tenant in occupation of land in a Designated Area or a Land Settlement Area.
- (3) Subject to the provisions of Part VI a Statutory Lease—
- (a) commences upon the making of a determination by the Committee pursuant to Part VI;
 - (b) may not be assigned or otherwise transferred except to the State but is transferable for the remainder of its term in the estate of a deceased person according to law;
 - (c) may be held jointly by squatters, to whom section 4(2)(b) applies, and tenants.

15. (1) Subject to the provisions of this section a Deed of Lease is a legal interest in State Land which may be obtained by the squatter or tenant who is entitled to a Statutory Lease. Deeds of Lease.

(2) The squatter or tenant shall pay to the Agency or the Assembly on behalf of the State, a premium to be prescribed by the Minister, by Order, in consideration of the grant of a Deed of Lease.

(3) Upon full payment of the premium and annual rent reserved, infrastructure development costs and cadastral survey costs to the Land Settlement Agency or the Assembly and all fees and stamp duty in respect of the preparation and registration of the Deed, the person entitled to a Statutory Lease shall be granted a Deed of Lease for one hundred and ninety-nine years in respect of the land and any previous minor estate in the land shall cease to exist.

(4) It shall be a condition of the Deed of Lease that the State shall have the first option to purchase, on a sale of the

dwelling house within the first five years of the grant of the Deed, so however, that any assignment of the Deed at any time thereafter shall be with the consent of the Land Settlement Chairman or the Assembly, as the case may be.

(5) Infrastructure development costs may be charged where applicable and may be prorated over the term of the Statutory Lease.

Delegation of power by the President.

16. (1) The President may, by Order, empower the Land Settlement Chairman to execute on his behalf, any Deed of Lease under this Act and to grant consent to assignments pursuant to section 15.

(2) With respect to lands vested in the National Housing Authority, the Chairman of the Authority shall, pursuant to a resolution of the Board, empower the Land Settlement Chairman to execute all Deeds of Lease under this Act on behalf of the Authority.

PART V

DESIGNATED AREAS

Designated Areas.

17. (1) A Designated Area is an area occupied by squatters and tenants which has been approved by the Minister for the purposes of regularisation and in which a squatter or tenant is entitled to a Statutory Lease and to apply for a Deed of Lease.

Schedule.

(2) From the date of commencement of this Act, the areas specified in the Schedule which are more particularly described in plans kept at the offices of the Agency or the Assembly, are deemed to be Designated Areas.

(3) Subject to section 19, the Minister may, from time to time, by Order, subject to affirmative Resolution of Parliament, amend the Schedule by removing areas of land therefrom or by adding areas of land thereto, including land owned by a State Agency which is occupied by a squatter pursuant to section 3(1)(c).

(4) Part VI shall apply in respect of each lot of land within the Designated Areas in the Schedule.

18. The power of the Minister to amend the Schedule may be exercised—

Power of Minister to designate areas. Schedule.

- (a) on his own motion;
- (b) on application to the Minister by—
 - (i) the Land Settlement Agency, or any State Agency or the Assembly;
 - (ii) an individual entitled to a Certificate of Comfort; or
 - (iii) by any other person on the basis that the requirements of section 19 have not been complied with so, however, that any such application shall be made before the expiration of the six-week period of notice referred to in section 22(3).

19. The authority of the Minister to bring an area under the Schedule is subject to the following conditions:

Criteria for designation. Schedule.

- (a) that an Order pursuant to section 9 of the Town and Country Planning Act is obtained;
- (b) that the area is not—
 - (i) allocated for industrial, agricultural or mining purposes;
 - (ii) a green belt area, such as a forestry conservation area;
 - (iii) required for the protection of water resources;
 - (iv) required for public purposes including community facilities, highway, road or pipeline reserves;
 - (v) designated under section 4(1) of the Environmental Management Act as an environmentally sensitive area;
 - (vi) required for the national interest or for security purposes;
 - (vii) required by a State Agency for the facilitation of its purposes.

Ch. 35:01.

Ch. 35:05.

Obligations of Minister in designating an area.

20. For the purpose of designating an area, the Minister and the Assembly shall consult with any State Agency or person to ensure—

- (a) compliance with the requirements of section 19; and
- (b) that no objections to any matters or disputes as to encumbrances in respect of the State land to be designated, remain unresolved.

PART VI

INVESTIGATIONS AND PROCEDURES TO ASCERTAIN CLAIMANTS TO DESIGNATED AREAS

Title investigations.

Schedule.

21. For the purpose of establishing the entitlement to security of tenure in respect of each lot of land within an area to be designated under section 17(3) or specified in the Schedule, the Committee and the Assembly shall—

- (a) authorise an officer of the Agency or the Assembly to conduct an investigation of title on a lot by lot basis;
- (b) cause notice of the impending title investigation to be published in at least two daily newspapers for a continuous period of seven days immediately prior to the commencement of the title investigation.

Publication of list of claimants.

22. (1) Within twenty-eight days after completion of the title investigation the Agency or the Assembly shall cause to be published, at least once per week over a period of four weeks, in at least two daily newspapers, a notice containing the names of persons who are deemed to be claimants by the Agency or the Assembly and the description of the land in respect of which each claim is made.

(2) For the purposes of subsection (1) a person is deemed to be a claimant where—

- (a) he is a squatter in actual occupation of a dwelling house; or

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2011

(b) he is a tenant of the State with respect to one or more dwelling houses or land,

within a designated area or an area to be designated under section 17(3).

(3) The Agency and the Assembly shall indicate in the notice that any person wishing to challenge the claim of the claimant shall do so no later than six weeks from the last date of publication of the notice, and challenges to such claims shall be made in writing addressed to the Land Settlement Committee or the Assembly.

(4) The Assembly shall submit to the Committee on a monthly basis a list of all claims which have not been conciliated or settled at the community level.

23. (1) Subject always to the right of parties to redress in the ordinary Courts, the provisions of this section shall have effect for the resolution of disputes arising out of the operation or application of this Act. Dispute procedure.

(2) Where a person has a dispute as to encumbrances or any other matters relating to the State Land which the Minister proposes to designate, or which are already in the Schedule the Committee shall determine any such matter in accordance with subsections (3) to (5). Schedule.

(3) The Committee shall first determine whether such matter may be conciliated or settled at the community level and in the case of State Lands vested in the Tobago House of Assembly, the Assembly shall so determine.

(4) Where such conciliation or settlement is not forthcoming within such time as the Committee determines, the Committee may proceed to hear and determine the matter or, where the parties consent, the Committee may appoint another person to mediate or otherwise settle the matter and in such case the decision of the mediator shall be binding on the parties.

(5) In any such case the Committee may direct the appropriate investigation to be carried out by officers of the Agency

or the Assembly and a report thereon to be made and the Committee shall consider such report and any other evidence, including documents presented by or on behalf of the squatter, tenant or any other person having an objection or dispute relating to the designation of State Land, as the case may be.

(6) The Committee shall, upon making a determination, provide the concerned parties with a written report of the reasons therefor if so requested.

Names to be entered in Register.

24. The Committee or the Assembly shall cause to be entered in the Register referred to in section 10(*h*) the names of all persons who are entitled to the Statutory Lease in respect of land in a designated area, being—

- (a) the claimant whose claim has not been challenged pursuant to section 22; or
- (b) where the claimant's claim has been challenged, the party in whose favour the Committee or mediator has ruled, or in whose favour the matter has been conciliated or settled at the community level pursuant to section 23.

PART VII

LAND SETTLEMENT AREAS

Land Settlement Areas.

25. (1) The Minister and the Assembly shall identify certain areas of State Land as Land Settlement Areas following the procedure outlined in sections 19 and 20.

(2) The Minister may, by Order, subject to affirmative Resolution of Parliament, declare such lands so identified to be Land Settlement Areas.

(3) A Land Settlement Area is an area of State land so identified and declared by the Minister for the purpose of—

- (a) facilitating the provision of shelter for citizens and residents who are landless; and
- (b) relocating squatters under section 27.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2011

(4) Land in a Land Settlement Area may be laid out in accordance with an approved development plan made by the Land Settlement Agency or the Assembly, for the purposes not limited to residential use and may include areas set aside for recreation, small scale commerce, community facilities, homesteading and other uses which tend to enhance the economic and social development of the community thereby established.

26. (1) Subject to the provisions of sections 14 and 15 a person who is granted permission by the Land Settlement Agency or the Assembly to reside in a Land Settlement Area is entitled to a Statutory Lease commencing from the date that such permission is granted and to a Deed of Lease.

Entitlement to Statutory Lease, Deed of Lease *re:* land within a land settlement.

(2) Any person who claims to be entitled to the provision of shelter under this Act may make application to the Agency or the Assembly for land within a Land Settlement Area.

(3) Such application shall be made in writing and shall be supported by the relevant evidence as to his landless status and his inability to access land on the open market.

(4) Without prejudice to this section a person who is desirous of acquiring land in a Land Settlement Area for any of the purposes specified in section 25(4) may apply in writing to the Land and Settlement Agency or the Assembly for a lease of that Land.

(5) For the purpose of subsection (4) a person shall include a non-natural person such as but not limited to a co-operative society, association, corporation or company.

(6) In determining whether or not to approve the application of a person for a lease pursuant to section 26(4), the Agency and the Assembly shall act in accordance with the Regulations.

(7) The term of years of the lease to be granted under section 26(4), and the terms and conditions thereof, shall be in the discretion of the Agency or the Assembly as the case may be.

PART VIII

GENERAL PROVISIONS

Relocation of squatters.

27. (1) Notwithstanding anything herein to the contrary a person—

- (a) in a Designated Area or Land Settlement Area whose dwelling house is located in such a manner as to obstruct or impede the regularisation process; or
- (b) outside a Designated Area before the appointed day, where his occupation is not in compliance with the requirements of section 19 or 20;
- (c) who occupies land within a Designated Area which has been removed from the Schedule pursuant to section 17,

Schedule.

may be directed by the Minister or the Assembly to relocate to another lot within the Designated Area or another Designated Area or a Land Settlement Area and any such direction may specify the time in which the person shall be required to relocate.

(2) A squatter who fails to comply with a direction to relocate under subsection (1) shall be referred to the Commissioner of State Lands and is liable to be proceeded against in accordance with section 20 of the State Lands Act or the Tobago House of Assembly Act as the case may be.

Ch. 57:01.

Ch. 25:03.

Ejection from Land Settlement Area.

28. A person who occupies land—

- (a) within a Designated Area after the appointed day; or
- (b) within a Land Settlement Area without permission,

is liable to ejection according to law without any compensation or other pecuniary benefit.

State agencies.

29. A State Agency may permit the Agency or the Assembly to enter upon its land to carry out any work referred to in section 10 for the purpose of regularisation under this Act.

30. (1) A Land Settlement Fund (hereinafter referred to as “the Fund”), to be administered by the Agency, is hereby established for the purposes of this Act. Fund established.

(2) The Fund shall be utilised by the Agency for the purpose of carrying out its functions as specified in section 10 and for such other purposes as may be specified in the Regulations.

31. The Fund or any part thereof may be held on deposit with any financial institution in which public moneys of Trinidad and Tobago may lawfully be held on deposit. Deposit.

32. The Agency shall establish and operate its own bank account for the purpose of this Act and shall deposit therein sums credited to the Fund. Bank account.

33. The accounts of the Land Settlement Agency shall be subject to audit by the Auditor General in all respects as if the accounts of the Agency were the public accounts of Trinidad and Tobago. Audit.

34. (1) The Committee and the Assembly may make Rules for the proper conduct of their functions under this Act. Regulations.

(2) The Minister may make Regulations, subject to negative resolution of Parliament, for the purpose of giving effect to this Act.

35. The Regularisation of Tenure (State Lands) Act, is repealed. Act No. 20 of 1986 repealed.

SCHEDULE

(Section 17).

North Trinidad

Bagatelle South,
Diego Martin

Scorpion Village,
Upper Carenage

North Trinidad—Continued

Sea View Hill,
Carenage West

Factory Road Waterfall,
off Diego Martin Main Road

Upper Mercer Road,
off Diego Martin Main Road

l'Anse Mitan, Carenage
Bagatelle Central including
Savannah Terrace Nos. 1 and 2
Upper Bagatelle and Patna,
Diego Martin

Mickie Lands, Port-of-Spain
Upper Belmont Valley Road
into Lady Young Road,
Port-of-Spain South

Clifton Circular Road,
Port-of-Spain South

Clifton Lane, East Dry River

St. Paul Street, Port-of-Spain

Rose Hill, Port-of-Spain South

Lodge Place, Port-of-Spain South

St. Joseph Road,
Port-of-Spain South

Herman Scott Street,
Port-of-Spain South

Irving Lane, East Dry River

Alfred Richards Street,
Port-of-Spain South

Annisette Street,
Port-of-Spain South

Clifton Street,
Port-of-Spain South

Joropo Drive, Upper Sam Boucoud,
St. Ann's

Upper Blanch Street,
Bourg Mulatresse

Between Carrisal Road and
Damien Bay, Maracas Bay Area

Mt. Hope Place, Maitagua

Sogren Trace, Laventille

Malick, Barataria

Shende Street Extension,
San Juan

El Socorro South

Upper Mendez Drive,
Champs Fleurs

William Street,
Champs Fleurs

Upper Mt. d'Or,
behind the savannah

Farm Road, St. Joseph

Quarry Drive, Champs Fleurs

Mount Hope,
(back of Government Housing Project)

North Elizabeth Gardens,
St. Joseph

North of Bamboo Drive,
Champs Fleurs

North of Hutton Street,
St. Joseph

Bamboo Settlement No. 3,
Valsayn South

North Trinidad—*Continued*

Khalay Village, St. Augustine

Dookiesingh Street, Spring Village
via Freeman Road,
St. Augustine

Caroni*

South of Churchill-Roosevelt Highway,
Pasea Road Extension,
TunapunaSouth of Churchill-Roosevelt Highway,
Mausica Road, TacariguaBon Air North,
Arouca North

Five Rivers, Arouca North

Printeryville, Arouca South

Race Course, Arouca South

Peytonville, Arouca South

Samaroo Village,
off O'Meara Road, Arouca SouthOld Malabar and India,
Arouca South

Maturita Triangle, Arima

Zone 8, Arima

Heights of Aripo

Heights of Guanapo,
La Retraite Dump Road

Calvary Hill, Arima

Paria-Brasso Seco,
Morne Lacroix

K.P. Lands, Valencia

Alexander Trace, Valencia

Valencia Long Stretch (N)

Valencia Long Stretch (S),
Scientific Area

Farmlands, Turure
Blake Avenue, Guaico
Picton Road Extension,
Sangre Grande
Ojoe Road, Hospital Land,
Sangre Grande
Ojoe Road, Sellier Road,
Sangre Grande
Graham Trace,
Sangre Grande
Sahodeen Trace, Vega de Oropouche
Toco Main Road including
Mora Trace
Matura Village,
off Toco Main Road
Salibia, off Toco Main Road
l'Anse Noir, Paria Main Road,
Toco
Plantation Road, Valencia
Clarence Trace, Valencia
Quash Trace, off Foster Road,
Sangre Grande
Piarco Village, Piarco
Mt. d'Or, north of NHA project
Mt. Hope Road, Mt. Hope
Morvant Old Road, Morvant
Second Caledonia, Morvant
Jean Avenue, Diego Martin
River Estate, Diego Martin,

North Trinidad—*Continued*

Las Cuevas Estate, Las Cuevas
 Ackbarali Trace, Arima
 Alexis Street, Morvant
 Maracas Valley, St. Joseph
 Madras Settlement, Cunupia
 Picton Quarry, Laventille
 Simeon Road, Petit Valley
 Dundonald Hill, Port-of-Spain
 Beetham Estate, Phase IV,
 Port-of-Spain
 Eastern Quarries, Laventille
 Waller Field, off Churchill-Roosevelt Highway
 New City, Valencia
 Upper Leon Street, Laventille
 Streatham Lodge, St. Augustine
 Big Yard, Carenage
 Churchill-Roosevelt Highway,
 d'Abadie
 Churchill-Roosevelt Highway,
 Piarco Old Road area
 Rice Mill Road, Bon Air, Arouca

Central Trinidad

Carlsen Field West
 San Francisco Land,
 Caroni Central
 Base Road, Arena
 Perea Hill, La Phillipine Estate,
 Couva Caroni*
 California Village, California,
 (next to the children's playground) Caroni*

Springvale, Sookoo Trace, St. Johns Road, Claxton Bay	Caroni*
Lawrence Wong Road, Longdenville	
Kelly Village, Caroni East	
Mac Lean Trace, Las Lomas No. 1	
La Paille Village, Caroni	
Mappepire Road, Williamsville	
Piparo Settlement and Dindial Settlement, Piparo	
Corosal Road, Whiteland	
Squatterville, Macaulay	
Arena Road, Freeport,	
Bholai Trace, Carapichaima	
Brazil Village, San Rafael	
Milton Village, Couva	Caroni*
North of Carli Bay Road, Couva	Caroni*
South of Carli Bay Road, Couva	Caroni*
Ben Lomond, Williamsville	Caroni*
Carlsen Field East	Caroni*
South Trinidad	
Teak Village, Claxton Bay	
Bayshore, Marabella	PSAEL*
Harmony Hall Estate near Lady Hochoy Home, Gasparillo	Caroni*
Corner Realize and Cunjal Roads, Barrackpore	
Madingo Road, Blocks I and II, Princes Town	PSAEL*
Former Railway Line Road, Gandhi Village, Debe	Caroni*

South Trinidad—*Continued*

Digity Trace, Clarke Road, Penal	
Manohar Road, Rochard Road, Penal	
Julien Trace, Rochard Road, Penal	
Platanite Trace, Rochard Road, Penal	
Ramsabad Trace, Rochard Road, Penal	
Sunrees Road, Legal Trace, Oliver Drive, Penal	PSAEL*
Tin-Pan Alley, Lower Barrackpore	PSAEL*
Lilly Trace, Siparia	PSAEL*
Gambal Street, Siparia	
Wilson Road, Clarke Road, Penal	
Ramlal Street, Penal	
Ribiero Trace, Penal Rock Road, Penal	
Penal Junction, Penal	
Bunsee Trace, Penal Rock Road, Penal	
Laltoo Branch Trace, Penal	PSAEL*
Snail Trace, Morne Diablo	
Haggard Trace, Penal Rock Road, Penal	
Digity Village and Branch Road Penal	
Penal-Quinam Road, Penal	
Lachoos Road, Penal	

Mulchan Trace, Fyzabad	PSAEL*
Hickling Village, Fyzabad	PSAEL*
Sudama Village, Brothers Road, Fyzabad	
La Brea Trace, Siparia	
Unnamed Trace (back of Fyzabad Composite School) Siparia Road, Thick Village	PSAEL*
Small Trace, Fyzabad	PSAEL*
Standard Road, Fyzabad	PSAEL*
Zachariah Avenue, Thick Village	PSAEL*
Ramroopsingh Trace, San Francique	
Arena Village, Rancho Quemado	PSAEL*
S.T.O.L. Road, Lorennotte	PSAEL*
San Fernando-Siparia-Erin Road, Palo Seco	PSAEL*
Coora Branch Road, Siparia	PSAEL*
Jacob Settlement, Santa Flora	PSAEL*
Tank Farm Road, La Brea	PSAEL*
School Road, Santa Flora	PSAEL*
Guerra Trace, Quarry Village, Siparia	
Quinam Road, Siparia	
Taylor Avenue, Rito Ville, Siparia	
Robert Hill, Quarry Road, behind Nello Buaccano Hill, Quarry Village, Siparia	PSAEL*
Alexander Village, Agapito Trace, La Victoria Trace, Santa Flora	PSAEL*
Jacob Alley No. 2 “Back-a-yard”, Los Bajos	PSAEL*

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

30

Chap. 57:05 *State Land (Regularisation of Tenure)*

South Trinidad—*Continued*

Fly-Over, Santa Flora	PSAEL*
Beach Road, Palo Seco	
Palo Seco Settlement, Palo Seco	PSAEL*
No. 4 Road, Palo Seco	PSAEL*
Webber Trace, Palo Seco	PSAEL*
No. 9 Road, Palo Seco	PSAEL*
No. 7 Road, Palo Seco	PSAEL*
Chinese Village, La Brea	PSAEL*
Pt. d'Or, La Brea	PSAEL*
Pier Road, La Brea	PSAEL*
Belle Vue, La Brea	PSAEL*
Old Jersey, La Brea	PSAEL*
Los Bajos, Los Bajos	PSAEL*
Warden Road, Cap-de-Vile, Lower Hollywood Road, Point Fortin	PSAEL*
Sobo Main Road, La Brea	PSAEL*
Sobo Junction, La Brea	PSAEL*
Sobo Tank 100, La Brea	PSAEL*
Union Village, Vessigny	PSAEL*
Vance River, Guapo	PSAEL*
Trintopec Quarters, Guapo	PSAEL*
Lime Field Road, Guapo	PSAEL*
Cruse Field, Guapo	PSAEL*
Square Deal Corner Vessigny	PSAEL*
Guapo, Point Fortin	
Red Road-Cemetery, Block Road, Point Fortin	
La Fortune Extension, New Village, Point Fortin	

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2011

Fortune Street, New Village, Point Fortin	
Springle Avenue, New Village, Point Fortin	
Dam Road Extension, Point Fortin	
Southern Gardens, Warden Road, Point Fortin	
Egypt Avenue, Point Fortin	
Reid Road and Reid Road Extension, Point Fortin	PSAEL*
Lot 10, Village, Guapo	
Southern Main Road, Cochrane	PSAEL*
Alexander Street, Point Fortin	PSAEL*
Seedon Alley, Point Fortin	PSAEL
Moraldo Street, Point Fortin	PSAEL*
Egypt Village, Point Fortin	PSAEL*
TNA Road No. 2, Point Fortin	PSAEL*
Reservoir Hill, Point Fortin	PSAEL*
Laptiste Street, Point Fortin	PSAEL*
Parry Lands, Point Fortin	PSAEL*
Egypt Extension, Point Fortin	PSAEL*
Warden Road, Point Fortin	PSAEL*
Old Dam Road, Point Fortin	PSAEL*
Dam Road, Point Fortin	PSAEL*
TNA Road No. 1, Point Fortin	PSAEL*
La Fortune Extension, Point Fortin	PSAEL*
TPD behind T & TEC Substation, Point Fortin	PSAEL*
Hollywood, Point Fortin	PSAEL*
Suzzannah Trace, Mt. Stewart Village off Naparima-Mayaro Road	

South Trinidad—*Continued*

Good Hope and Bawani Estate, Southern Main Road, Cunapo	
Guatapajaro Road, Caratal	
O'Brien Trace, Biche	
Prudence Trace, Biche	
New Settlement, Biche	
Ecclesville, Rio Claro	
Guayaguayare Old Road, Rio Claro	
Springle Street, Egypt Village	
La Fortune Drive, Egypt Drive, Point Fortin	
Cedar Grove, Mayaro	
Bristol Village, Mayaro	
Main Road, Guayaguayare	
Fairfield Estate, Princes Town	
St. Mary's Village, Moruga	
Blitz Village, San Fernando	
Embacadere, San Fernando	
La Savanne, Guayaguayare	
Toruba South	
Cumoto Road, Barrackpore	PSAEL*
Lagoon Trace, Moruga	PSAEL*
Siparia Road, Siparia	PSAEL*
Corinth Village via San Fernando	Caroni*
Friendship Village via San Fernando	Caroni*
Mora Settlement Trace, Guayaguayare	

Diamond/Picton via San Fernando	Caroni*
Hermitage via San Fernando Stone Road, Piparo	Caroni*
Butler's Park, New Village, Point Fortin	
Ravine Ranch, New Village, Point Fortin	
Sesame Street, Gonzales Village, Point Fortin	
Salick Trace, Gonzales Village, Point Fortin	
Techier Village, Point Fortin	

Tobago

Louis d'Or Estate, Louis d'Or, Tobago
Castara Estate, Castara, Tobago
Buccoo, Tobago

*Where the word "Caroni" is listed to the right of a site name, this indicates that the site is currently owned by Caroni (1975) Limited. Where the word "PSAEL" is listed to the right of the site name, this indicates that the site is currently owned or managed by Palo Seco Agricultural Enterprises Limited.

SUBSIDIARY LEGISLATION

151/1999.

NOTIFICATION

FORM A

APPLICATION FOR A CERTIFICATE OF COMFORT

Prescribed pursuant to section 11(3) of the Act

1. I/We
(Name)
- hereby make application under the provisions of section 11(3) of the Act, for a Certificate of Comfort in respect of one dwelling house only upon a lot of State Land comprising 5,000 square feet more or less, situated at
-
(Address)
2. I/We declare that I/We have been in occupation of the said parcel of land prior to 1st January, 1998 (“the appointed day”).
3. The evidence supportive of my/our occupation before the appointed day as required by section 11(3) of the Act is attached hereto and marked
 These attachments include the declarations of two deponents who are not my/our relatives.

DECLARATION

“I make this declaration conscientiously believing the same to be true according to the Statutory Declarations Act and I am aware that if there is any statement in this declaration which is false, or that I do not believe to be true, I am liable upon summary conviction to a fine of \$5,000.00 and six (6) months imprisonment”.

Made and declared at
 this day of
 20.....

} Before me,

Commissioner of Affidavits /Justice of the Peace

Signature(s) Applicant 1

Applicant 2

PLEASE COMPLETE THIS SECTION: It will help us to process your application faster.

- | | Applicant (1) | Applicant (2) |
|--|---------------|---------------|
| A. <input type="checkbox"/> Identification Card number | | |
| <input type="checkbox"/> Passport number | | |
| <input type="checkbox"/> Driver’s Permit number | | |

(Check one box and state particulars for both applicants where applicable).

B. Means by which we may contact you:

Telephone number

(or contact at work, friend, family)

C. Age(s) last birthday Applicant 1

Applicant 2

Notes:

- i. This completed form with supporting documents must reach any office of the Land Settlement Agency ("the Agency") no later than 27th October, 1999, or by 27th October, 2000 in the case of a late application made under section 12.
- ii. The submission of this form does not guarantee you a Certificate of Comfort under the Act. The Agency must be satisfied that the lot applied for is in fact on State Land, before a Certificate of Comfort may be granted to you. Therefore you must not extend, renovate, rebuild or make any alteration to the structure you occupy until you are told you may do so.
- iii. Submit originals of the declarations of the two deponents referred to in 3 above. Photocopies of other documentary evidence are acceptable and may include: bills showing materials purchased to build the house, T&TEC, WASA or TSTT bills showing your name(s) and the address of the lot applied for, old letters referring to the land, land and building tax receipts, and any other documents which would support your claim to occupation before the appointed day. These should be attached as exhibits to this application and numbered "A", "B", "C", etc. **Originals will have to be provided upon request at a later date.** As these documents are part of the Statutory Declaration, you are liable to the fine and imprisonment referred to above, if you submit fraudulent documentary evidence. Also if fraudulence is discovered **after** obtaining a Certificate of Comfort, it becomes **VOID** and of no value.
- iv. A "relative" means your spouse, parent, grandparent, brother or sister, children, including step-children, and the spouses of all these people. A "spouse" includes a person who lives together with another person as husband or wife on a *bona fide* domestic basis although not married to that person.
- v. You may go to either a Justice of the Peace or a Commissioner of Affidavits to swear to your application form.
Please sketch the location of your house in relation to the nearest street, light pole, or other landmark:

NORTH

WEST

EAST

SOUTH

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

36

Chap. 57:05 State Land (Regularisation of Tenure)

[Subsidiary]

Notification

FORM B

DECLARATION TO SUPPORT APPLICATION FOR A CERTIFICATE OF COMFORT

Prescribed pursuant to section 11(3) of the Act

- 1. I make this declaration in support of the application of for a Certificate of Comfort to one dwelling house upon a lot of State Land situated at
2. I am personally aware that has been in actual occupation of the said parcel of land before 1st January, 1998.
3. I am not a relative of

DECLARATION

“I make this declaration conscientiously believing the same to be true according to the Statutory Declarations Act and I am aware that if there is any statement in this declaration which is false, or which I do not believe to be true, I am liable upon summary conviction to a fine of \$5,000.00 and six (6) months imprisonment”.

Made and declared at this day of 20..... Before me, Commissioner of Affidavits /Justice of the Peace

Please complete the following section:

- 1. Identification/Driver’s Permit/Passport Number:
2. Address:
3. Telephone number/contact:
4. Age last birthday:

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2011

5. Explain how you know that: has been in actual
(Applicant's Name)
occupation of the said parcel of land before 1st January, 1998.

.....
.....
.....
.....

Notes:

1. Your making this declaration does not guarantee the applicant a Certificate of Comfort.
2. You are not entitled to ask for or receive any payment, apart from expenses incurred in swearing before the Commissioner of Affidavits, or Justice of the Peace, for making this declaration.
3. The entire form must be filled out before going before the Commissioner of Affidavits or Justice of the Peace for swearing.
4. A "relative" means your spouse, parent, grandparent, brother or sister, children, including step-children, and the spouses of all these people. A "spouse" includes a person who lives together with another person as husband or wife on a *bona fide* domestic basis although not married to that person.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

38

Chap. 57:05 *State Land (Regularisation of Tenure)*

[Subsidiary]

198/1999.

**STATE LAND (REGULARISATION OF TENURE)
(DELEGATION OF POWER) ORDER**

made under section 16(1)

Citation.

1. This Order may be cited as the State Land (Regularisation of Tenure)(Delegation of Power) Order.

Delegation of power.

2. The Land Settlement Chairman is hereby empowered to execute Deeds of Lease and to grant consent to assignments pursuant to section 15, on behalf of the President.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2011

**STATE LAND (REGULARISATION OF TENURE)
(CERTIFICATE OF COMFORT) REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
2. Application for Certificate of Comfort.
3. Proof of occupation of dwelling house which is the subject of the application.
4. Where the applicant is out of occupation.
5. Duties of the Agency in respect of an application for a Certificate of Comfort.
6. Issue of Certificate.
7. Issue of Certificate in joint names.
8. Late applications.
9. Application of Regulations.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

40

Chap. 57:05 *State Land (Regularisation of Tenure)*

[Subsidiary]

36/2000.

**STATE LAND (REGULARISATION OF TENURE)
(CERTIFICATE OF COMFORT) REGULATIONS**

made under section 34(2)

Citation.

1. These Regulations may be cited as the State Land (Regularisation of Tenure) (Certificate of Comfort) Regulations.

Application for Certificate of Comfort.

2. (1) A squatter to whom the Act applies shall apply for a Certificate of Comfort on the prescribed form.

(2) An application shall have annexed thereto—

(a) the sworn declarations of two deponents, as required by section 11(3) of the Act, which declarations shall be made on the prescribed form; and

(b) other documentary evidence supportive of the fact that the applicant was in occupation of the dwelling house, which is the subject of the application, on or before the appointed day.

Proof of occupation of dwelling house which is the subject of the application.

3. (1) The documentary evidence referred to in regulation 2(2) may include bills, receipts, testamentary dispositions, agreements, bills of exchange, bills of sale and any other documents which tend to prove the applicant's occupation.

(2) The Agency may refer to the 1998 aerial photography lodged with the Director of Surveys to assist in establishing the applicant's occupation on or before the appointed day.

Where the applicant is out of occupation.

4. (1) For the purpose of determining whether a contractual or quasi-contractual relationship, as referred to in section 4(4) of the Act, exists between the applicant and the actual occupier, the Agency may have regard to the following:

(a) the written statement of the actual occupier made in the presence of a duly authorised officer of the Agency;

(b) investigations conducted by the Agency into the applicant's reasons for being out of occupation;

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2011

- (c) documents from any source supportive of the reasons tendered by the applicant for being out of occupation; or
- (d) any other evidence that the Agency considers relevant.

(2) Reasons acceptable to the Agency for the applicant being out of occupation include the following:

- (a) the applicant had to be institutionalised for medical treatment over a period of time or had to seek medical attention overseas;
- (b) the applicant vacated the dwelling house for a period of not more than 6 months to seek seasonal employment either overseas or elsewhere in Trinidad and Tobago;
- (c) the applicant vacated the dwelling house for a period of not more than 6 months in order to look after an ailing relative;
- (d) the applicant was forced to flee the neighbourhood of the dwelling house because of threats to the security of his person or life; or
- (e) any other reason that justifies the applicant leaving the dwelling house in the occupation of another person.

(3) Where the Agency is satisfied that the applicant is not entitled to the Certificate of Comfort by reason of having fulfilled none of the criteria mentioned in subregulation (2) it may issue the Certificate of Comfort in the name of the actual occupier.

5. Upon receipt of an application, the Agency shall—

- (a) determine that the application has been made in accordance with the procedure set out in these Regulations;
- (b) check the accuracy of the information contained in the application; and
- (c) ascertain whether the dwelling house, which is the subject of the application, is on State land.

Duties of the Agency in respect of an application for a Certificate of Comfort.

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

42

Chap. 57:05 *State Land (Regularisation of Tenure)*

[Subsidiary]

State Land (Regularisation of Tenure) (Certificate of Comfort) Regulations

Issue of
Certificate.

6. (1) Subject to the requirements of regulations 4 and 5 the Agency shall issue a Certificate of Comfort to the applicant.

(2) The Certificate shall be signed by the Secretary or where the Secretary is unable to sign, by a member of the Committee, duly authorised by resolution of the Committee for that purpose.

Issue of
Certificate in
joint names.

7. (1) Where an applicant is legally married and living together with his spouse, the Agency shall advise the parties to make a joint application for the Certificate of Comfort, and where the parties so apply, the Certificate of Comfort and subsequently, the Statutory Lease, shall be issued in the names of both parties.

(2) Where it is brought to the attention of the Agency that the applicant is living in the dwelling house with another person, as husband and wife on a *bona fide* domestic basis, and has continued to live in such a cohabitational relationship for a period of not less than five years, the Agency shall advise the parties to make a joint application for the Certificate of Comfort, and where the parties so apply, the Certificate of Comfort and subsequently, the Statutory Lease, shall be issued in the names of both parties.

(3) Where the parties referred to in subregulation (2) are no longer desirous of living together in the dwelling house, they may take such action that is available under the law to have the issue of property adjustment determined.

Late
applications.

8. The provisions of these Regulations shall apply to late applications made under section 12 of the Act.

Application of
Regulations.

Ch. 25:03.

9. These Regulations do not apply to State Land vested in the Tobago House of Assembly pursuant to section 54 of the Tobago House of Assembly Act.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2011

NOTIFICATION
FORM A 1

134/2000.

APPLICATION FOR A CERTIFICATE OF COMFORT

*for persons who purchased a dwelling house after the appointed day
Prescribed pursuant to regulation 2(1) of the State Land
(Regularisation of Tenure)
(Certificate of Comfort) Regulations, 2000*

1. I/We
(Name)
hereby make application under the provisions of regulation 2(1) of the Regulations for a Certificate of Comfort in respect of one dwelling house only upon a lot of State Land comprising 5,000 square feet more or less, situated at
(Address)
2. I/We declare that I/We am/are in occupation of the said parcel of land on which there was a dwelling house prior to 1st January, 1998 ("the appointed day").
3. The evidence supportive of my/our occupation of a dwelling house that was constructed before the appointed day as required by regulation 2(2) of the Regulations is attached hereto and marked These attachments include the declarations of two deponents who are not my/our relatives.
4. I/We come into possession of the said dwelling house on about

DECLARATION

"I/We make this declaration conscientiously believing the same to be true according to the Statutory Declarations Act and I am aware that if there is any statement in this declaration which is false, or that I/we do not believe to be true, I/We are liable upon summary conviction to a fine of \$5,000.00 and six (6) months imprisonment".

Made and declared at }
 this day of } Before me,
 20..... } *Commissioner of Affidavits /Justice of the Peace*

Signature(s) Applicant 1

Applicant 2

PLEASE COMPLETE THIS SECTION: It will help us to process your application faster.

- | | Applicant (1) | Applicant (2) |
|--|---------------|---------------|
| A. <input type="checkbox"/> Identification Card number | | |
| <input type="checkbox"/> Passport number | | |
| <input type="checkbox"/> Driver's Permit number | | |
- (Check one box and state particulars for both applicants where applicable).**

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

44

Chap. 57:05 State Land (Regularisation of Tenure)

[Subsidiary]

Notification

B. Means by which we may contact you:

Telephone number

(or contact at work, friend, family)

C. Age last birthday Applicant 1

Applicant 2

Notes:

- i. This completed form with supporting documents must reach any office of the Land Settlement Agency ("the Agency") no later than 27th October, 1999, or by 27th October, 2000 in the case of a late application made under section 12.
ii. The submission of this form does not guarantee you a Certificate of Comfort under the Act. The Agency must be satisfied that the lot applied for is in fact on State Land, before a Certificate of Comfort may be granted to you. Therefore you must not extend, renovate, rebuild or make any alteration to the structure you occupy until you are told you may do so.
iii. Submit originals of the declarations of the two deponents referred to in 3 above. Photocopies of other documentary evidence are acceptable and may include: bills showing materials purchased to build the house, T&TEC, WASA or TSTT bills, old letters referring to the land, land and building tax receipts, agreements, bills of sale and any other documents which would support your claim that the said dwelling house was on State Land on or before the appointed day and that you are now in occupation of the house. These should be attached as exhibits to this application and numbered "A", "B", "C", etc. Originals will have to be provided upon request at a later date. As these documents are part of the Statutory Declaration, you are liable to the fine and imprisonment referred to above, if you submit fraudulent documentary evidence. Also if fraudulence is discovered after obtaining a Certificate of Comfort, it becomes VOID and of no value.
iv. A "relative" means your spouse, parent, grandparent, brother or sister, children, including step-children, and the spouses of all these people. A "spouse" includes a person who lives together with another person as husband or wife on a bona fide domestic basis although not married to that person.
v. You may go to either a Justice of the Peace or a Commissioner of Affidavits to swear to your application form. Please sketch the location of your house in relation to the nearest street, light pole, or other landmark:

NORTH

WEST

EAST

SOUTH

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2011

NOTIFICATION

135/2000.

FORM B 1

**DECLARATION TO SUPPORT APPLICATION FOR A
CERTIFICATE OF COMFORT**

*In respect of persons who purchased a dwelling house after the appointed day
Prescribed pursuant to regulation 2(1) of the State Land (Regularisation of Tenure)
(Certificate of Comfort) Regulations, 2000*

1. I make this declaration in support of the
(Your name)
application of
(Applicant's Name)
for a Certificate of Comfort to one dwelling house upon a lot of State Land situated at
.....
(Address of Applicant's House)
2. I am personally aware that is in actual
(Applicant's Name)
occupation of a dwelling house that was constructed on the said parcel of land before
1st January, 1998.
3. I am not a relative of
(Applicant's Name)

DECLARATION

**"I make this declaration conscientiously believing the same to be true according to the
Statutory Declarations Act and I am aware that if there is any statement in this declaration
which is false, or which I do not believe to be true, I am liable upon summary conviction to
a fine of \$5,000.00 and six (6) months imprisonment".**

Made and declared at
this day of
20..... } Before me,
Commissioner of Affidavits /Justice of the Peace

Please complete the following section:

1. Identification/Driver's Permit/Passport Number:
2. Address:
.....
.....

LAWS OF TRINIDAD AND TOBAGO

MINISTRY OF LEGAL AFFAIRS

www.legalaffairs.gov.tt

46

Chap. 57:05 State Land (Regularisation of Tenure)

[Subsidiary]

Notification

- 3. Telephone number/contact:
- 4. Age last birthday:
- 5. Explain how you know that: has been in actual
(Applicant's Name)
 occupation of a dwelling house that was constructed on the said parcel of land before
 1st January, 1998.

Notes:

- 1. Your making this declaration does not guarantee the applicant a Certificate of Comfort.
- 2. You are not entitled to ask for or receive any payment from the applicant, apart from expenses incurred in swearing before the Commissioner of Affidavits, or Justice of the Peace, for making this declaration.
- 3. The entire form must be filled out before going to the Commissioner of Affidavits or Justice of the Peace for swearing.
- 4. A "relative" means your spouse, parent, grandparent, brother or sister, children, including step-children, and the spouses of all these people. A "spouse" includes a person who lives together with another person as husband or wife on a *bona fide* domestic basis although not married to that person.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2011