LAND ACQUISITION ACT

CHAPTER 58:01

Act
28 of 1994
Amended by

*15 of 2000
73 of 2000
170/2016

**See* Note on page 2

Current Authorised Pages

Pages (inclusive)		*Authorised by L.R.O.*
1–2	..	
3–22	..	
23–24	..	
25–52	..	

Index of Subsidiary Legislation

Page
Land Acquisition (Prescribed Forms) Regulations (LN 131/1996) … … 41

Note on Omissions of Subsidiary Legislation

The following Subsidiary Legislation have been omitted:

(a) Notices made under section 3 (i.e. Land likely to be acquired for a public purpose).
(b) Orders made under section 4 (i.e. Possession of land prior to formal vesting in the State).
(c) Requisition Orders made under section 5(1).
(d) Declaration of Acquisition Orders made under section 5(3).
(e) Notices of Completion made under section 5(9).
(f) Notices of Abandonment of Acquisition made under section 8.

N.B. For References to the above Subsidiary Legislation —***See*** the Current Edition of the Consolidated Index of Acts and Subsidiary Legislation and the relevant Legal Notices published in the Annual Volumes of Acts and Legal Notices.

Note on Act No. 15 of 2000

Section 11 of the Act is amended by implication by Item 5 of the Schedule to the Land Tribunal Act 2000 (Act No. 15 of 2000) (i.e. Compensation to be determined by a Judge of the High Court) but this Act (Act No. 15 of 2000) has not yet been brought into operation.

Note on section 8 of the Act

Act No. 73 of 2000 amended section 8 of the Act by inserting after subsection (3) a new subsection (4). Since section 8 already contains a subsection (4), this new subsection (4) was renumbered as subsection (5) and was inserted after the existing subsection (4).

CHAPTER 58:01

LAND ACQUISITION ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.

PART I

PRELIMINARY

2. Interpretation.

PART II

ACQUISITION OF LAND

3. Preliminary entry and survey.
4. Possession prior to formal vesting.
5. Declaration of acquisition.
5A. Notice to the Registrar General.
6. Notice of acquisition.
7. Notice requiring information.
8. Abandonment of acquisition.
9. Deemed abandonment.
10. Acquisition in special cases.

PART III

COMPENSATION

11. Determination of disputes.
12. Rules of assessment.
13. Change in value disregarded.
14. Contiguous or adjacent land.
15. Subsequent acquisition.
16. Depreciation.
17. Severance.
18. Injurious affection by works.
19. Acquisition under special powers.
20. Interest.
21. Payment of compensation.
22. Advance payment.
23. Limitation.
24. Compensation in cases of disability or incapacity.
25. Rules for awarding costs.

ARRANGEMENT OF SECTIONS—*Continued*

SECTION

PART IV

ASSESSORS

26. Appointment of assessors.
27. Appointment of new assessors.
28. Declaration by assessors.
29. Assessors' fees.

PART V

GENERAL PROVISIONS

30. Refusal to give up possession.
31. Assault or obstruction.
32. Removal of marks, Notices.
33. Mortgaged land.
34. Deemed owner.
35. Leasehold land.
36. Commissioner's costs, etc.
37. Surveys Act.

PART VA

37A. Land acquired to be subject to the Real Property Act.
37B. Registration of lands acquired.
37C. Duty of Registrar.
37D. Meaning of acquiring authority.

PART VI

MISCELLANEOUS

38. Regulations.
39. Rules of Court.
40. Transitional matters.

FIRST SCHEDULE.
SECOND SCHEDULE. (Omitted)

CHAPTER 58:01

LAND ACQUISITION ACT

An Act to govern the acquisition of land for public purposes. 28 of 1994.

[17TH JUNE 1996]

Commencement. [91/1996].

1. This Act may be cited as the Land Acquisition Act. Short title.

PART I

PRELIMINARY

2. (1) In this Act— Interpretation.

"Commissioner" means the Commissioner of State Lands appointed under section 5 of the State Lands Act; Ch. 57:01.

"compulsory acquisition" means the acquisition of land in accordance with section 5;

"Court" means the High Court;

"Judge" means a Judge of the High Court;

"land" means the surface of the earth, the airspace above it, and things other than chattels, upon or below it, including—

(a) buildings and parts of buildings whether the division is vertical, horizontal, or made in any other way;

(b) mines and minerals whether or not held apart from the surface;

(c) the surface of the earth covered by water;

(d) a legal interest in land whether or not it gives a right to possession of the soil; and

(e) an equitable interest in land;

"Minister" means the Minister to whom responsibility for the compulsory acquisition of land is assigned, except as otherwise provided in this Act;

"person interested" means every person claiming or entitled to claim compensation under this Act and includes—

(a) in relation to an interest arising under a "statutory lease" within the meaning assigned to that

Ch. 59:54.

expression in section 2 of the Land Tenants (Security of Tenure) Act, a tenant to whom that Act applies; and

(b) where the Land Tenants (Security of Tenure) Act does not apply, a tenant—

(i) within the meaning of section 15(1) and (3) of the Rent Restriction Act; or

Ch. 59:50.

(ii) within the meaning assigned to that expression in section 2(1) of the Agricultural Small Holdings Tenure Act holding any contract of tenancy of a type and for a term set out in section 3(1) of that Act,

Ch. 59:53.

but except as provided for in paragraph *(b)*(i) does not include a tenant at will, a tenant at sufferance, or a tenant holding from month to month or for some lesser period;

"promoter" means any corporation, company or person desirous of acquiring land under section 10;

"Registrar" means the Registrar of the Supreme Court and includes the Deputy Registrar and an Assistant Registrar.

(2) For the purposes of this Act "interest" does not include improvements made by any person to land where such improvements are made without the planning permission required under the Town and Country Planning Act.

Ch. 35:01.

(3) For the purposes of this Act "public purposes" includes the purpose of fulfilling any obligation of the State under any treaty or agreement made by the Government with the Government of any other country, territory or place, and any purpose pertaining or ancillary thereto.

(4) The President may direct that an officer other than the Commissioner shall have charge of the acquisition of any specified land or of the works to be done on any specified land, and thereupon this Act applies in relation to such acquisition or works as though the designation of such other officer were substituted for the words "the Commissioner" in the appropriate sections of this Act.

(5) The powers conferred upon the Commissioner by sections 3, 4 and 6 may be exercised by any person acting by the authority of the Commissioner or of the other officer in charge of the acquisition or works, as the case may be.

PART II

ACQUISITION OF LAND

Preliminary entry and survey.

3. (1) When it appears to the President that any land is likely to be required for any purposes which, in the opinion of the President, are public purposes, a Notice to that effect shall be published—

(a) in the *Gazette*; and

(b) twice in at least one daily newspaper circulating in Trinidad and Tobago.

(2) No later than seven days after the date of publication of the Notice in the *Gazette*, the Notice shall be served—

(a) personally or by registered post addressed to his last known place of abode or business, if within a postal delivery district, on every person who is known or believed by the Commissioner to be a person interested and whose whereabouts are known to the Commissioner; or

(b) by affixing a copy of it to a conspicuous part of the land whenever the whereabouts of any person who is known or believed by the Commissioner to be a person interested, are not known to the Commissioner.

(3) The Notice referred to in subsection (1) shall—

(a) be under the hand of the Secretary to the Cabinet, or his authorised agent;

(b) be in the prescribed form;

(c) describe the land in general terms; and

(d) indicate the place where any person interested may obtain a more detailed description of the land likely to be required.

(4) The President may take action on a representation submitted within six weeks of the date of publication referred to in subsection (1)*(a)* by a person interested, to the Secretary to the Cabinet where the representation is in respect of the possible acquisition of the land, or any part thereof, referred to in the Notice.

(5) The Commissioner may after fourteen days, not including Saturdays, Sundays and public holidays, from the date of publication referred to in subsection (1)*(a)* have elapsed and whether or not a representation has been made under subsection (3), enter upon the land for investigative purposes only and do all or any of the following things:

(a) survey and take levels of any land in any locality to which the public purposes relate;

(b) dig or bore into the subsoil of such land;

(c) do all other acts necessary to ascertain whether the land is adaptable to the purposes for which it is required;

(d) set out the boundaries of the land intended to be acquired and the intended line of the works, if any, proposed to be done thereon;

(e) mark levels, boundaries and lines by placing marks and cutting trenches;

(f) cut down and clear away any standing crop, fence, tree or bush, where otherwise the survey cannot be completed, the levels taken or the boundaries or line of the works marked;

(g) set up and maintain gauges in any stream or watercourse, and have access to the same from time to time for purposes of observation; and

(h) do all such other acts as may be incidental to or necessary for any of the purposes aforesaid.

(6) The Commissioner shall not enter into any building, or into or upon any enclosed yard, court or garden attached to a dwelling house, except—

(a) with the consent of the occupier thereof; or

(b) after giving to the occupier at least twenty-four hours notice in writing of his intention to do so.

(7) Compensation shall be paid to any person interested in the land so entered for any actual damage or injury resulting to him by reason of the exercise of the powers conferred by this section and shall be assessed—

(a) in so far as it relates to land, the acquisition of which is subsequently abandoned under section 8 or deemed to be abandoned under section 9, in the manner provided by this Act; or

(b) in so far as it relates to land, the compulsory acquisition of which is completed under section 5, as though it were part of the compensation for the acquisition of the land.

Possession prior to formal vesting.

4. (1) No earlier than two months after the date of publication of a Notice referred to in section 3(1)*(a)* the President may, if satisfied that the circumstances of the case justify such action, issue an Order authorising the Commissioner, without waiting for the formal vesting of the land in the State under section 5, to take possession of the land and apply it for any purpose connected with the use to which it is intended to be put on acquisition.

(2) An Order issued under subsection (1) shall—

(a) be under the hand of the Secretary to the Cabinet, or his authorised agent;

(b) be in the prescribed form;

(c) indicate the place where any person interested may obtain a more detailed description of the land to which the Order relates; and

(d) be published and served in the same manner as that required for a Notice referred to in section 3(1) and (2) respectively.

(3) Upon publication and service of an Order under subsection (2)—

(a) the Commissioner may proceed forthwith to carry out any works on the land connected with the use to which it is intended to be put on acquisition; and

(b) any person interested becomes entitled, as from the date of the taking of possession referred to in subsection (1), to compensation upon the same basis as if a declaration had been made under section 5 on that date, and section 6(2)*(c)* and *(d)* apply *mutatis mutandis* to an Order issued under subsection (1).

(4) If the Commissioner fails to take possession of the land within six months of the publication of an Order issued under subsection (1)—

(a) the said Order lapses and the powers of the Commissioner thereupon cease to have any effect; and

(b) any person entitled to the land becomes entitled to repayment of all expenses reasonably incurred by him as a result of the publication of the Notice under section 3(1)*(a)*, up to the date of publication under subsection (2) of this section, but no compensation is payable in any such case for loss of bargain or for damages for breach of contract.

Declaration of acquisition. [73 of 2000].

5. (1) The President may by Order declare that land is required for public purposes.

(2) Parliament may by resolution approve an Order made under subsection (1).

(3) Where Parliament approves an Order in accordance with subsection (2), the President may by Order make a declaration that the land has been acquired and the declaration shall be published andserved in the same manner as that required for a Notice referred to in section 3(1) and (2) respectively.

(4) Notwithstanding section 3(1), (2), (3), (4) and (5)*(a)* and *(b)*, but subject to section 3(5)*(c)* to (h), (6) and (7) and to subsections (1), (2) and (3) of this section, and where applicable, to section 4(1) and (2) being read as if the requirements of time and publication are satisfied, land may be acquired for public

purposes where the President is of the view that an acquisition under this subsection is necessary to expedite the acquisition process in the national interest.

(5) A declaration published and served under subsection (3) shall—

(a) be in the prescribed form; and

(b) describe the land acquired with precision, either in words or by reference to a map or plan.

(6) The declaration referred to in this section shall—

(a) be conclusive evidence that the land is required for public purposes; and

(b) upon the date of publication in the *Gazette* under subsection (3), vest the land absolutely in the State free from all encumbrances.

(7) Upon publication and service of a declaration made under this section, any person entitled to the land becomes entitled to compensation which, in the event of a dispute, shall be assessed in accordance with the provisions of Part III.

(8) The description referred to in subsection (5) shall be kept at the office of the Director of Surveys and shall be open to inspection by the public.

(9) Where land is applied to the purpose for which it was acquired, the Commissioner shall publish a Notice of Completion in the same manner as that required for a Notice referred to in section 3(1).

Notice to the Registrar General. [73 of 2000].

5A. (1) On the date of publication of the declaration under section 5(3) or on the date of the Order made under section 4(1), the Commissioner shall issue a Notice to the Registrar General setting out the name and address of the owner or claimant of the land acquired, description of the land with references to deeds, certificates of titles, plans, property address and any other details sufficient to identify the owner or claimant and the property acquired.

(2) On receipt of the Notice referred to in subsection (1), the Registrar General shall—

(a) if the land is unregistered land, register the notice as if it were a Deed within the meaning of the Registration of Deeds Act made between the claimant and the Commissioner; or

Ch. 19:06.

(b) if the land is registered land, enter a caveat in respect of the land.

(3) A caveat entered or a Notice registered by the Registrar would forbid the registration of any disposition of the land, lease or charge.

(4) The Registrar shall, as soon as possible, give notice in writing of—

(a) a caveat to the proprietor whose land, lease or charge is affected by it; and

(b) a notice registered as provided for in subsection (1), to the proprietor of any interest in the land which is the subject matter of the declaration or Order referred to in that subsection.

(5) A Notice registered or a caveat entered by the Registrar under subsection (2) shall lapse—

(a) on the order of a Court or Tribunal; or

(b) when the acquisition of land is abandoned as provided for in section 8 or when the acquisition is deemed to have been abandoned as provided for in section 9.

Notice of acquisition.

6. (1) Upon publication and service of a declaration made under section 5(3), the Commissioner shall—

(a) if the land acquired has not been marked out, cause it to be marked out; and

(b) cause a Notice to be published and served in the same manner as that required for a Notice referred to in section 3(1) and (2) respectively.

(2) Every Notice published and served under subsection (1) shall—

(a) be signed by the Commissioner;

(b) state the particulars of the land acquired;

(c) require all persons interested, as soon as is reasonably practicable either—

(i) to appear personally or by attorney or agent before the Commissioner to state the nature of their respective interests in the land and the amounts and full particulars of their claims to compensation in respect of those interests, distinguishing the amounts under separate heads and showing how the amount claimed under each head is calculated; or

(ii) to render to the Commissioner a statement in writing, signed by them or by their attorneys or agents, setting forth the like matters; and

(d) state the date after which, in accordance with section 23(1), claims for compensation will not be admitted or entertained.

Notice requiring information.

7. (1) Where a Notice in respect of any land has been published and served under section 3(1) and (2) respectively or land has been compulsorily acquired, the Commissioner may by Notice in the prescribed form, published and served in the same manner as that required for a Notice referred to in section 3(1) and (2) respectively, require the person interested in the land or any part thereof, to deliver to him within such time as is specified in the Notice, being not less than twenty-one days after service of the Notice, a statement in writing containing so far as may be within his own knowledge, the name and address of every person possessing any interest in the land or any part thereof, whether as partner, mortgagee, lessee, tenant or otherwise, and particulars of the nature of such interest.

(2) Any person required to make and deliver a statement under this section who—

(a) refuses to make or deliver such statement; or

(b) wilfully makes a statement that is false or incomplete in any material particular,

is liable on summary conviction to a fine of fifteen hundred dollars.

Abandonment of acquisition. [73 of 2000].

***8.** (1) Where in respect of any land a Notice has been published and served under section 3(1) and (2) respectively, but no Order has been issued under section 4(1) and no declaration has been made under section 5(3) in respect of that land, the President may declare the acquisition of the land or any part thereof abandoned, and the declaration shall be published and served in the same manner as that required for a Notice referred to in section 3(1) and (2) respectively.

(2) A declaration published and served under subsection (1) shall—

(a) be in the prescribed form;

(b) describe the land to which it relates by reference to the description contained in the Notice published and served under section 3(1) and (2) respectively; and

(c) be served on the Registrar General.

(3) The declaration referred to in this section shall be conclusive evidence that the land to which it relates is no longer required for public purposes.

(4) Upon publication and service of a declaration made under subsection (1)—

(a) the Notice previously published and served under section 3(1) and (2) respectively, ceases to have any effect; and

(b) any person entitled to the land becomes entitled to repayment of all expenses reasonably incurred by him as a result of the publication of the Notice under section 3(1)*(a)* up to the date

* *See* Note on page 2.

of publication under subsection (1) of this section, but no compensation is payable in any such case for loss of bargain or for damages for breach of contract.

(5) Where a declaration is made by the President under subsection (1) that the acquisition of the land or any part thereof is abandoned, the Registrar, on receipt of the declaration under subsection (2) shall cancel the registration of the Notice or cancel the caveat entered or amend it as appropriate.

Deemed abandonment. [73 of 2000].

9. (1) Where, in any case to which section 8(1) applies, no declaration has been made under that section by the President within six months of the publication of the Notice under section 3(1)*(a),* any person interested may serve a Notice on the Secretary to the Cabinet requiring that one of the following steps be taken in respect of the land, or any part thereof, namely:

(a) an Order be issued under section 4(1);

(b) a declaration be made under section 5(3); or

(c) a declaration be made under section 8(1).

(2) A Notice served under subsection (1) shall—

(a) be in the prescribed form;

(b) describe the land to which it relates by reference to the description contained in the Notice published and served under section 3(1) and (2) respectively; and

(c) be served on the Registrar General.

(3) If no step is taken under subsection (1) within two months of service of a Notice under that subsection, the acquisition of the land or any part thereof shall be deemed to have been abandoned and thereupon section 8 shall apply as if a declaration had been published and served under that section.

(4) Where the acquisition of any land is deemed to have been abandoned under subsection (3), the Registrar shall cancel the caveat entered or the Notice registered in respect of such land.

Acquisition in special cases. Ch. 48:01.

10. (1) A highway authority constituted under the Highways Act may at any time exercise the powers conferred by this Act for the entry into, acquisition and taking possession of land required for the improvement of existing roads, and the making of new roads and the provisions of this Act apply *mutatis mutandis* to such exercise, subject to the modifications set out in Part I of the First Schedule.

Part I. First Schedule.

(2) Any Municipal or other Statutory Corporation authorised by any Act to acquire land compulsorily in exercise of its statutory powers or the performance of its statutory duties may, without prejudice to any powers conferred by such Act but subject to any restrictions contained therein, exercise the powers of entry into, acquisition and taking possession of land conferred by this Act and the provisions of this Act apply *mutatis mutandis* to such exercise subject to the modifications set out in Part II of the First Schedule.

Part II. First Schedule.

(3) The President may by Notice authorise a promoter to exercise in relation to any land, the powers conferred by section 3.

(4) A promoter may acquire land compulsorily under this Act, but subject to the provisions of Part III of the First Schedule.

Part III. First Schedule.

(5) This Act applies *mutatis mutandis* to the exercise by promoters of the powers of entry into, acquisition and taking possession of land subject to the provisions of Part III of the First Schedule and the modifications set out in Part IV of the said Schedule.

Part III, IV. First Schedule.

PART III

COMPENSATION

Determination of disputes.

11. Any dispute as to compensation payable under this Act shall be determined by a Judge in accordance with the provisions of this Part.

Rules of assessment.

12. (1) The assessment of the amount of compensation shall be made in accordance with the following rules:

(a) the value of land shall, subject as hereinafter provided, be taken to be the amount which the

land, if sold in the open market by a willing seller, in the condition in which it was, might be expected to realise at the date of the taking of possession of the land under section 4(1) or the date of publication in the *Gazette* of the declaration made under section 5(3), whichever is the earlier;

(b) the special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose is a purpose to which it could be applied only in pursuance of statutory powers, or for which there is no market apart from the special needs of a particular purchaser or the requirement of the Government or any department of Government or any local or public authority;

(c) where the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any Court, or is contrary to law, or is detrimental to the health of the inmates of the premises or to the public health, the amount of that increase shall not be taken into account;

(d) where land is, and but for the compulsory acquisition would continue to be, devoted to a purpose of such a nature that there is no general demand or market for land for that purpose, the compensation may, if a Judge is satisfied that reinstatement in some other place is *bona fide* intended, be assessed on the basis of the reasonable cost of equivalent reinstatement;

(e) no allowance shall be made on account of—

(i) the acquisition being compulsory or the degree of urgency or necessity which led to the acquisition;

(ii) any disinclination of any person interested to part with the land acquired;

(iii) any damage sustained by any person which, if caused by a private person, would not render such person liable to an action;

(iv) any damage, not being in the nature of deprivation or of interference with an easement or legal right, which after the time of awarding compensation is likely to be caused by or in consequence of the use to which the land acquired will be put;

(v) any increase to the value of the land acquired likely to accrue from the use to which the land acquired will be put; or

(vi) any outlay or improvement on such land which has been made, commenced or effected before the date of the taking of possession of the land under section 4(1) or the date of publication in the *Gazette* of the declaration made under section 5(3), whichever is the earlier, with the intention of enhancing the compensation to be awarded therefor in the event or with a view of such land being required, for public purposes.

(2) The rule set out in subsection (1)*(a)* does not affect the assessment of compensation for any damage sustained by a person interested by reason of severance, or by reason of the acquisition injuriously affecting his other property or his earnings, or for disturbance or any other matter not directly based on the value of the land.

(3) In making an assessment under this Part, the Judge shall—

(a) take into account—

(i) lawful existing use of the land;

(ii) the value attributable to any planning permission granted and in force in respect of the land; and

(iii) any certificate issued by the Minister in accordance with this section; and

(b) not take into account—

(i) an interest in any improvement to the land made without the planning permission required under the Town and Country Planning Act; Ch. 35:01.

(ii) an enhancement in the value of the land resulting from a use where the use was instituted without the planning permission required under the Town and Country Planning Act; and

(iii) a claim for the discontinuance or interruption of any use of the land where the use was instituted without the planning permission required under the Town and Country Planning Act.

(4) In making an assessment under this section, the Judge is entitled to be furnished with and to consider all returns and assessments of capital value for taxation made or acquiesced in by the claimant and such other returns and assessments as he may require.

(5) For the purposes of this section there shall be a presumption that an improvement to land was made at the time reflected for that improvement in the assessment rolls maintained in accordance with the Lands and Buildings Taxes Act. Ch. 76:04.

(6) In a dispute as to the amount of compensation payable, the burden of proving that an improvement was not made at the time referred to in subsection (5) is on the person interested.

(7) Any interested person may apply to the Minister in such form as may be prescribed, for a certificate stating the use which might have been permitted by the Minister in respect of the land acquired had application for planning permission been made under the Town and Country Planning Act.

(8) On receipt of an application made under subsection (7) the Minister shall, within one month of its

receipt or such longer period as may be agreed in writing by the parties and the Minister, issue to the applicant a certificate in such form as may be prescribed, stating in respect of the land, the use that might have been permitted by the Minister had application for planning permission been made under the Town and Country Planning Act. Ch.35:01.

(9) In this section "Minister" means the Minister to whom responsibility for planning is assigned.

Change in value disregarded.

13. (1) Subject to section 15, no account shall be taken of any increase or diminution in the value of the land acquired which is attributable to the carrying out or the prospect of the carrying out of so much of a scheme of development as would not have been likely to be carried out if the acquiring authority had not acquired or did not propose to acquire any of the land authorised to be acquired under the scheme.

(2) In this section—

(a) "land authorised to be acquired" means the aggregate of the land comprised in the authorisation, including the land acquired; and

(b) "scheme of development" means a scheme involving compulsory acquisition of land for public purposes which includes the land acquired.

Contiguous or adjacent land.

14. Subject to section 15, where on the date of the taking of possession of the land under section 4(1) or the date of publication of the declaration under section 5(3), whichever is the earlier, the owner of the acquired land is also the owner of other land contiguous or adjacent to the acquired land, there shall be added to or deducted from the amount of compensation which would be payable apart from this section, the amount, if any, of such an increase or diminution as the case may be, in the value of that other land as is attributable to the carrying out or the prospect of a scheme of development to which section 13 applies.

Subsequent acquisition.

15. (1) Where an increase in the value of other land has been taken into account by virtue of section 14, then, in connection

with any subsequent acquisition to which this subsection applies, that increase shall not be left out of account by virtue of section 13 or taken into account by virtue of section 14, in so far as it was taken into account in connection with the previous acquisition.

(2) Where, in connection with the compulsory acquisition of land, a diminution in the value of other land has been taken into account in assessing compensation for injurious affection, then, in connection with any subsequent acquisition to which this subsection applies, that diminution shall not be left out of account by virtue of section 13 in so far as it was taken into account in connection with the previous acquisition.

(3) Subsections (1) and (2) apply to any subsequent acquisition where either—

(a) the land acquired by the subsequent acquisition is the same land the value of which was previously taken into account whether the acquisition extends to the whole of that land or only to part of it; or

(b) the person entitled to the land acquired is, or derives title to the land from the person who at the time of the previous acquisition was the owner of the land the value of which was previously taken into account,

and, in this subsection, any reference to the land, the value of which was previously taken into account, is a reference to the land in respect of which the increased or diminished value was taken into account as mentioned in subsection (1) or subsection (2), respectively.

(4) Where in connection with an acquisition of land for public purposes by private treaty, the circumstances were such that if it had been a compulsory acquisition, an increase or diminution of value would have fallen to be taken into account as mentioned in subsection (1) or subsection (2), this section applies with the necessary modifications, as if that acquisition had been a compulsory acquisition and that increase or diminution of value had been taken into account accordingly.

Depreciation.

16. (1) No account shall be taken of any depreciation of the value of the land acquired which is attributable to the fact that whether by way of designation, allocation or other particulars contained in the operative development plan made under the Town and Country Planning Act or by any other means, an indication has been given that the land is or is likely to be acquired by an authority possessing powers of compulsory acquisition.

Ch. 35:01.

(2) In this section "operative" has the meaning assigned to that expression in section 7(6) of the Town and Country Planning Act.

Severance.

17. (1) Regard shall be had not only to the value of the land acquired, but also to any damage sustained by the owner of the land by reason of the severing of the land acquired from other land of the owner or otherwise injuriously affecting that other land by the exercise of powers of compulsory acquisition.

(2) Where land is acquired or taken from any person for the purpose of works which are to be situated partly on that land and partly elsewhere, compensation for injurious affection of land retained by that person shall be assessed by reference to the whole of the works and not only the part situated on the land acquired or taken from him.

(3) Compensation referred to in subsection (2) may be assessed on the footing that any specified works, crossing or access agreed to on behalf of the Commissioner shall be erected, provided or allowed.

(4) Any agreement under subsection (3) shall be reduced to writing and if signed by a Judge shall be valid and effectual and binding on the Commissioner and on the claimant and his successors in title.

Injurious affection by works.

18. (1) Where any land without any portion thereof being compulsorily acquired has been injuriously affected by the erection or construction on land compulsorily acquired, of any works in respect of which the land was acquired, compensation is payable in respect of such injurious affection.

(2) Subsection (1) does not apply in respect of injurious affection which—

(a) if caused by a private person, would not render such person liable to an action; or

(b) is caused by the user of the land acquired.

Acquisition under special powers.

19. (1) For the avoidance of doubt, it is hereby declared that if—

(a) while possession of any land is retained or while any land is being used in the exercise of special powers, such land is compulsorily acquired under this Act or any other law relating to compulsory acquisition of land; and

(b) things have been done in relation to the land in the exercise of the special powers while possession was retained or the land was used,

no greater sum is payable to any claimant by way of compensation in respect of the acquisition than would have been payable if no such things had been done and, in particular but without prejudice to the generality of the foregoing words, in assessing compensation in respect of the acquisition, no increase in the value of the land attributable to the things done in relation to the land or to the improvements made thereto in the exercise of the special powers during such period shall be taken into account.

(2) In this section the expression "special powers" means any powers conferred by—

(a) Regulations made under section 7(1) of the Constitution or under an Act passed under section 7(3) of the Constitution for the purpose of dealing with a public emergency; or

(b) sections 4 and 5 of this Act,

or any power exercisable by virtue of the prerogative of the State.

Interest. [170/2016].

20. (1) Compensation payable in respect of land under this Act shall include interest at the rate of five per cent per annum or at such other rate as the Minister to whom responsibility for finance is assigned may, from time to time, determine by Order.

(2) Interest shall accrue—

(a) where possession of the land is taken under section 4(1), from the date of the taking of such possession until the date of payment of compensation;

(b) where no possession of the land is taken under section 4(1) and the amount of compensation is being determined by a Judge, from the date of publication in the *Gazette* of the declaration made under section 5(3) until the date of payment of compensation, but subject to subsections (3) to (5) of this section;

(c) where the compensation has been agreed between the claimant and the Commissioner or has been determined by a Judge, from the date of publication in the *Gazette,* of the declaration made under section 5(3) until the date of payment of compensation, but subject to subsections (3) to (5); and

(d) where the compensation is payable under section 18(1), from the date of the claim until payment of the compensation.

(3) In a case coming within subsection (2)*(b)*, the Judge has a discretion whether or not to include any interest and as to the rate provided it does not exceed five per cent or such other rate as the Minister to whom responsibility for finance is assigned may, from time to time, determine by Order, and in exercising this discretion the Judge shall have regard *inter alia* to—

(a) any delay on the part of the claimant in submitting a proper claim;

(b) any circumstances which would justify an order that the claimant should bear his own costs;

(c) the conduct of the claimant generally in relation to his claim and to the proceedings; and

(d) whether the claimant continued in beneficial enjoyment of the land in whole or in part after the date of publication in the *Gazette* of the declaration published under section 5(3).

(4) The Judge shall not allow interest under subsection (2)*(b)* to accrue for any period occupied in the disposal of any issue as to the existence of or title to any interest in land in respect of which compensation is payable, being an issue between adverse claimants to compensation.

(5) Where an unconditional offer in writing of any sum as compensation has been made to the claimant by or on behalf of the Commissioner and has been refused by the claimant, or has not been accepted by the claimant within thirty days after the date of the offer, no interest shall be allowed by the Judge for any period subsequent to the date of such refusal or to the expiry of such thirty days whichever first occurs, unless the compensation determined by the Judge exceeds the amount of the offer.

(6) Where an advance payment on account of compensation has been made under section 22, nothing in this section requires the payment of interest, in respect of any time after the date of the advance payment, on so much of the compensation as corresponds to that payment.

(7) For the purposes of this section "payment of compensation" means payment to the claimant or into Court in accordance with section 21.

Payment of compensation.

21. (1) All compensation payable under this Act is a charge on the Consolidated Fund.

(2) If there is no person able to give a good discharge for any compensation payable under this Act, or if no person can be found lawfully to receive the same, after the amount of the compensation has been determined, the Commissioner may pay the compensation into Court to the credit of the person entitled.

(3) Any compensation so paid into Court may, on the subsequent application of any person claiming to be entitled thereto, be paid out to such person on the order of the Court.

Advance payment. [73 of 2000].

22. (1) Where—

(a) possession of land has been taken under section 4(1); or

(b) a declaration is published and served under section 5(3),

the Commissioner shall, subject to subsection (3) and satisfactory proof of title, if a request in that behalf is made in accordance with subsection (2), make an advance payment on account of any compensation payable under this Act in respect of that land.

(2) Any request under this section shall—

(a) be made by any person interested;

(b) be made in the prescribed form; and

(c) contain particulars of the claimant's interest in the land and such other particulars as the Commissioner may reasonably require to enable him to estimate the amount of compensation in respect of which the advance payment is to be made, or as may be prescribed.

(3) Subject to subsection (6), the amount of any advance payment under this section shall not exceed eighty per cent of an amount equal to the compensation as estimated to be payable under this Act by the Commissioner.

(4) Where an advance payment is made on the basis of an estimate under subsection (3) and the amount of that payment exceeds the compensation as finally agreed or determined, the excess shall be repaid.

(5) If, after an advance payment has been made to any person, it is discovered that he was not entitled to it, the amount of the payment shall be recoverable by the Commissioner.

(6) No advance payment shall he made on account of compensation payable in respect of any land which is subject to a mortgage, the principal of which exceeds ninety per cent of the amount mentioned in subsection (3), and where the land is subject to a mortgage the principal of which does not exceed ninety per cent of that amount, the advance payment shall be reduced by such sum as the Commissioner considers will be required by him for securing the release of the interest of the mortgagee.

(7) An advance payment on account of compensation in respect of land which is the subject of a settlement or trust whether express or otherwise, shall be made to the persons entitled to give a discharge for capital money and shall be held and treated as capital money arising under such settlement or trust.

(8) to (11) ***(Deleted by Act No. 73 of 2000).***

Limitation.

23. (1) Subject to subsection (2), no claim for compensation payable under this Act shall be admitted or entertained unless it is made in the prescribed form to the Commissioner within twelve months after—

(a) in the case of a claim under section 8, the date on which the acquisition of the land was abandoned under that section or deemed to have been abandoned under section 9;

(b) in the case of a claim under section 17, the date of publication in the *Gazette* of a Notice under section 5(6);

(c) in the case of a claim under section 18, the date from which the land became injuriously affected; or

(d) in any case other than those referred to in paragraphs *(a), (b)* and *(c)*, the date of the publication in the *Gazette* of the declaration made under section 5(3).

(2) If any person fails to make his claim for compensation within the period specified in subsection (1), he may apply in writing to the President to extend the time, and the President may in his absolute discretion grant such extension in respect of the whole claim or any part thereof and upon such terms and conditions as he thinks fit, provided such written application is made within six months from the time when the claim became barred.

Compensation in cases of disability or incapacity.

24. (1) Where, by reason of the disability or incapacity of any person, proceedings under this Act to determine the compensation payable to him cannot be taken by him or on his behalf, the compensation to be paid to him shall be such as is determined under this section, but, subject to the provisions of section 23, nothing in this section shall prejudice the right of such

person to institute any such proceedings if his disability or incapacity ceases, or the right to institute any proceedings of any other person who is not under any disability or incapacity.

(2) A Judge, on the application of the Commissioner and upon proof to the satisfaction of the Judge that the compensation payable to any person fails to be determined under this section, may with one or more assessors make an assessment of the compensation payable and shall determine the compensation payable in the light of the assessment or assessments so made.

(3) The costs of every such application, including the fees of the assessor or assessors, shall be borne by the Commissioner.

(4) Any compensation awarded under this section shall be paid by the Commissioner into the Court to the credit of the person entitled and may, on the subsequent application of any person claiming to be entitled to the compensation, be paid out to the person entitled on the order of a Judge.

Rules for awarding costs.

25. (1) This section applies to proceedings for the assessment of compensation under this Act.

(2) The Commissioner shall pay to the claimant the reasonable costs incurred by him in or about the preparation and submission of his claim unless he has failed to put forward a proper claim within a reasonable time after the service of the Notice under section 6, or the claim put forward is grossly excessive or he has been a party to some deceit or fraud in respect of his claim.

(3) The costs of any issue as to the existence of or title to any interest in land acquired shall not form part of the costs of proceedings taken for the determination of the compensation payable, but shall be separately determined and shall be in the discretion of a Judge.

(4) No order for the payment of the whole or any part of the costs of any issue referred to in subsection (3) shall in any event be made by the Judge against the Commissioner in any case where the issue is between adverse claimants for compensation.

(5) Subject to subsections (2) and (3), where an unconditional offer in writing of any sum as compensation to

any claimant has been made by or on behalf of the Commissioner and the sum awarded as compensation does not exceed the sum offered, the Judge shall, unless for special reasons he thinks proper not to do so, order the claimant to bear his own costs and to pay the costs of the Commissioner so far as the costs of the Commissioner were incurred after the offer was made.

(6) Where the claimant has failed to put forward a proper claim in sufficient time to enable the Commissioner to make a proper offer under subsection (5), subsections (2), (3) and (4) shall apply as if an unconditional offer had been made by or on behalf of the Commissioner at the time when in the opinion of the Judge a proper claim should have been put forward and the claimant had been awarded a sum not exceeding the amount of such offer.

(7) Subject to subsection (2), where a claimant has made an unconditional offer in writing to accept any sum as compensation and has put forward a proper claim in sufficient time to enable the Commissioner to make a proper offer, and the sum awarded is equal to or exceeds that sum, the Judge shall, unless for special reasons he thinks proper not to do so, order the Commissioner to bear his own costs and to pay the costs of the claimant so far as the costs of the claimant were incurred after the offer was made.

(8) Subject to this section, costs shall be in the discretion of the Judge who may direct to and by whom and in what manner those costs or any part thereof shall be paid.

(9) Where the Judge orders the claimant to pay the costs or any part of the costs of the Commissioner, the Commissioner may deduct the amount so payable by the claimant from the amount of compensation payable to him.

(10) Without prejudice to subsection (9), all costs shall be recoverable as though they were costs awarded in an action in the High Court.

(11) For the purposes of this section, "costs" includes fees, charges and expenses.

PART IV

ASSESSORS

Appointment of assessors.

26. (1) Subject to subsection (2), a Judge in Chambers may appoint any person to be an assessor for the purpose of any proceeding if, in the opinion of the Judge, the person is well qualified by reason of his knowledge and experience to assist in the determination of the compensation to be paid.

(2) In appointing an assessor, the Judge shall have regard to any suggestions or objections which may be put forward by any party or parties before him.

(3) No person shall be appointed to act or shall act as an assessor in any proceeding in which, if he were a Judge, he would not be entitled to act on the ground of interest.

Appointment of new assessors.

27. If an assessor appointed under this Act is excused from service in any proceeding, or neglects or fails to attend as required, or dies or becomes incapable to act, the Judge may appoint another assessor in his stead.

Declaration by assessors.

28. No assessor shall proceed to act in a matter unless he has first made and signed before a Judge, in an Assessor's Declaration Book to be kept by the Registrar, the following declaration:

> "I (*A.B.*) do solemnly and sincerely declare that in all matters and cases submitted to me or with which I may have to deal under the provisions of the Land Acquisition Act, I will faithfully, honestly and impartially execute my duties to the best of my judgment, skill and ability.".

Assessors' fees.

29. (1) Every Assessor appointed under this Act shall receive such fee for his services as the Judge shall direct and such fee shall be paid by the Commissioner.

(2) Every fee payable under this section shall be paid in the first instance by the Commissioner and shall be deemed to be costs in the proceedings.

PART V

GENERAL PROVISIONS

Refusal to give up possession.

30. (1) If any person refuses to give up possession of any land, or hinders the Commissioner or a person authorised by the Commissioner in taking possession of any land, which has been acquired under this Act or on which the Commissioner or such person is authorised by virtue of this Act to do any work or thing, the Minister may issue his warrant to the Marshal authorising him to enter upon the land and to put the person so refusing or hindering, out of possession of the land and to deliver possession thereof to the Commissioner or to such authorised person.

(2) Upon receipt of the warrant, the Marshal shall execute it accordingly.

(3) The costs accruing by reason of the execution of the warrant, to be settled by the Marshal and allowed by the Registrar, shall be paid by the person refusing to give up possession or hindering the Commissioner or such authorised person.

(4) The amount of the costs shall be deducted and retained from the compensation, if any, payable to the person in default, and if—

(a) no compensation is payable to the person in default; or

(b) the amount of compensation is less than the amount of such costs,

then payment of such costs or the excess thereof beyond the amount of the compensation if not paid on demand, shall be enforced under the Summary Courts Act as though it was the subject of an order to pay money contemplated by Part V of that Act and made by a Magistrate having jurisdiction in the area in which the land is situated. Ch. 4:20.

Assault or obstruction.

31. Any person who assaults or obstructs or abets any person in assaulting or obstructing—

(a) the Marshal or any of his assistants in the execution of his duties under this Act; or

(b) the Commissioner or a person authorised by the Commissioner in the exercise or performance

of any power or duty conferred or imposed by this Act,

is liable on summary conviction to a fine of fifteen hundred dollars.

Removal of marks, Notices.

32. Any person who—

(a) removes any mark placed or removes or defaces any Notice affixed in accordance with this Act; or

(b) interferes with, damages or destroys any work done by the Commissioner or a person authorised by the Commissioner in accordance with this Act,

is liable on summary conviction to a fine of fifteen hundred dollars.

Mortgaged land.

33. (1) If any person interested in a mortgage or charge on any land acquired under this Act gives notice in writing to the Commissioner or a person authorised by the Commissioner to take possession of the land, within the time specified in the Notice after such land has been acquired, of—

(a) the amount due in respect of such mortgage or charge; and

(b) the nature and date of the instrument or security under which such mortgage or charge is claimed,

the Commissioner may deposit the compensation payable in respect of such land, or so much thereof as is sufficient to pay off the amount due in respect of such mortgage or charge, in the name and with the privity of the Registrar, with the Comptroller of Accounts.

(2) Compensation so deposited shall be placed to the credit of the parties having such mortgage or charge on such land, describing them so far as the Commissioner can, but subject to the control and disposition of the Court.

Deemed owner.

34. Where any question arises concerning the title of any person to any land which may have been taken or entered upon under this Act, or concerning any estate or interest therein, the person having the ostensible possession or enjoyment of the rents and profits of such land shall, for the purposes of this Act, be deemed the owner of the same until the contrary is proved.

Leasehold land.

35. (1) Where part only of land comprised in a lease for an unexpired term is compulsorily acquired, the lessor or lessee may apply to a Judge for an order apportioning the rent payable under such lease between the land compulsorily acquired and the residue of the land comprised in the lease.

(2) Upon the making of such an order—

(a) the lessee, as to all future accruing rent, is liable only for so much of the rent as is so apportioned in respect of the residue of the land;

(b) the lessor, as to the residue of the land and as against the lessee, has all the same rights and remedies for the recovery of such portion of the rent as he had for the recovery of the whole rent reserved by the lease prior to such apportionment; and

(c) all the covenants, conditions and agreements contained in the lease, except as to the amount of the rent to be paid, remain in force with regard to the residue of the land in the same manner as they would have remained if the residue of the land only had been included in the lease.

Commissioner's costs, etc.

36. All costs, charges and expenses lawfully incurred or payable by the Commissioner under this Act are a charge on the Consolidated Fund.

Surveys Act.
Ch. 58:04.

37. All surveys or marking out of land necessary under this Act shall be carried out by the Director of Surveys or by a surveyor registered under the Land Surveyors Act and authorised by the Director for such purpose.

PART VA

Land acquired to be subject to the Real Property Act.
Ch. 56:02.
[73 of 2000].

37A. Notwithstanding any other written law, lands acquired under this Act shall be subject to the Real Property Act if such lands are not already subject to that Act.

Registration of lands acquired. [73 of 2000].

37B. Where land is acquired under this Act, the acquiring authority shall make an application to the Registrar General for registering the land acquired in the name of the Authority with—

(a) a map or plan of the land acquired certified by a Trinidad and Tobago Land Surveyor and approved by the Director of Surveys;

(b) a copy of the *Gazette* in which the Notice referred to in section 3(1) is published; and

(c) the prescribed fees and any other document relevant for the registration.

Duty of the Registrar. [73 of 2000].

37C. Upon receipt of the application, the Registrar General shall, if the application is in due form, register the land in the name of the acquiring authority in the "State Lands and Leases" part of the Register and issue a Certificate of Title under the Real Property Act.

Ch. 56:02.

Meaning of acquiring authority. [73 of 2000].

37D. For the purpose of this Part, "acquiring authority" means the Commissioner, Municipal or Public Authority, or the Tobago House of Assembly.

PART VI

MISCELLANEOUS

Regulations.

38. The Minister may make Regulations governing any matter to be prescribed under this Act or respecting any matter necessary or convenient to carry out effectively the intent and purpose of this Act.

Rules of Court.

39. Rules of Court for regulating the practice and procedure in respect of proceedings of any kind under this Act, may be made under section 78 of the Supreme Court of Judicature Act by the Rules Committee referred to in section 77 of that Act.

Ch. 4:01.

Transitional matters.

40. (1) In this section "former Act" means the Land Acquisition Act [Ch. 58:01. (1980 Rev. Ed.)] repealed by this Act.

(2) Where the acquisition of land was commenced under the former Act, but at the date of the coming into operation of this Act, has reached no further than the matters provided

for in section 3 of the former Act, section 3 of this Act shall apply from the date of such coming into operation and the requirements of section 3(5)*(a)* and *(b)* of this Act are deemed to have been satisfied.

(3) Where the acquisition of land was commenced under the former Act, but at the date of the coming into operation of this Act, has reached no further than the Commissioner entering the land and carrying out works pursuant to section 4 of the former Act, section 4 of this Act shall apply except that—

(a) interest at the rate referred to in section 20(1) shall be payable from the date of the coming into operation of this Act;

(b) the requirements as to time and publication of section 4(1) and (2) are deemed to have been satisfied.

(4) Where land was acquired under section 5 of the former Act, but at the date of the coming into operation of this Act, the determination of compensation in respect of the land was incomplete, the provisions of this Act except for sections 12 and 14 apply and compensation determined as if section 11 of the former Act had not been repealed.

(5) Compensation determined pursuant to subsection (4) shall include—

(a) interest at the rate of six per cent per annum from the date of acquisition of the land under section 5(1) of the former Act until the date of the coming into operation of this Act; and

(b) interest at the rate referred to in section 20(1) from the date of the coming into operation of this Act until the date of payment of the compensation.

Section 10(1).

FIRST SCHEDULE

ACQUISITION IN SPECIAL CASES

PART I

HIGHWAY AUTHORITIES

1. This Act applies to the exercise by a highway authority of powers conferred by this Act with the following specific modifications:

(a) references in this Act to the Commissioner shall be construed as references to—

(i) the Permanent Secretary to the Minister to whom responsibility for public works is assigned where that Minister is the highway authority; or

(ii) the Town Clerk or the Chief Executive Officer, where a Municipal Council is the highway authority;

(b) references to the President in section 8 and to the Secretary to the Cabinet in section 9 shall be construed as references to—

(i) the Permanent Secretary to the Minister to whom responsibility for public works is assigned where that Minister is the highway authority; or

(ii) the Mayor or the Chairman where a Municipal Council is the highway authority;

(c) a Notice by the Minister to whom responsibility for public works is assigned where that Minister is the highway authority, or a resolution by the Municipal Council where a Municipal Council is the highway authority shall, when published and served in the same manner as that required for a Notice referred to in section 3(1) and (2) respectively, be equivalent for all purposes to the Notice referred to in section 3;

(d) a declaration authorising acquisition by the Minister to whom responsibility for public works is assigned where that Minister is the highway authority, or a resolution authorising acquisition by the Municipal Council where a Municipal Council is the highway authority shall, where approved by the President and published and served in the same manner as that required for a Notice referred to in section 3(1) and (2) respectively, be equivalent for all purposes to the declaration referred to in section 5;

(e) all sums which under this Act are payable by the Commissioner shall be paid by the highway authority out of public funds where the Minister to whom responsibility for public works is

assigned is the highway authority, and out of the funds of the Municipal Council where a Municipal Council is the highway authority; and

(f) all land acquired under section 10(1) vests absolutely in the State free from all encumbrances to the intent that the powers conferred and the duties imposed by the Highways Act may be duly exercised and performed in relation thereto. Ch. 48:01.

PART II

MUNICIPAL AND OTHER STATUTORY CORPORATIONS

2. This Act applies to the exercise by a Municipal or other statutory corporation, of powers conferred by this Act with the following specific modifications:

(a) references in this Act to the Commissioner and the references to the President in section 8 and to the Secretary to the Cabinet in section 9 shall be construed as references to the Corporation;

(b) a resolution of the corporation authorising entry or acquisition shall, when published and served in the same manner as that required for a Notice referred to in section 3(1) and (2) respectively, be equivalent for all purposes to the Notice and the declaration referred to in sections 3 and 5, respectively;

(c) all sums which under this Act are payable by the Commissioner shall be paid by the Corporation;

(d) all land acquired under section 10(2) vests absolutely in the Corporation free from all encumbrances; and

(e) the Corporation shall not, except with the consent of the President and under the Seal of the President, sell and demise any interest in land vested in the corporation by virtue of this Act.

PART III

PROMOTERS

3. A promoter desiring to acquire land compulsorily under this Act shall so do in accordance with the following provisions:

(a) the promoter shall apply, in the prescribed form, to the Secretary to the Cabinet;

(b) the prescribed form shall contain—

(i) full particulars of the land and the purpose for which it is required; and

(ii) such other particulars as the Secretary to the Cabinet may require or as may be prescribed;

(c) if the Secretary to the Cabinet so requires, the promoter shall make a deposit with the Comptroller of Accounts of such sum as the Secretary to the Cabinet may consider sufficient to cover the costs of the inquiry referred to in paragraph *(d)*;

(d) upon receipt of an application made under paragraph *(a)*, and the making of any deposit required under paragraph *(c)*, the Secretary to the Cabinet shall appoint a fit and proper person to hold an inquiry as to—

(i) the purpose for which the land is required by the promoter; and

(ii) whether such purpose is likely to prove useful to the public or to a substantial class or section of the public;

(e) the person appointed under paragraph *(d)* has the same power to—

(i) compel the attendance of witnesses, the production of documents and to examine witnesses on oath; and

(ii) punish persons who refuse or neglect to attend or to produce documents or to be sworn and give evidence,

as are possessed by a Magistrate of a Petty Civil Court in an action under the Petty Civil Courts Act;

Ch. 4:21.

(f) the expenses of the inquiry including a fee for the services of the person conducting the inquiry shall be—

(i) determined and certified by the Secretary to the Cabinet;

(ii) paid by the promoter; and

(iii) a debt due by the promoter to the State;

(g) the record of every such inquiry shall be laid before Parliament and thereupon, if satisfied as a result of the inquiry that the purpose for which the land is required by the promoter is likely to prove useful to the public or to a substantial class or section of the public, Parliament may by resolution approve the compulsory acquisition of the whole or any part of the land;

(h) upon the compulsory acquisition of the land being approved by Parliament, the President, subject to paragraph *(i)*, shall make, in accordance with section 5, a declaration that the land has been acquired by the promoter for the purposes stated and, upon publication and service of the declaration as required by section 5(3), it has the effect prescribed by section 5;

(i) the President shall not make a declaration under paragraph *(h)* unless and until the promoter has—

(i) given such security as the President may require for the due payment of the costs of the acquisition and all compensation relating thereto; and

(ii) entered into such agreement as the President may require as to all or any of the following matters, that is to say—

(A) the terms on which the land is to be held by the promoter;

(B) the time within which and the conditions on which the works shall be executed and maintained; and

(C) the terms on which the public shall be entitled to the use and benefit of the works;

(j) a memorandum, in the prescribed form, of the terms of any agreement entered into under paragraph *(i)*(ii) shall be published in the same manner as is required for a Notice referred to in section 3(1) and the terms, as so published, are binding on the promoter;

(k) if the promoter makes default in complying with the terms of an agreement, a memorandum of which has been published as required by paragraph *(j)*, the land shall be forfeited to the State; and

(l) land forfeited under paragraph *(k)* shall not vest in the State unless and until a judgment is obtained declaring the forfeiture, but, on such judgment being obtained, the title of the State relates back to, and commences at, the time when the forfeiture took place.

PART IV

MISCELLANEOUS

4. Subject to the provisions of Part III of this Schedule, the provisions of this Act apply to the exercise by a promoter of powers conferred by this Act with the following specific modifications:

(a) references in this Act to the Commissioner and the references to the President in section 8 and to the Secretary to the Cabinet in section 9 shall be construed as references to the promoter;

(b) all sums which under this Act are payable by the Commissioner shall be paid by the promoter.

Section 40(2).

SECOND SCHEDULE
(Omitted)

(The Amendments specified in the second column of the Second Schedule have been incorporated in the relevant enactments mentioned in the first column of the Second Schedule)

SUBSIDIARY LEGISLATION

LAND ACQUISITION (PRESCRIBED FORMS) REGULATIONS

131/1996.
[174/1997].

made under section 38

1. These Regulations may be cited as the Land Acquisition (Prescribed Forms) Regulations. Citation.

2. In these Regulations, "the Act" means the Land Acquisition Act. Interpretation.

3. The forms required to be prescribed under sections 3(1), 4(2)*(b)*, 5(1), 5(3) and 5(9), 6(1), 7(1), 8(2), 22(2), and 23*(1)* of the Act are the forms set out as Forms A to K respectively, in the Schedule. Prescribed forms.

Section 3(1).

SCHEDULE

FORM A

THE LAND ACQUISITION ACT, CH. 58:01

NOTICE OF LAND LIKELY TO BE REQUIRED FOR A PUBLIC PURPOSE

Notice is hereby given that it appears to the President that the parcel of land described in the Schedule and situate at .... in the Ward of ..... in the County of ..... is land likely to be needed for a purpose which in the opinion of the President is a public purpose: ....

SCHEDULE

....

Further particulars of the location and description of the land may be obtained from the Office of the Director of Surveys, 18, Abercromby Street, Port-of-Spain.

Dated this ..... day of ..... , 20.....

.....
Secretary to Cabinet

Note: The Land Acquisition Act requires that this Notice be published and served in the manner set out in section 3(1) and (2) respectively, of that Act.

FORM B

Section 4(2)*(b)*.

THE LAND ACQUISITION ACT, CH. 58:01

ORDER

MADE BY THE PRESIDENT UNDER SECTION 4(1) OF THE LAND ACQUISITION ACT

THE LAND ACQUISITION (POSSESSION OF LAND PRIOR TO FORMAL VESTING IN THE STATE) ORDER

Citation.

1. This Order may be cited as the Land Acquisition (Possession of Land Prior to Formal Vesting in the State) Order, 20.....

Possession of land.

2. The Commissioner of State Lands is authorised to take possession of the parcel of land comprising ..... more or less, situate at ....in the Ward of ..... in the County of ..... and described in the Notification in the *Trinidad and Tobago Gazette,* Volume No. ..... , dated .... , 20..... at Item No. ..... before the formal vesting of the land in the State, and to apply it to the purpose for which it is intended to be put on acquisition.

Further particulars of land obtainable.

3. Further particulars of the location and description of the land may be obtained from the office of the Director of Surveys, 18, Abercromby Street, Port-of-Spain.

Made this ..... day of ..... , 20.....

.....
Secretary to Cabinet

Note: Section 4(2)*(d)* of the Land Acquisition Act requires that this Order be published and served in the manner set out in section 3(1) and (2) respectively, of that Act.

Section 5(1).

FORM C

THE LAND ACQUISITION ACT, CH. 58:01

ORDER

MADE BY THE PRESIDENT UNDER SECTION 5(1) OF THE LAND ACQUISITION ACT

THE LAND ACQUISITION (REQUISITION) ORDER

Citation.

1. This Order may be cited as the Land Acquisition (Requisition) Order.

Land required for a public purpose.

2. The parcel of land containing .....
.....
more or less, situate .....
in the Ward of ..... in the County of .....
and described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated ..... and filed in his office is required for a public purpose: .....
.....
.....

SCHEDULE

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

The parcel is more particularly shown coloured raw sienna on a Survey Plan filed ..... in the Vault of the Lands and Surveys Department, ... Port-of-Spain.

Dated this ..... day of ..... , 20.....

.....
Secretary to Cabinet

FORM D

Section 5(3).

THE LAND ACQUISITION ACT, CH. 58:01

ORDER

MADE BY THE PRESIDENT UNDER SECTION 5(3) OF THE LAND ACQUISITION ACT

THE LAND ACQUISITION (DECLARATION OF ACQUISITION) ORDER

1. This Order may be cited as the Land Acquisition (Declaration of Acquisition) Order. Citation.

2. The parcel of land— Declaration of acquisition of land.

(a) comprising ..... more or less, situated at .... in the Ward of ..... in the County of .....,

(b) described in the Schedule and coloured raw sienna on a plan of survey signed by the Director of Surveys and dated ..... 20..... executed under Survey Order No. ..... and filed in the Lands and Surveys Division;

(c) having been declared by the President by Order by Legal Notice No. ..... as land required for a public purpose and approved for such purpose by the Parliament of the Republic of Trinidad and Tobago by Resolution of the Senate on ....., and the House of Representatives on ....., has been acquired for the following purpose: ....

SCHEDULE

The land is more particularly shown coloured raw sienna on a Survey Plan filed ..... in the vault of the Lands and Surveys Department, Red House, Port-of-Spain.

Dated this ..... day of ..... , 20.....

.....
Secretary to Cabinet

Note: Section 5(3) of the Land Acquisition Act requires that this Order be published and served in the manner set out in section 3(1) and (2) respectively, of that Act.

Section 5(9).

FORM E

THE LAND ACQUISITION ACT, CH. 58:01

NOTICE OF COMPLETION

NOTICE is hereby given that the parcel of land described in the *Trinidad and Tobago Gazette,* Volume No. ..... dated ..... at Item No. ..... which was acquired for a public purpose has been applied to the purpose for which the land was acquired, that is .....
.....
.....

Dated this ..... day of ..... 20.....

.....
Director of Surveys

Note: Section 5(9) of the Land Acquisition Act requires that this Notice be published and served in the manner set out in section 3(1) and (2) respectively, of that Act.

FORM F

Section 6(1).

THE LAND ACQUISITION ACT, CH. 58:01

NOTICE OF ACQUISITION OF LAND

In pursuance of the authority vested in me by section 6 of the Land Acquisition Act, I, ... COMMISSIONER OF STATE LANDS do hereby give notice to all whom it may concern that—

(a) the parcel of land described in the Schedule has been acquired for the following public purpose: ....

(b) I have marked out the land;

(c) I require every person possessing an interest in the land, or any part thereof, whether as partner mortgagee, lessee, tenant or otherwise, as soon as is reasonably practicable either—

(i) to appear personally or by attorney or agent before me to state the nature of his interest in the land, and the amounts and full particulars of his claim to compensation in respect of those interests, distinguishing the amounts under separate heads, and showing how the amount claimed under each head is calculated; or

(ii) to render to me a statement in writing, signed by him or his attorney or agent, setting forth the like matters.

Claims will not be admitted after ..... , 20.....

SCHEDULE

A parcel of land containing ..... more or less, situate at .... in the Ward of ..... in the County of ..... being the property said to belong now or formerly to ..... and more particularly shown delineated and coloured raw sienna on a plan of survey signed by the Director of Surveys dated .... and filed as ..... in the vault of the Lands and Surveys Department, Red House, Port-of-Spain.

Dated this ..... day of ..... , 20.....

.....
Commissioner of State Lands

Note: Section 6(1) of the Land Acquisition Act requires that this Notice be published and served in the manner set out in section 3(1) and (2) respectively, of that Act.

Section 7(1).

FORM G

THE LAND ACQUISITION ACT, CH. 58:01

NOTICE REQUIRING INFORMATION OF INTEREST IN LAND ACQUIRED OR LIKELY TO BE ACQUIRED

I do hereby require you .....
a person interested in all or any part of the parcel of land comprising .....
situate in the Ward of ..... in the County of .....
and bounded as follows:

On the North by
On the South by
On the East by
On the West by

recently compulsorily acquired by the State, within ninety days after service hereof, to deliver to me a statement in writing containing so far as may be within your own knowledge, the name of every person possessing an interest in the land, or any part thereof, whether as partner, mortgagee, lessee, tenant or otherwise and particulars of the nature of such interest.

Should you refuse to make or deliver such statement or wilfully make any statement which is false or incomplete in any material particular, you will be liable on summary conviction to a fine of fifteen hundred dollars.

Dated this ..... day of ..... 20.....

.....
Commissioner of State Lands

FORM H

Section 8(2).

THE LAND ACQUISITION ACT, CH. 58:01

NOTICE OF ABANDONMENT OF ACQUISITION

NOTICE is hereby given that it is no longer intended to proceed with the acquisition for public purposes of that parcel of land at .... described in the Notification published in the *Trinidad and Tobago Gazette,* Volume No. ..... dated ..... at Item No. ..... being a parcel of land comprising .... situate at ..... in the Ward of ..... in the County of ..... said to belong now or formerly to ..... and that the acquisition is hereby declared by the President to be abandoned.

Dated this ..... day of ....., 20.....

.....
Secretary to Cabinet

Note: Section 8(2) of the Land Acquisition Act requires that this Notice be published and served in the manner set out in section 3(1) and (2) respectively, of that Act.

FORM I

THE LAND ACQUISITION ACT, CH. 58:01

NOTICE TO THE REGISTRAR GENERAL AS REQUIRED BY SECTION 22(8)

(Section 22(8) was deleted by Act No. 73 of 2000.)

FORM J

Section 22(2). [174/1997].

THE LAND ACQUISITION ACT, CH. 58:01

REQUEST FOR ADVANCE PAYMENT

I/We .....

.....

.....

.....

being a person/persons interested in the parcel(s) of land comprising .....

more or less, situate at ..... in the Ward of .....

in the County of ..... and described in Legal Notice

No. ..... published in the *Trinidad and Tobago Gazette*,

Volume No. ..... dated ..... 20....., at Item No. ....., certify that I/We am/are the Proprietor(s)/Tenant(s)/Mortgagee/ Trustee(s) of the said parcel(s) of land.

*I/We also certify that I/We am/are the owners of any crops, trees and cultivation growing on the lands. (*To be deleted when not required).

I/We request advance payment of ..... percent of the compensation payable in accordance with the Land Acquisition Act in respect of the acquisition made pursuant to the above-mentioned Legal Notice.

Dated this ..... day of ..... 20.....

.....

.....

.....

Proprietor(s) / Tenant(s) / Mortgagee / Trustee(s)

Section 23(1). [174/1997].

FORM K

THE LAND ACQUISITION ACT, CH. 58:01

REQUEST FOR PAYMENT OF COMPENSATION

I/We .....

.....

.....

.....

being a person/persons interested in the parcel(s) of land comprising .....

more or less, situate at ..... in the Ward of .....

in the County of ..... and described in Legal Notice

No. ..... published in the *Trinidad and Tobago Gazette*,

Volume No. ..... dated ..... 20....., at

Item No. ....., certify that I/We am/are the Proprietor(s)/Tenant(s)/ Mortgagee/Trustee(s) of the said parcel(s) of land.

*I/We also certify that I/We am/are the owners of any crops, trees and cultivation growing on the lands. (*To be deleted when not required).

I/We request payment of ..... per cent of the compensation payable in accordance with the Land Acquisition Act in respect of the acquisition made pursuant to the above-mentioned Legal Notice.

Dated this ..... day of ..... 20.....

.....

.....

.....
Proprietor(s) / Tenant(s) / Mortgagee / Trustee(s)

Note: Section 23(1) of the Land Acquisition Act requires that no claim be admitted nor entertained unless made within 12 months—

(a) in the case of a claim under section 8, from the date on which the acquisition of the land was abandoned;

(b) in the case of a claim under section 17, from the date of publication in the *Gazette* of a Notice under section 5;

(c) in the case of a claim under section 18, from the date from which the land became injuriously affected; or

(d) in other cases, the date of publication in the *Gazette* of declaration made under section 5.