

THE LAND TRIBUNAL (AMENDMENT) BILL, 2017

EXPLANATORY NOTE

(These notes form no part of the Bill but are intended only to indicate its general purport)

The Bill seeks to amend the Land Tribunal Act, 2000 to facilitate the implementation of the package of legislation referred to as the land package.

The Bill contains seven clauses.

Clause 1 would set out the short title of the Bill.

Clause 2 of the Bill would provide for the interpretation of the word Act as it is used in the Bill.

Clause 3 of the Bill would delete the definition of “Adjudication Officer” and replace with a cross reference to the definition in the Land Adjudication Act, 2000 and would also amend the definition of “Minister” to now mean the Minister to whom responsibility for land adjudication is assigned.

Clause 4 of the Bill would amend section 3 of the Act, by repealing the existing section 3 and substituting a new section which would establish the Land Tribunal, change the composition of the Tribunal and would contain proposed new sections 3A, 3B and 3C. At present the Tribunal comprises the Chairman, Deputy Chairman and the lay assessors. The Bill would provide that the Tribunal would now be comprised of a Chairman, Deputy Chairman and four other members.

The Clause goes on to provide that the Chairman, Deputy Chairman and the other members would be attorneys-at-law of at least ten years experience in the practise of land law and sections 104 to 107 of the Constitution would apply to them. The Chairman, Deputy Chairman and the other members would enjoy the same.

The proposed new section 3A would provide that the Tribunal would be advised by lay assessors in matters relating to their specific disciplines. The disciplines would include the administration of local government, town and country planning, environmental planning, architectural engineering, land valuation etc. The clause would also make provision for the appointment of temporary lay assessors if and when a vacancy arises. The clause also provides that the lay assessors would hold office for no less than three years and may be re-appointed.

The proposed new section 3B would set out the terms and conditions of the Chairman, the Deputy Chairman, other members of the Tribunal and lay assessors. The proposed section 3C would clearly set out that the decision makers of the Tribunal are the members who are appointed under section 3.

Clause 5 would amend section 4 of the Act to specifically provide for the disqualification of lay assessors.

Clause 6 would amend section 5 of the Act to empower the Tribunal to declare provisional title in respect of State land as absolute title where an application is made under section 16(3) of the Land Adjudication Act and would allow the Chairman to constitute the Tribunal with three persons.

Clause 7 would amend section 7(3) of the Act to no longer allow matters to be remitted to the Adjudication Officer by the Tribunal.

Clause 8 would make a consequential amendment based on the amendment of the term “adjudication officer” in section 2 of the Act.

A BILL

AN ACT to amend the Land Tribunal Act, 2000

Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short title	1. This Act may be cited as the Land Tribunal (Amendment) Act, 2017.
Interpretation No. 15 of 2000	2. In this Act, “the Act” means the Land Tribunal Act, 2000.
Section 2 amended	3. Section 2 of the Act is amended – (a) by deleting the definition of “Adjudication Officer” and substituting the following new definition: Act No. 14 of 2000 “adjudication officer” has the meaning assigned to it by section 2 of the Land Adjudication Act”; and (b) in the definition of “Minister” by deleting the words “Planning and Development has been assigned” and substituting the words “land adjudication is assigned”.
Section 3 amended	4. The Act is amended by repealing section 3 and substituting the following new sections: “Establishment of Land Tribunal” 3. (1) A Tribunal to be known as the Land Tribunal is hereby established, which shall be a superior court of record and shall have in addition to the jurisdiction and powers conferred on it by this Act all the powers inherent in such a Court. (2) The Tribunal shall comprise a Chairman, Deputy Chairman and four other members all of whom shall be attorneys-at-law of Trinidad and Tobago of at least ten years’

experience in the practise of land law and who shall be appointed by the President on the recommendation of the Judicial and Legal Services Commission.

(3) Sections 104 to 107 of the Constitution shall apply to the appointment of the members of the Tribunal.

(4) The Chairman, Deputy Chairman and other members of the Tribunal shall be appointed on such terms and conditions as shall be fixed by the President in accordance with section 3B.

(5) The quorum of the Tribunal shall comprise the Chairman or Deputy Chairman and two other members selected by the Chairman or the Deputy Chairman.

Appointment
of lay
assessors.

3A. (1) The President may appoint lay assessors not exceeding six in number, from among such persons as appear to him to be suitably qualified by virtue of their knowledge and experience in the various disciplines identified under subsection (4), to advise the Tribunal on matters relating to their specific disciplines.

(2) Where the need arises or where a vacancy exists in the number of lay assessors, the President may, upon the advice of the Chairman, appoint as a temporary lay assessor to the Tribunal, for such period as the Chairman may recommend, a person with

special knowledge and experience in one or more disciplines listed in subsection (3).

(3) Lay assessors referred to in subsections (1) and (2), shall be selected from persons who are qualified in the following disciplines:

- (a) local government;
- (b) town and country planning;
- (c) environmental planning or environmental science;
- (d) architectural, engineering or surveying;
- (e) land valuation;
- (f) agriculture;
- (g) land management or administration;
- (h) land law; or
- (i) any other discipline in respect of which the Tribunal needs assistance in determining any issue which engages its attention.

(4) A lay assessor under this section shall hold office for such term, not less than three years, as may be determined by the President at the time of his appointment, and is eligible for re-appointment.

Terms and conditions of the Chairman, Deputy Chairman, other members of the Tribunal and lay assessors.

3B.(1) The terms, conditions and allowances of the members of the Tribunal, including the Chairman and Deputy Chairman, shall be determined by the Salaries Review Commission in accordance with section 141 of the Constitution.

(2) The salary, remuneration, allowances and other conditions of the

Chairman, Deputy Chairman, other members of the Tribunal, and lay assessors shall not be altered to their disadvantage after their appointment and during their tenure of office.

(3) The terms and conditions of service applicable to the lay assessors shall be prescribed by Order of the President.

(4) The terms and conditions of temporary lay assessors shall be the same as those of the other lay assessors.

Decisions of
the Tribunal

3C. Decisions of the Tribunal shall be made by the members appointed under section 3.”

Section 4
amended.

5. Section 4 of the Act is amended by-

(a) renumbering section 4 as 4(1);

(b) in section 4(1) as renumbered-

(i) by inserting after the word “member” where it first occurs, the words “of the Tribunal or a lay assessor”; and

(ii) inserting after the word “member” in the second and third places that it occurs, the words “or lay assessor as the case may be”; and

(c) inserting after subsection (1) the following new subsection:

“ (2) Where the Chairman has a pecuniary interest, direct or indirect in any proceedings before the Tribunal, or is a member, officer or employee of any public body or local authority that is a part in any such proceedings, the Chairman shall inform the Deputy Chairman accordingly, whereupon the Chairman shall cease to take part in the proceedings.”.

Section 5
amended

6. Section 5 of the Act is amended in subsection (1), by deleting paragraph (c) and substituting the following new paragraphs:

“Act No
14of 2000

- (c) to declare a provisional title as absolute for the purposes of section 16(3) of the Land Adjudication Act;
- (d) to hear and determine applications relating to adverse possession of State lands and private lands;
- (e) to make Vesting Orders;
- (f) to give directions to the Registrar under the Registration of Titles to Land Act to record a title in the Land Registry; and
- (g) to hear and determine any other matter that may be assigned to it by Order made under section 12.”.

Section 7
amended

7. Section 7 of the Act is amended in subsection (3), by deleting paragraph (b).

Consequential
amendments

8. The Act is amendment by deleting word “Adjudication Officer” wherever it occurs and substituting the word “adjudication officer”.

Passed in the House of Representatives this day of , 2017.

Clerk of the House

I confirm the above.

Speaker.

Passed in the Senate this day of , 2017.

Clerk of the

Senate
I confirm the above.

President of the

Senate