



Bill Essentials

The State Suits Limitation (No. 2) Bill, 2017

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BACKGROUND & PURPOSE OF THE BILL

1. **The State Suits Limitation (No.2) Bill, 2017 (“the Bill”)** was re-introduced in the House of Representatives on **November 10 ,2017** by the Honourable Mr. Faris Al-Rawi, Attorney General and Minister of Legal Affairs.
2. The Bill seeks to:
 - i. extend the application of the law of limitation of actions relating to real property;
 - ii. repeal and replace the existing **Crown Suits Limitation Ordinance, No 5- 1898 (“the Ordinance”)**, which was inherited from the United Kingdom;
 - iii. modernise the language contained in the ordinance; and
 - iv. provide for special categories of land.

KEY FEATURES OF THE BILL

LIMITATION OF THE STATE’S RIGHT OF ACTION

3. **Clause 2 (1)** of the Bill seeks to amend the **Ordinance**, by changing the limitation period¹ from **forty (40) years** to **thirty (30) years**. The effect of this is to limit the State’s right of action in relation to state lands.

¹ The time during which a court action must begin

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4. The clause stipulates that the State shall not at any time sue, impeach, question or implead any person in relation to lands, tenements, rents or hereditaments whatsoever where a person has held the same for a period of **thirty (30) years**.
5. **Sub-clause 2 (2)** provides for the State or any person claiming by subsequent grant through the State, to bring an action within **sixteen (16) years** after the expiration of the grant, held by a grantee, who was in possession for thirty (30) years or more.
6. **Sub-clause 2 (3)** provides that the State or the person claiming by subsequent grant through the State can assert title by any information of intrusion, action to regain possession or by establishing title.

EXCEPTION TO THE LIMITATION PERIOD

7. **Clause 3** identifies specific categories of State land that no number of years of possession by a private citizen can defeat the title of the State. Thus, the State can bring an action to recover the following land:
 - i. those declared to be a protected area or forest reserve under the **Forests Act, Chap. 66:01**;
 - ii. those declared to be environmentally sensitive under the **Environmental Management Act, Chap. 35:05**; and
 - iii. those identified by the State for a public purpose.

THE STATE TO PROVE TITLE

8. **Clause 4** re-enacts **Section 3** of the **Ordinance** in modern language. It provides for the onus of proof on the State after sixteen (16) years possession by a defendant.
9. Two specific circumstances are cited where a defendant may give in evidence proof of exclusive possession by him or by his predecessors before an action commences:
 - i. information of intrusion on behalf of the State or other proceedings to recover possession of or establish title to lands on behalf of the State; or
 - ii. action of ejectment or to establish title, or for damages for or an injunction to restrain trespass to realty, in which the plaintiff claims a grant under the State within sixteen (16) years before action.
10. Clause 4 also provides for the service of a notice on the opposite parties seven (7) clear days before trial.

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SAVINGS CLAUSE AND REPEAL OF THE CROWN SUITS LIMITATION ORDINANCE, 1898

11. **Clause 5** provides for the continued existence of all rights which would have accrued and the sanctioning of proceedings commenced under the **Ordinance**.

12. **Clause 6** provides for the repeal of the **Ordinance**.

LEGISLATION MENTIONED IN THE BILL

- Crown Suits Limitation Ordinance, No. 5-1898
- Forests Act, Chap. 66:01
http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/66.01.pdf
- Environmental Management Act, Chap. 35:05
http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/35.05.pdf



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