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No. 5 of 2014

Fifth Session Tenth Parliament Republic of
Trinidad and Tobago

SENATE

BILL

AN ACT to amend the Land Tenants (Security of Tenure)
Act, Chap. 59:54

THE LAND TENANTS (SECURITY OF TENURE)
(AMENDMENT) (NO. 2) BILL, 2014

Explanatory Note

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

The Bill seeks to amend section 4(3) of the Land Tenants (Security of Tenure) Act, Chap. 59:54, to provide for the service on the State, as landlord, of a written notice of a tenant's option to renew a statutory lease, in circumstances where the identity, address or location of the landlord is unknown, or where there are multiple landlords in respect of the same parcel of land. The proposed Act would have retroactive effect from 30th November, 2010 and would validate renewal notices which were served on the State, as landlord, between 30th November, 2010 and 1st June, 2011. The Bill is inconsistent with sections 4 and 5 of the Constitution and is required to be passed with a special majority of three-fifths of all the members of each House of Parliament.

Clause 1 would provide the short title of the Act.

Clause 2 would provide the commencement of the Act for which this is the Bill.

Clause 3 would provide for the Act to have effect even though inconsistent with sections 4 and 5 of the Constitution.

Clause 4 would define certain words and expressions used in the Bill.

Clause 5 would amend section 4 of the Act.

Clause 6 would provide for the validation of the Act.

BILL

AN ACT to amend the Land Tenants (Security of Tenure)
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[, 2014]

WHEREAS it is enacted by section 13(1) of the Preamble Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all the members of that House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short title	1. This Act may be cited as the Land Tenants (Security of Tenure) (Amendment) (No. 2) Act, 2014.
Commencement	2. This Act is deemed to have come into force on 30th November, 2010.
Act inconsistent with Constitution	3. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.
Interpretation Chap 59:54	4. In this Act, “the Act” means the Land Tenants (Security of Tenure) Act.
Section 4 amended	5. Section 4 of the Act is amended—
	(a) by inserting after subsection (3), the following subsection:
	“ (3A) Where a tenant is unable to serve a written notice of renewal on the landlord under subsection (3) for any of the following reasons:
	(a) the identity, address or location of the landlord is unknown; or
	(b) there is more than one landlord in respect of the same parcel of land,
	the notice may be served on the State as landlord by serving it on the Minister.”;
	and

(b) in subsection (4), by inserting after the words “subsection (3)”, the words “or (3A)”.

6. The service of a written notice of renewal of a ^{Validation} statutory lease on the State as landlord under section 4(3A) of the Act during the period commencing on 30th November, 2010 and ending on 1st June, 2011 is hereby validated and deemed to have been lawfully done.

Passed in the Senate this day of , 2014.

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all the members of the Senate, that is to say by the votes of Senators.

Clerk of the Senate

I confirm the above.

President of the Senate

Passed in the House of Representatives this day
of , 2014.

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed by the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all the members of the House, that is to say by the votes of _____ members of the House.

Clerk of the House

I confirm the above.

Speaker

No. 5 of 2014

FIFTH SESSION
TENTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Land Tenants
(Security of Tenure) Act, Chap. 59:54

Received and read the

First time

Second time

Third time
