

CHAPTER 239A

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CHAPTER 239A

TENANTRIES DEVELOPMENT

An Act to provide for the development of tenancies and for matters connected therewith. 1980-54.

[1st November, 1980] Commencement.

Preliminary

1. This Act may be cited as the *Tenancies Development Act*. Short title.
2. For the purposes of this Act, Definitions.
 - “designation order” means an order published in the *Official Gazette* for the purposes of section 3;
 - “designated tenantry” means a tenantry designated by the Minister under section 3;
 - “Minister” means the Minister responsible for lands;
 - “tenantry” means an area of land, including land vested in the Crown and in a statutory board, subdivided before or after the 1st November, 1980, into lots for letting as sites for chattel buildings to be used as dwelling houses; but does not include land adjoining the foreshore.

PART I

Tenantry Development

3. Subject to section 4, the Minister may on his own initiative or at the request of a majority of tenants in a tenantry, by a designation order, declare any such tenantry to be a designated tenantry for the purposes of this Act. Designation of tenancies.

Require-
ments for
designation
order.

4. (1) The Minister may not make a designation order unless he is satisfied that there is no provision or no sufficient provision for one or more of the following facilities for that tenantry, namely:

- (a) roadways;
- (b) drainage;
- (c) water supply;
- (d) sewage disposal; or
- (e) electricity supply.

(2) A designation order must specify the facilities referred to in subsection (1) in respect of which the Minister is satisfied that there is no provision or no sufficient provision.

(3) The Minister shall, within a reasonable time after a designation order is made, cause to be published, once in the *Official Gazette* and once in a newspaper, published in Barbados a notice that specifies

- (a) the place at which and the times during which the plan defining the designated tenantry can be inspected; and
- (b) the period within which and the persons by whom objections to and representations against the designation order may be made.

Develop-
ment by
landlord.

5. (1) A landlord, may, within 3 years after the commencement of this Part, make application to the Chief Town Planner for permission to develop a tenantry, and upon receipt of such an application, the Chief Town Planner shall submit a report to the Minister in respect of that tenantry.

(2) Upon receipt of a report under subsection (1), the Minister may make a scheme for the development of the tenantry in the same circumstances, for the same purposes and by the same procedures as he can in respect of a scheme for a designated tenantry under this Part; and the Minister may confer powers upon the landlord for the carrying out of the scheme as nearly as may be identical with those that he may confer upon the National Housing Corporation.

(3) A scheme under this section must include provision for transferring to the National Housing Corporation all of the powers

and rights conferred by the scheme on a landlord should the tenantry become a designated tenantry.

(4) Without affecting any other provision that a scheme contains, a scheme must make provision

- (a) for apportioning the costs of any improvements under the scheme between the landlord and those tenants who have purchased and the freehold of their lots at the time of the coming into effect of the scheme; and
- (b) for allowing the landlords to include an element of the costs made or to be made under the scheme in the price or rent of lots that are not so purchased by tenants at that time.

6. (1) Where a tenantry is designated under section 3, the person on whose land the designated tenantry is situated shall not

Effect of order.

- (a) notwithstanding any power he has to do so under the *Security of Tenure of Small Holdings Act* or the *Tenancies Control Act*, evict any tenant who is in occupation of any lot within the designated tenantry or terminate any existing tenancy of such a lot without obtaining the prior written approval of the Minister; or
- (b) create any new tenancies over his land or admit any new tenants into his land without the prior written approval of the Minister.

Cap. 237.

Cap. 239.

(2) The Minister or any person authorised by him may, after giving reasonable notice in such form as is appropriate in the circumstances of each case, to the persons in occupation of the lots in a designated tenantry, enter on the tenantry for any purpose connected with or incidental to the carrying out of a designation order.

7. (1) A designation order under section 3 is provisional in the first instance and, subject to section 8, may be confirmed, with or without modifications, by the Minister, by notice in the *Official Gazette*, after a period of not less than 6 weeks from the publication of the provisional designation order.

Designation order provisional in first instance.

(2) A notice of confirmation under subsection (1) comes into operation on publication.

Objections. 8. (1) A landlord or any other person having an interest in a tenantry affected by a designation order may, within 6 weeks from the date of the publication of the designation order, object to or make representations respecting that designation order.

(2) The Minister shall afford an opportunity to be heard to persons who object or make representations; and, after considering the objections or representations, the Minister may rescind the designation order or confirm the order with or without modifications as he determines.

Compulsory acquisition. 9. (1) Where a designation order is confirmed under section 7, the Minister may proceed on behalf of the Crown to the compulsory acquisition

Cap. 239B. (a) of the freehold in those lots in the designated tenantry that have not been purchased by tenants in accordance with the *Tenantries Freehold Purchase Act*; and

(b) of the freehold in any other land within the designated tenantry that is not the subject of a tenantry.

(2) The freehold acquired pursuant to subsection (1) may be vested in the National Housing Corporation for the purposes of carrying out any scheme made under this Part in respect of a designated tenantry.

Procedure for compulsory acquisition. Cap. 228. 10. The procedure under the *Land Acquisition Act* applies, *mutatis mutandis*, as the circumstances require, for the compulsory acquisition of the freehold in designated tenantries under section 9.

Compensation. 11. The compensation payable in respect of the freehold acquired for the purpose of this Part shall, in the absence of an agreement, be determined in accordance with the rules set out in section 11 of the *Land Acquisition Act*.

Cap. 228.

Improvement schemes. 12. (1) After the coming into operation of a designation order the Minister may prepare an improvement scheme for that tenantry, which may make provision for such specific arrangements for the relocation of tenants as may be necessary.

- (2) An improvement scheme must
- (a) contain a plan marking out the boundaries of the designated tenantry;
 - (b) state the nature of the improvements to be effected in the designated tenantry;
 - (c) be accompanied by plans, specifications and estimates of the costs of the improvements to be effected; and
 - (d) specify
 - (i) how the costs will affect the rents payable by the tenants;
 - (ii) the price payable by tenants if they purchase the freehold; and
 - (iii) the dates from which any increases in rent will become payable.

(3) Nothing specified in an improvement scheme in accordance with paragraph (d) of subsection (2) prevents a landlord and a tenant from agreeing on a rent or purchase price other than that stated in such improvement scheme.

(4) The improvements referred to in paragraph (b) of subsection (2) may include provision for any of the following:

- (a) facilities for roadways, sewage disposal, water supply or electricity supply or any other improvement of the land in the designated tenantry arising from its reclamation, drainage, clearance, excavation, filling, grading, levelling, protection against erosion or flood or any other additions or alterations;
- (b) facilities for improving community services through the provision of community centres, playing-fields and the like;
- (c) facilities for upgrading housing and improving the environment; and
- (d) facilities for the creation of new avenues of employment in or within easy reach of the designated tenantry.

13. (1) Every improvement scheme is provisional in the first instance and subject to confirmation by the Minister.

Scheme
provisional
in first
instance.

(2) The Minister shall, after the preparation of an improvement scheme and before confirming it,

(a) publish in the *Official Gazette* and once in a newspaper published in Barbados, a notice stating the intended approval of the improvement scheme and specifying

(i) a place at which the plan and particulars of the improvement scheme can be inspected, and

(ii) the time within which and the manner in which objections to or representations in respect of the improvement scheme can be made;

(b) cause a notice to the like effect as in paragraph (a) to be served, in such manner as may be appropriate in the circumstances, on

Cap. 239B.

(i) those tenants who purchased the freehold in their lots under the *Tenancies Freehold Purchase Act*, before the declaration of the tenantry as a designated tenantry,

(ii) those tenants in the designated tenantry who have not yet given notice of their intention to purchase the freeholds in accordance with the *Tenancies Freehold Purchase Act*,

(iii) those persons who to the knowledge of the Minister have interests in the land within a designated tenantry,

(iv) those persons who might have interests in the land within a tenantry but are unknown or cannot be found; and

(c) consider any objections or representations made to him pursuant to the notice and afford any person making objections or representations an opportunity of appearing before and being heard by a person appointed by the Minister for that purpose.

(3) Failure to serve the notice under paragraph (b) of subsection (2) does not invalidate the improvement scheme.

Confirma-
tion.

14. (1) After complying with the requirements of section 13, the Minister may

- (a) confirm the improvement scheme without modifications;
 - (b) confirm the improvement scheme with such modifications as he determines; or
 - (c) refuse to confirm the improvement scheme.
- (2) A decision of the Minister under subsection (1) is final.

15. After confirming an improvement scheme, the Minister may direct the National Housing Corporation to implement that scheme. Implement-
ation of
scheme.

16. For the purpose of carrying an improvement scheme into effect, the Minister may, where he deems it necessary, cause any other land adjoining or adjacent to the designated tenantry to be acquired under the *Land Acquisition Act* as land needed for a public purpose. Acquisition
of other
land.
Cap. 228.

PART II

General

17. The Minister may,

- (a) notwithstanding section 5 of the *Crown Lands (Vesting and Disposal) Act*, sell any land that is vested in the Crown and to which this Act applies without the approval of Parliament; and
- (b) by order, delegate any of his functions under this Act to the National Housing Corporation or any other statutory board.

Powers of
Minister.
Cap. 225.

18. A person who

- (a) contravenes this Act; or
- (b) assaults, obstructs or interferes with any person acting or purporting to act under this Act,

Offences.

is guilty of an offence and liable on summary conviction to a fine of \$1 000 or imprisonment for 6 months or to both.

Application of Cap. 240. **19.** Notwithstanding anything contained therein, the *Town and Country Planning Act* has application to this Act only where it is so expressed by this Act.

Regulations. **20.** The Minister may make regulations generally for the purpose of giving effect to this Act.

Binding on the Crown. **21.** This Act binds the Crown.