

## CHAPTER 230A

### LANDLORD AND TENANT (REGISTRATION OF TENANCIES) 1974-44

This Act came into operation on 1st September, 1977 by Proclamation (S.I. 1977 No. 195).

#### **Amended by:**

*1977-64*  
*1978-36*

*1982-52*  
*1992-23*

*1996-15*

#### **Law Revision Orders**

*The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:*

1993

1997

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#### **Guide to symbols in historical notes:**

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument



**CHAPTER 230A**

**LANDLORD AND TENANT (REGISTRATION OF TENANCIES)  
1974-44**

*Arrangement of Sections*

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**BARBADOS**LANDLORD AND TENANT (REGISTRATION OF TENANCIES)  
1974-44

*An Act to provide for the registration of premises that are let out and related matters.*

[Commencement: 1st September, 1977]

**PART I**  
**PRELIMINARY****Short title**

1. This Act may be cited as the *Landlord and Tenant (Registration of Tenancies) Act*.

**Interpretation**

2. For the purposes of this Act

“certificate of registration” means a certificate of registration issued pursuant to section 5;

“Commissioner” means the Commissioner of Inland Revenue;

[1982-52]

“landlord” means any person who is in receipt of rents and includes an agent of such person;

“premises” means premises of every description and includes buildings and structures whether or not attached to the soil together with the curtilage thereof;

[1978-36; 1996-15]

“rent” includes all amounts to be registered under section 7 and includes fines and premiums.

## PART II REGISTRATION

### **Notice of intention to let premises**

**3.(1)** No landlord shall let out premises at a rent for residential or business purposes unless he gives notice to the Commissioner of his intention to do so.

(2) Notice under subsection (1) shall be given in such form as the Commissioner approves.

[1982-52]

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[1982-52]

### **Registration of premises**

**4.(1)** The Commissioner shall, upon receipt by him of a notice given in pursuance of section 3 and upon being informed in writing of the amount being received or about to be received as rent and upon payment to him of the prescribed fee, register the premises proposed to be let out by recording in a register kept by him for the purpose the following particulars which the landlord shall supply

- (a) the description of the premises and the place where they are located;
- (b) the purpose for which the premises are being let out;

- (c) the name and address of the person who has title, or a right to title, to the premises; and
  - (d) the name and address of the person (if any) whom the landlord has appointed to be his agent.
- (2) A register referred to in subsection (1) shall be open to public inspection during office hours and may be examined by any person upon payment by him of the prescribed fee.

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[1982-52]

### **Certificate of registration**

5.(1) The Commissioner shall, upon registering premises, issue to the landlord a certificate to be known as a certificate of registration.

(2) Where a certificate of registration is lost, damaged, destroyed, defaced or rendered illegible, the landlord to whom it was issued may, upon application to the Commissioner and upon payment of the prescribed fee, be granted a duplicate certificate.

[1982-52]

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[1982-52]

### **Apartment buildings**

6. Where premises that are being registered under this Act consist of an apartment building that

- (a) constitutes more than one residence; or
- (b) is constructed to house more than one business,

each residence, or, as the case may be, each section of the building in which a business is housed shall constitute, and shall be registered as, separate premises.

**Amount to be registered as rent**

7.(1) The amount to be registered as rent for the purposes of section 4, includes all amounts payable by the tenant or licensee to the landlord for use of furniture or for services of any description whether or not those amounts are separate from the amounts payable for occupation of the premises or are payable under separate agreements.

(2) Where an amount payable as rent includes any amount varying according to the cost from time to time of any services provided by the landlord, the amount to be registered as rent may, if the Commissioner is satisfied that the variations are reasonable, be accepted by him as an amount to accord with those variations.

[1982-52]

(3) Notwithstanding anything contained in subsections (1) and (2) the Minister may, by order, exempt any service from the operation of this section.

**Alteration of rent after registration**

8. A landlord who alters the amount of rent after the premises in respect of which such rent is payable have been registered under this Act shall, within 30 days after so doing, notify the Commissioner in writing of the increase or decrease stating the correct amount of the increase or decrease, as the case may be.

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[1982-52]

**Change of name or address to be notified**

9.(1) A landlord who changes his name or address shall so notify the Commissioner as soon as is practicable.

(2) Where a landlord fails to comply with subsection (1) and a document is served on him either by leaving it at or mailing it to his old address, then, service



of that document shall for all purposes be deemed to have been properly effected.

### **Termination of registration**

- 10.** Registration under this Act terminates if
- (a) the landlord and the tenant agree to terminate the tenancy and the landlord so notifies the Commissioner;
  - (b) the landlord notifies the Commissioner that there has been a change of ownership of the premises; or  
*[1982-52]*
  - (c) the Commissioner is notified that the owner of the premises is no longer living.  
*[1982-52]*

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*[1982-52]*

### **Change of title to premises**

**10A.** Where registration terminates by virtue of a change of ownership of premises, whether *inter vivos* or at death, and the person acquiring a title to the premises continues to let them out, no liability attaches to him for non-compliance with the provisions of this Act relating to registration until the expiration of a period of 30 days from the date on which he became owner of the premises.

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*[1977-64]*

### **Rent books**

**11.(1)** A landlord shall provide 2 rent books, in such form as the Commissioner allows, one of which he shall give to the tenant and in which the landlord shall record each instalment of rent paid to him and the other he shall retain and record therein each instalment of rent he receives from the tenant.

(2) All rent books kept under subsection (1) shall be made available for inspection by a person authorised by the Commissioner.

[1982-52]

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[1977-64]

PART III  
MISCELLANEOUS

**Offences**

**12.(1)** Any person who

- (a) receives rent in respect of premises that are not registered under this Act;
- (b) knowingly supplies false information to the Commissioner under this Act;  
[1982-52]
- (c) fails to give to the Commissioner any information that he is required to give by virtue of this Act;  
[1982-52]
- (d) contravenes or fails to comply with any other provision of this Act;
- (e) fails to provide or keep rent books as required by this Act; or
- (f) fraudulently acts in collusion with another person to avoid the operation of this Act,

is guilty of an offence and is liable on summary conviction to a fine of \$2 500 or imprisonment for a term of 12 months or both.

(2) Notwithstanding subsection (1), a court may, in addition to any penalty it imposes in respect of a breach of that subsection, order the accused to pay to the court on behalf of the Commissioner any amount due under this Act.

[1992-23]

**Application for warrant of ejectment**

**13.** Notwithstanding section 12, no court shall entertain an application by a landlord for a warrant of ejectment against a tenant unless the landlord produces to the court a certificate of registration issued to him under this Act in respect of the premises sought to be recovered.

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[1992-23]

**14.** *[Repealed by 1992-23.]*

**Harassment by landlord**

**15.(1)** A landlord who, with intent to circumvent any provision of this Act, deprives a tenant of the occupation of any part of premises let out to him is guilty of an offence unless the landlord satisfies the court that he believed and had reasonable cause to believe that the tenant ceased to occupy the premises.

(2) A landlord is guilty of an offence who, with intent to cause a tenant to refrain from exercising any right or pursuing any remedy in respect of premises

(a) does any act calculated to interfere with the peace or comfort of the tenant or members of his household or staff, as the case may be; or

(b) persistently withdraws or withholds services reasonably required for occupation of the premises for the purpose for which they are let.

[1992-23]

**Preservation of rights of tenant to civil remedies**

**16.** Nothing in this Act prevents a tenant from obtaining any civil remedy to which he may be entitled either at common law or under any statute for the time being in force.

### **Surcharge**

**17.** There shall be paid by the tenant under the regulations a surcharge which shall be at such rate as the Minister prescribes.

*[1977-64]*

### **Regulations**

**18.(1)** The Minister may make regulations generally for carrying into effect the provisions of this Act, and, in particular, respecting

- (a) *[Repealed by 1995-15;]*
- (b) such matters as in his opinion are desirable for the proper administration of this Act;
- (c) the prescribing of any act or thing that is by this Act authorised or required to be prescribed;
- (d) the exemption of any premises as he deems fit from the operation of the provisions of this Act;  
*[1977-64]*
- (e) the subdivision of premises.
- (f) *[Repealed by 1996-15.]*

(2) All regulations made under this section shall be subject to negative resolution.

**19.** *[Repealed by 1996-15.]*

**20.** *[Repealed by 1996-15.]*

**21.** *[Repealed by 1996-15.]*

**22.** *[Repealed by 1996-15.]*

**Corporations**

**23.** Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager or secretary or other similar officer of that body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate is guilty of an offence and is liable to be proceeded against and punished accordingly.

**Exemptions**

**24.** This Act applies to licences to use premises, except for licences granted to lodgers, and does not apply to house-spots or agricultural holdings to which the *Security of Tenure of Small Holdings Act, Cap. 237* relates.