

**LAWS OF BARBADOS**

**LANDLORD AND TENANT (REGISTRATION  
OF TENANCIES) ACT**

**CHAPTER 230**

**(SUBSIDIARY LEGISLATION)**

**THE LAWS OF BARBADOS**

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## **SUBSIDIARY LEGISLATION INDEX**

### **Landlord and Tenant**

1. (Registration of Tenancies) Regulations, 1977 ..... A1

**Landlord and Tenant (Registration of Tenancies)**

Cap. 230.

**LANDLORD AND TENANT (REGISTRATION  
OF TENANCIES) REGULATIONS, 1977**1977/211.  
1978/212.  
1985/63.

**Authority:** These regulations were made on 1st October, 1977 by the Minister under section 18 of the *Landlord and Tenant (Registration of Tenancies) Act*.

**Commencement:** 1st October, 1977.

1. These Regulations may be cited as the *Landlord and Tenant (Registration of Tenancies) Regulations, 1977*.

2. For the purposes of these regulations

"premium" means an amount paid by or on behalf of a tenant to a landlord in addition to any periodic charge for the rental of premises;

"fine" means an amount paid by or on behalf of a tenant to a landlord in consideration of a smaller rent.

3. (1) The fees specified in column 2 of Part I of the *First Schedule* shall be paid by a landlord in respect of the item appearing in column 1 opposite that fee. First  
Schedule.

(2) The surcharge payable on rent paid in respect of premises let out shall be paid by a tenant at the rate specified in Part II of the *First Schedule*.

(3) The fee payable in respect of an inspection of the register shall be the fee specified in Part III of the *First Schedule*.

4. A landlord shall at the time he is collecting rent due to him by a tenant, collect from the tenant any amount payable by the tenant as a surcharge on such rent.

5. Where a landlord fails to collect any amount payable as a surcharge, that amount may be recovered from the landlord by the Commissioner in the manner set out in these regulations.

6. (1) Where a landlord seeks to recover from a tenant rent that is due and remains unpaid, he shall also seek to recover from

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that tenant any amount that is payable as a surcharge, and shall, before appropriating to himself any portion of any amount he recovers, pay over to the Commissioner the entire amount of the surcharge, or the entire amount he recovers, if that amount is less than the amount of the surcharge.

(2) Notwithstanding paragraph (1), a landlord is not liable for a surcharge in respect of arrears that he has not recovered unless failure to recover was the result of his wilful neglect or default.

First  
Schedule.

7. (1) Where a tenant pays a premium to a landlord and the amount of the premium is the same as, or exceeds, any of the amounts specified in the first column of Part II of the *First Schedule*, then, that premium shall be subject to the payment of a surcharge, and the provisions of these regulations respecting the payment of a surcharge apply thereto.

(2) Where

(a) the purchase of furniture, fittings or other articles is required as a consideration of the grant, renewal or continuance of a tenancy; or

(b) a person who is in possession of premises requires that furniture or other articles be purchased as a condition of giving up possession of a tenancy,

the price demanded for the furniture, articles or other fittings shall, at the request of the person on whom the demand is made, be stated in writing, and if in the opinion of the Commissioner the price exceeds a reasonable price of the articles, the excess shall be deemed to be a premium.

(3) For the purposes of paragraph (2), a reasonable price is the amount that a willing incoming tenant would reasonably be expected to pay a willing outgoing tenant.

8. A particular set of premises that comprise one residence or one set of business premises shall not be subdivided into separate tenancies if by so doing payment of a surcharge would be avoided.

9. Any surcharge that is payable by virtue of these regulations may be recovered against a landlord by the Commissioner, and,

for the purpose of recovering such surcharge, section 72 of the *Income Tax Act* applies with such modifications and adaptations as may be necessary. Cap. 73.

10. The premises specified in Part I of the *Second Schedule* are exempt from registration under the Act, and the premises specified in Parts II and III thereof are, subject to anything contained therein, exempt from payment of a surcharge and registration fee respectively which would otherwise, but for this regulation, be payable. Second Schedule.

FIRST SCHEDULE

(Regulation 3)

PART I

<i>Column 1</i>	<i>Column 2</i>
<i>Item</i>	<i>Fee</i>
Registration of premises by landlord	\$2.00
Issue of duplicate certificate of registration	\$1.00

PART II

*Rates of Surcharge on Rent Paid in Respect of Premises*

1. Premises let out for rent of not less than \$1000 per month or longer period .. 8% of each instalment of rent 1985/63.
2. Premises let out for a rent of not less than \$33 per day for periods of less than 1 month .. .. . 8% of each instalment of rent
3. Premiums and fines .. .. . 8% of whole amount

PART III

- Inspection of register .. .. . \$1.00

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## SECOND SCHEDULE

(Regulation 10)

## PART I

*Premises Exempt from Registration*

1. Premises the title to which is vested in the National Housing Corporation; but the exemption does not operate in favour of a tenant who sublets.

2. Premises the title to which is vested in a church or religious organisation where such premises are occupied for religious or charitable purposes by

(a) officers of the church or religious organisation in which the title to such premises is vested; or

(b) a church, religious or charitable organisation to which the premises are sublet to a non-religious or non-charitable organisation,

but this exemption does not operate in favour of a tenant who sublets.

1978/212.  
Cap. 72A.

3. Hotels and guest-houses in respect of which tax is paid under the *Hotels and Restaurants (Sales Tax) Act*.

4. Premises let out exclusively for educational purposes, and premises the occupancy of which is necessary and incidental to such purposes.

5. Premises let out to and used exclusively by any of the following bodies

(a) the Child Care Board;

(b) the National Assistance Board;

(c) the National Stadium Corporation; or

(d) the Barbados Boxing Board of Control.

## PART II

*Premises Exempt from Payment of Surcharge*

Premises let out for business purposes.

## PART III

*Premises Exempt from Payment of Registration Fee*

Premises the title to which is vested in an old age pensioner; but this exemption does not operate in favour of a tenant who sublets, unless that tenant is an old age pensioner.