



Government of the Republic of Trinidad and Tobago
MINISTRY OF FINANCE

For immediate release

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MEDIA RELEASE

Inaccurate Reporting and Commentary on Tobago Land Acquisition

CV2021-04481 between Wolwin Lovell v The Attorney General of Trinidad and Tobago

The Minister of Finance, Hon, Colm Imbert, MP has taken note of inaccurate reporting on the case of Wolwin Lovell v The Attorney General of Trinidad and Tobago, which involved a dispute for compensation for the compulsory acquisition of property required for the new Airport Terminal Building in Tobago. This inaccurate reporting has been followed by misguided and uninformed commentary on the matter.

Specifically, the media outlet ‘Tobago Channel 5’ has circulated on its social media platform, a posting concerning the captioned matter which is titled ‘*State Loses to Block D Crown Point Homeowner in Constitutional Motion Case*’. The facts recounted therein omit several material matters which must be placed in its proper context and which include, but are not limited to the following:

- (1) The Claimant commenced proceedings against the State, challenging its compulsory acquisition of a certain parcel of land comprising 630.05m² situate at Lot No. 1, Crompstain Trace, Tobago. The Claimant became seised and possessed of the subject property by conveyance from his late father, Mr. Gaston Lovell by conveyance dated 17th July 1995. The subject property forms part of the lands which are intended to be used to facilitate the ANR Robinson International Airport Expansion Project (“the ANRRIA Project”).
- (2) The State acquired the subject property by virtue of the publication of the Section 5 Legal Notice pursuant to the Land Acquisition Act in the Gazette on 7th March 1996. Despite the said acquisition by the State, the Claimant has lived on those lands rent free from then to now. A claim for compensation was submitted by Mr Ronald Leslie of RoPam Estate Agency by letter dated 8th July 1996, on behalf of the Claimant’s father, Mr Gaston Lovell and the Claimant, for property inclusive of the subject property.



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- (3) Thereafter, the Claimant's father, Mr Gaston Lovell received compensation in full for the subject property.
- (4) The Claimant filed his claim after the State conveyed its intention to take possession of the subject property for the purpose of facilitating the ongoing works of the ANRRRIA Project. He claimed that the following rights were breached:
 - i) The right to the enjoyment of property and the right not to be deprived thereof except by due process of law as guaranteed by section 4(a) of the Constitution;
 - ii) The right to equality before the law and the protection of the law as guaranteed by section 4(b) of the Constitution;
 - iii) The right to equality of treatment by a public authority in the exercise of any functions as guaranteed by section 4(d) of the Constitution; and
 - iv) His legitimate expectation not to be deprived of the aforementioned constitutional rights.
- (5) Although compensation was paid by the State authorities to the Claimant's father, Mr. Gaston Lovell - who represented that he acted on behalf of the Claimant and who went so far as to submit a valuation report for the subject property which belonged to the Claimant - this was frontally denied by the Claimant, who submitted affidavit evidence saying that *"Gaston Lovell was never at any time my "Agent" in any dealings with the State for negotiations for compensation for land, nor was I ever his "Agent" for said purpose."*
- (6) **The clear effect of the Claimant's denial was that his father improperly made a claim for compensation in respect of the Claimant's property, and that his father, wrongfully or fraudulently, received and retained compensation from the State in respect of the property of his son.**
- (7) By the time the proceedings were filed, Mr. Gaston Lovell was deceased, and the State was therefore unable to refute or challenge the Claimant's denial of his father's submission of a claim or receipt of compensation on his behalf. In those circumstances, the State had no alternative but to concede that Mr. Wolwin Lovell was entitled to compensation for the compulsory acquisition of the subject property. However, based on the State's concession in keeping with its duty of candour in public law proceedings, the Honourable Court was not required to consider the issue as to whether or not the Claimant's right to property was breached.
- (8) On 29th March 2023, the Honourable Madame Justice Jacqueline Wilson delivered an oral decision concerning the Claim. Her Ladyship accepted the State's concession in respect of the section 4(a) right and held that the Claimant was entitled to compensation in accordance with the Land Acquisition Act.
- (9) **Her Ladyship, however, upheld the State's arguments that there was no violation of the Claimant's rights to equality before the law and the protection of the law (section 4(b)) or the right to equality of treatment by a public authority (section 4(d)). Her**

Ladyship also held that there was no legitimate expectation which was breached by the Defendant. During the course of her oral ruling, Her Ladyship made express reference to the fact that the State authorities had acted on the genuine misunderstanding and/or belief that the Claimant's late father, who represented that he acted on the Claimant's behalf, had the authority to claim and receive compensation on behalf of the Claimant.

- (10) The Honourable Court limited its order to a declaration of the Claimant's right under section 4(a) and a concomitant entitlement to compensation. It ought to be noted that no orders were made voiding the State's acquisition of the subject property and as such, the subject lands are unquestionably, State lands, and have been such since 7th March 1996.
- (11) **Because Mr. Wolwin Lovell's father was deceased and therefore unavailable to attend court to testify, the State is now required to pay twice for land acquired and paid for over 25 years ago.**
- (12) **It should be noted that the State never had any objection to compensation for the buildings constructed by Wolwin Lovell on the land, and so, the dispute was limited to compensation for the land on which those buildings are situated.**
- (13) **However, and most importantly, by reason of the Honourable Court's order for compensation, the Claimant now has no basis to remain in occupation of those lands and is required to deliver such lands to the State.**

- END -

The Honourable Colm Imbert M.P.

Minister of Finance