



BELIZE

**CHICLE PROTECTION ACT
CHAPTER 209**

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CHAPTER 209

CHICLE PROTECTION

Ch. 116,
R.L., 1958.
CAP. 172,
R.E. 1980-1990.
40 of 1963.
S.I. 16 of 1965.
S.I. 18 of 1965.

[2nd December, 1935]

PART I

Preliminary

1. This Act may be cited as the Chicle Protection Act.

Short title.

2. In this Act, unless the context otherwise requires,

Interpretation.

“authorised officer” means any police officer, justice of the peace, forest officer or any other person duly authorised by the Minister;

40 of 1963.

“chicle” means chicle, State gum or any other sapotaceous gum or latex, in its natural state or cooked or prepared in any way;

“chicle offence” means any contravention of the provisions of this Act or of any regulations;

“forest officer” means any person appointed by or under orders of the Public Service Commission to be a forest officer, principal forest officer, forester, forest ranger, forest guard or inspector of State licences or to discharge any function of a forest officer under this Act or under any regulation, and includes the Chief Forest Officer;

S.I. 16 of 1965.
S.I. 18 of 1965.

“Minister” means Minister responsible for forestry;

“person”, includes in the case of a company, the managing director, manager, secretary or other principal officer of the company in Belize;

“regulations” means regulations made under this Act.

PART II

Administration

Regulations for the protection and transport of chicle and conduct of chicle business.

40 of 1963.

3. The Minister may from time to time make regulations for the protection of chicle and for regulating the transport by land, water, or by any other method, and the import and export of chicle, and in particular may prohibit any person from bleeding, preparing, selling, buying, storing, transporting, importing or exporting any chicle or otherwise engaging in the chicle business except under licence, at such seasons, upon such terms and conditions and upon payment of such fees as may from time to time be prescribed.

Search and seizure of chicle.

4.-(1) Whenever any authorised officer has a reasonable suspicion that any person has committed a chicle offence or is in possession of any chicle in respect of which a chicle offence has been committed, he may search such person or any baggage, parcel, conveyance, tent or building under the control of such person or his agent or servant.

(2) If the authorised officer finds any chicle, he may, if he has reason to believe that a chicle offence has been committed in respect thereof, seize such chicle and take the same before a magistrate to be dealt with according to law.

Arrest without warrant of persons suspected of offence.

5.-(1) Any forest or police officer may, without warrant arrest any person reasonably suspected of having been concerned in any chicle offence if the suspected person refuses to give his name and residence, or gives a name and residence which there is reason to believe is false, or if there is reason to believe that he will abscond.

(2) Every officer making an arrest under this section shall, without unnecessary delay, take or send the person so arrested before the nearest magistrate there to be dealt with according to law.

Powers of authorised officers.

40 of 1963.

6.-(1) The Minister may from time to time by Order empower an officer by name or as holding an office,

- (a) to seize any chicle in respect of which there is reason to believe that a chicle offence has been committed,

Provided that a report of such seizure shall be made without avoidable delay to the magistrate;

- (b) to release any chicle which has been seized under paragraph (a) or under section 4 either on payment of the value thereof as estimated by such officer, or on the execution by the owner thereof of a bond with or without sureties for the production of the chicle so released if and when so required before a magistrate;
- (c) to have the powers of a justice of the peace to release any person arrested under the provisions of section 5 upon such person entering into a recognisance;
- (d) to enter upon any land for the purpose of topographical or forest reconnaissance,

Provided that,

- (i) notice shall be given either by publication in the *Gazette* or by written intimation to the owner of such lands; and
- (ii) no action shall lie against any officer so authorised in respect of anything done *bona fide* in connection with such survey or reconnaissance on the land of any person;
- (e) to hold an inquiry into chicle offences and in the course of such inquiry to receive and record evidence.

(2) Nothing contained in paragraph (d) of subsection (1) of this section, shall debar the lawful claim of any person for compensation for any damage actually sustained.

(3) Nothing herein contained shall be deemed to prevent the Minister from directing at any time the immediate release of any property seized under paragraph (a) of subsection (1) of this section,

Provided that such release is ordered before the said property is made an exhibit in the court of summary jurisdiction, and the withdrawal of any charge made in respect of such property.

Recovery of sums
due under bonds

7. When any person in accordance with any provision of this Act or in compliance with any regulations binds himself by any bond or instrument to perform any duty or act, or to abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof may, in case of such breach and notwithstanding any enactment to the contrary, be recovered from him or from his surety or sureties.

Regulations to
come into force
on publication

8. All regulations made by the Minister under the provisions of this Act shall on publication in the *Gazette* be as valid as if embodied in this Act, unless some other date for their commencement is provided otherwise.

Saving

9. This Act shall not apply to any sale of chicle pursuant to legal process.

PART III

Offences and Penalties

Penalties

10.—(1) The Minister may, by regulations, prescribe such penalties for the breach or non-observance of any regulations and for the aiding and abetting of any breach or non-observance of any regulations made under this Act as he may think proper not exceeding an amount equal to the royalties collectable on the chicle forming the subject matter of any breach or of five hundred dollars, whichever sum is the greater, or imprisonment not exceeding six months, or both such fine and term of imprisonment.

(2) Where no penalty is imposed by the regulations, the breach or non-observance of any regulation shall be punishable to the extent aforesaid.

(3) The court may in addition order the cancellation of any licence granted under the provisions of this Act or of any regulations and the forfeiture of any chicle in respect of which a chicle offence has been committed, and any person whose licence has been cancelled under this subsection or under any regulations shall be precluded for five years from obtaining or holding a licence under this Act and any regulations.

11.—(1) Every person who receives or is found in possession of any chicle with respect to which a chicle offence has recently been committed shall, unless he can account for such possession or can show that he came by such produce innocently and without knowledge of the offence to the satisfaction of the magistrate, be guilty of an offence.

Unlawful possession of chicle

(2) Every such person shall be liable to a fine not exceeding an amount equal to the royalties collectable on the chicle forming the subject matter of the offence or of five hundred dollars, whichever sum is the greater, or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment, and the chicle shall be liable to forfeiture.

12. Every licensed person under the provisions of this Act, or of any regulations who refuses or fails, when required by any authorised officer so to do, to give to such officer all the information he may have,

Licensed persons to give all information relating to sales of chicle and breaches of provisions of this Act

(a) concerning any sale or purchase of chicle by him; or

(b) with regard to the breach or the supposed breach by any other person of the provisions of this Act,

commits an offence and is liable to a fine not exceeding two hundred dollars.

13. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a chicle offence or from being liable under such other law to any higher punishment or penalty than that provided by this Act,

Penalties under Act not substituted for others, but no conviction twice for same offence.

Provided that no person shall be punished twice for the same offence.

Share of fine may be paid to informer.

14. The court may award any amount not exceeding one half of the fine imposed for a chicle offence, to the person who may have supplied such information as may have led to the conviction of an offender.

PART IV

Miscellaneous

Chicle offences punishable on summary conviction.

15.—(1) All chicle offences shall be punishable on summary conviction on information which may be laid by any authorised officer.

(2) All proceedings for penalties incurred under this Act or any rules or regulations shall be laid within one year after the offence has been committed.

Presumption of ownership.

16. When in any proceedings under this Act, a question arises as to the ownership or origin of any chicle or whether any land is national land, such chicle shall be presumed to be the property of the State, and to have been bled on national land, and such land shall be deemed to be national land until the contrary is proved.

Questions of title.

17. If, in any proceedings under this Act, any question arises as to the title to any private land in respect of which any such proceedings are taken, the court or officer having jurisdiction to entertain and adjudicate upon any such proceedings shall, for the purposes of the said proceedings, notwithstanding any enactment to the contrary, have jurisdiction to try and determine any such question of title,

Provided that the judgment or decision of such court or officer shall not be received as evidence of title or pleaded in bar in any civil suit or proceedings in which the title to the land may be put in issue.

Estimate of production when made by forest officer, or estimate of output of individual chiclero, to be received as evidence.

18. In any proceedings under this Act, the magistrate may require,

- (a) an estimate of the maximum annual production of chicle from any estate or tract of land and such estimate whenever made by a qualified forest officer and countersigned by the Chief Forest Officer shall upon

production, unless the defendant proves to the contrary, be *prima facie* evidence of the facts therein stated;

- (b) an estimate of the maximum output of a chiclero for any stated period of time, and such estimate, whenever made by a qualified forest officer and countersigned by the Chief Forest Officer shall upon production, unless the defendant proves to the contrary, be *prima facie* evidence of the facts therein stated.

19.—(1) Where any chicle which has formed the subject matter of a chicle offence has been ordered to be forfeited under this Act or under any regulations, any person claiming to be the owner thereof may apply to the court within two months of the date of forfeiture claiming ownership of the said chicle.

Disposal of forfeited chicle.

(2) The court shall thereupon hear the said application and shall make such order either for restitution or otherwise as it may think fit.

(3) Where no such application is made within the said period, it shall be lawful for the magistrate to sell or dispose of the said chicle for the public benefit and to pay the proceeds of such disposal into the Consolidated Revenue Fund.