



BELIZE

**TRADERS (BREACH OF TRUST) ACT
CHAPTER 301**

**REVISED EDITION 2011
SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

CHAPTER 301

TRADERS (BREACH OF TRUST)

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Penalty for neglecting to perform contract and to return advance.
4. Penalty for neglect to perform work and to return materials.
5. Penalty for neglect to repair goods, etc., and to return such goods.
6. Penalty for converting materials, etc.
7. Compensation may be awarded out of fine.
8. Lien not affected.
9. Procedure.
10. Jurisdiction of magistrates limited to fifty dollars.

CHAPTER 301

TRADERS (BREACH OF TRUST)

Ch. 144,
R. L., 1958.
CAP. 237,
R. E. 1980-1990.

[24th January, 1873]

Short title.

1. This Act may be cited as the Traders (Breach of Trust) Act.

Interpretation.

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

“materials” includes goods, wares, articles, chattels and things of any kind or description whatever;

“tradesman” means and includes handicraftsman, artificer, manufacturer, laundress and workman, or person following any trade, business or mystery whatever;

“work” means and includes any work in any trade, handicraft, manufactory or business whatever, and any repairing, fashioning, altering or cleansing whatever.

3.—(1) Every tradesman who, having contracted with any person to perform any work for reward, whether the amount of the reward is at the time of the making of the contract fixed and agreed upon or not, and received any sum or sums of money not exceeding in the whole the sum of fifty dollars either in anticipation of the reward or for the purchase of materials necessary for such work, or for any other purpose in relation thereto, neglects or refuses without lawful excuse to perform that contract, either within the time specified for the completion thereof or, in the absence of any agreement as to time, within such time as the magistrate considers reasonable, and neglects or refuses, when so required, to repay to the person with whom he contracted, or to his agent lawfully authorised, the sum or sums of money so received, commits an offence and is liable to a fine not exceeding twenty-five dollars.

Penalty for neglecting to perform contract and to return advance.

(2) That tradesman shall be also adjudged to repay to the person with whom he contracted, or his agent, the sum or sums of money so received by him under the said contract.

4.–(1) Every tradesman who, having contracted as mentioned in section 3 of this Act, receives any materials not exceeding in value the sum of fifty dollars for the purpose of being wrought up or used in the work agreed to be performed, without lawful excuse, neglects or refuses to perform his contract within the specified time, or such reasonable time as the magistrate may allow under section 3 of this Act, and neglects or refuses, when so required, to return to the person with whom he contracted, or his lawfully authorised agent, the materials or any part thereof so delivered to him, commits an offence and is liable to a fine not exceeding twenty-five dollars.

Penalty for neglect to perform work and to return materials.

(2) That tradesman shall also be adjudged to pay to the person with whom he contracted or his agent the value of the materials recovered by him.

5.–(1) If any goods, wares, articles or chattels of any description or value whatever are delivered to any tradesman or other person for the purpose of being repaired, fashioned, altered or cleansed for reward, whether the amount of the reward is specified or not, and if the tradesman, without lawful excuse, neglects or refuses to repair, fashion, alter or cleanse them, and after the expiration of the specified or reasonable time as mentioned in section 3 of this Act, neglects or refuses when so required to return them, or any part thereof, he commits an offence and is liable to a fine not exceeding twenty-five dollars.

Penalty for neglect to repair goods, etc., and to return such goods.

(2) That tradesman or other person shall also be adjudged to pay to the person with whom he contracted or his agent the value of the goods, wares, articles or chattels detained.

6. If it appears at the trial that such tradesman or other person has sold, pawned, converted to his own use, or otherwise misappropriated any materials, goods, wares, articles or chattels delivered to him for the purposes stated in this Act, the magistrate may abstain from the infliction of any fine, and *in lieu* and instead thereof may adjudge the offender to be forthwith imprisoned for any term not exceeding three months.

Penalty for converting materials, etc.

Compensation may be awarded out of fine.

7. The party aggrieved in any complaint to be determined by any magistrate shall, on conviction of the offender, be entitled to receive out of any fine imposed and paid the sum of money which the magistrate considers adequate compensation for the injury which the aggrieved party proves that he has sustained.

Lien not affected.

8. Nothing in this Act contained shall prejudice or affect the right of lien of any tradesman as at present existing.

Procedure.

9. All offences under this Act shall be punishable on summary conviction before the magistrate of the district within which the tradesman resides.

Jurisdiction of magistrates limited to fifty dollars.

10. Where in regard to any contract referred to in sections 3, 4, 5 and 6 of this Act, the amount of the contract, or the amount of the materials furnished, or the money advanced exceeds fifty dollars, the offence shall, unless the informant and defendant consent to trial within the jurisdiction of the inferior court, be prosecuted as a fraud, and be punishable upon indictment in the Supreme Court, and the offender may be punished by fine, or by fine and imprisonment for a term not exceeding one year.