



BELIZE

**LOST AND ABANDONED PROPERTY ACT
CHAPTER 335**

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CHAPTER 335

LOST AND ABANDONED PROPERTY

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CHAPTER 335

LOST AND ABANDONED PROPERTY

1 of 1997.
42 of 1999.

[8th March, 1997]

Short title.

1. This Act may be cited as the Lost and Abandoned Property Act.

Interpretation.

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

“abandoned property” means property over which the owner has given up dominion and control with no intention of recovering it, but does not include “abandoned wreck” as defined in section 2 of the Abandoned Wreck Act, Cap. 235;

“property” does not include anything coming within the definition of the word “wreck” as contained in section 2 of the Wrecks and Salvage Act, Cap. 237.

Power of Police to take charge of lost property.
42 of 1999.

3. It shall be lawful for any member of the police department to take possession of any property which appears to have been lost or abandoned by the owners thereof.

Property found to be conveyed to police station.
42 of 1999.

4. Every member of the police department, upon finding or being handed, any lost or abandoned property shall convey it to the police station of the district in which the property was found or handed, or to the nearest police station.

List of lost property to be exhibited.

5.—(1) There shall be posted in some conspicuous place at the police station of the district in which the lost or abandoned property was found or handed a written list of all such property in such a manner as to be accessible to all persons who may pass by.

(2) If such property is deposited at a police station other than the police station of the district in which the property was found, the list aforesaid shall also be exhibited in like manner at the police station where the property is deposited.

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| <p>6. The list shall give a general description of the property found and of the time and place when and where it was found.</p> | <p>Description of property.</p> |
| <p>7. Subject to the Police Act, Cap. 138 or any other law regulating the detention of property by the police as an exhibit in any criminal cause or matter, if a person claims any lost or abandoned property under this Act he shall be entitled to receive such property upon giving satisfactory proof to the Police officer in charge of the Police station where the property is deposited that he is the owner of such property, and upon paying any expenses incurred in bringing the property to the place where it is deposited and in storing and maintaining such property.</p> | <p>Restoration of property to owners.</p> |
| <p>8. If a period of two months elapses and no claim is made to the property, the property shall be disposed of in accordance with the provisions of this Act.</p> | <p>Disposal of unclaimed property.</p> |
| <p>9. The Commissioner of Police shall cause all property found which has not been successfully claimed and which has been in the custody of the Police for not less than two months to be sold by public auction.</p> | <p>Sale by public auction.</p> |
| <p>10.—(1) Two weeks prior to sale by public auction, a complete list of property intended to be sold shall be prepared and such list shall be open to inspection of any person.</p> | <p>List of property and notice of sale.</p> |
| <p>(2) For two weeks prior to such sale, there shall be inserted in the <i>Gazette</i> and in at least one local newspaper a notice that the sale is to take place, and the notice shall state the place, date and hour of the sale and the fact that the list of property to be sold may be seen at the place where it is kept.</p> | |
| <p>11. Before the property is sold, if any person claims that he is the owner of any property included in the list, he shall be entitled to receive it upon complying with the conditions specified in section 7 of this Act.</p> | <p>Claim to property to be sold.</p> |
| <p>12. Ten <i>per cent</i> of the net proceeds of such sale shall be paid to the Police Welfare Fund, and the balance shall be paid into the Treasury for the purposes of the Consolidated Revenue Fund.</p> | <p>Disposal of proceeds of sale.</p> |

Perishable prop-
erty.

13.—(1) If any property found is of a perishable nature or is in a condition which makes it undesirable or impracticable for it to be dealt with in the manner laid down in the foregoing sections, it shall be lawful for the Commissioner of Police to cause it to be sold forthwith or to be dealt with in such other manner as he may think fit.

(2) When the property is sold in pursuance of subsection (1) of this section, the net proceeds of sale shall be paid into the Treasury to a deposit account and kept in such account for three months, unless the owner of the property sold claims the proceeds of sale and gives proof of his ownership of the property and pays the necessary expenses as provided in section 7 of this Act.

(3) If no action is successfully made within the period specified in subsection (2) of this section, the net proceeds of sale shall be apportioned in accordance with section 12 of this Act.

Procedure where
money is found or
deposited.

14.—(1) Subject to the Police Act, Cap. 138 or any other law regulating the detention of money by the Police as an exhibit in any criminal cause or matter, where money is found by, or deposited with the Police, it shall forthwith be paid into a deposit account at the Treasury and shall be repaid to the owner upon his claiming it, within six months of the loss, and upon satisfying the Commissioner of Police that he is the owner thereof, or is entitled to the money in question.

(2) If no claim is successfully made within the period specified in subsection (1) of this section, the money found shall be dealt with in accordance with section 12 of this Act.

Use of unclaimed
property in the
public service.

15.—(1) Notwithstanding the provisions of this Act, where the property found has remained unclaimed for a period of two months after the publication of the list under section 5 of this Act, and the property is considered to be of a nature that it can be best utilised in the public service instead of being sold, it shall be lawful for the Commissioner of Police to withhold such property from sale and to report the facts to the Financial Secretary with his recommendations for the use of the property.

(2) In every such case the property shall be used in accordance with the written directions of the Financial Secretary provided that if the Financial Secretary directs the property to be sold, it shall be sold in accordance with the foregoing provisions of this Act.

16.—(1) No person shall be entitled to any property found, except on complying with the conditions specified in section 7, 11, 13 or 14 of this Act, as the case may be.

Claimants to comply with provisions hereof.

(2) No person shall have any claim of any sort whatever against the State or against any member of the police department or against any purchaser at such auction for or in respect of anything done under this Act for or in respect of any property sold, or for or in respect of the proceeds of such sale except as aforesaid.

42 of 1999.

17.—(1) If any person is refused the delivery of any property or is refused the payment or return of any money upon the ground that he has not given satisfactory proof of his ownership thereof, such person may appeal against such refusal within six months of his receipt of such refusal, in the district court of the district wherein the property or money was found, and the court may in such case make such order as it thinks fit.

Appeal by claimants.

(2) Except as mentioned in subsection (1) of this section, no person shall have any right of action in any court for anything done under this Act save a right of appeal to the Supreme Court against the order of the district court made under subsection (1) of the section.

18. It shall be lawful for the Accountant General to pay out of the deposit account at the Treasury such sums as may from time to time become due under this Act.

Payments out of Treasury authorised.

19.—(1) It shall be lawful for the Minister of Finance on the recommendations of the Commissioner of Police to authorise the payment of a reward, not exceeding ten *per cent* of the sale proceeds of any property sold under this Act, to the finder of such property.

Reward to finders.

(2) If the property is utilised or disposed of otherwise than being sold, the reward to the finder may be such an amount, not exceeding ten percent of the value of the property, as the Minister of Finance may think fit.

Repeal .

20.—(1) The Lost Property Act, Ch. 262, R. E. 1980-1990, is hereby repealed.

(2) Notwithstanding such repeal, all lost property found before the coming into force of this Act shall be dealt with under the provisions of the repealed Act as if that Act had not been repealed.