



BELIZE

**UNLAWFUL POSSESSION OF PROPERTY ACT
CHAPTER 113**

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CHAPTER 113

UNLAWFUL POSSESSION OF PROPERTY

ARRANGEMENT OF SECTIONS

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CHAPTER 113

UNLAWFUL POSSESSION OF PROPERTY

Ch. 25.
R.L., 1958.
CAP. 101.
R.E. 1980 - 1990

[30th April, 1955]

Short title.

1. This Act may be cited as the Unlawful Possession of Property Act.

Arrest and trial of
suspected person.

2.-(1) It shall be lawful for any police officer to arrest without warrant any person having in his possession or under his control anything which the police officer has reasonable cause to suspect has been stolen or unlawfully obtained.

(2) As soon as possible after the arrest of a suspected person, the police officer making the arrest shall bring the suspected person, together with anything found in his possession or under his control which is reasonably suspected to have been stolen or unlawfully obtained, before a magistrate sitting in court.

(3) If within seventy-two hours after arrest the suspected person is not brought before a magistrate such person shall be admitted to bail in the mean-time by a police officer not below the rank of inspector upon his entering into a recognisance, with or without sureties, for a reasonable amount to appear before the court at the time and place specified in the recognisance.

(4) If the suspected person does not, within a reasonable time to be assigned by the magistrate, give an account to the satisfaction of the magistrate by what lawful means he came by it he shall, on summary conviction, be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

(5) If any suspected person liable to arrest under subsection (1) of this section escapes from any police officer attempting to arrest him, or lets fall or throws away anything reasonably suspected to have been stolen or

unlawfully obtained, it shall be lawful for any magistrate or justice of the peace, upon application, to issue his warrant for the arrest of that person, and upon his arrest that person shall be deemed to have been arrested within the meaning of subsection (1) and may be dealt with in the manner set out in subsections (2) and (4) of this section.

3.—(1) Subject to subsections (2) and (3) of this section, whenever a police officer has reasonable cause to believe that any person has in his possession or under his control anything which the police officer has reasonable cause to suspect has been stolen or unlawfully obtained, the police officer may require such person to submit to a search and if necessary to accompany him to a police station for the purpose and to disclose and permit him to inspect the contents of any sack, basket, bundle, package, vehicle or other receptacle in possession or under the control of such person.

Powers of police officer.

(2) No article of a person's clothing shall be removed for the purpose of any search authorised by this section unless such person is first taken to a police station.

(3) No female shall be searched by any other than a female nor shall she be searched in any public place.

(4) If any person refuses or neglects to submit to a search or to accompany the police officer to a police station for such purpose, if so required, or to disclose and permit the police officer to inspect the contents of any sack, basket, bundle, package, vehicle or other receptacle in his possession or under his control in accordance with this section, such person shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding one hundred and fifty dollars or to imprisonment for a term not exceeding three months.

4.—(1) If information is given on oath to any magistrate or justice of the peace that there is reasonable cause for suspecting that anything stolen or unlawfully obtained is concealed or lodged in any house, store, yard or other place, or on any land whether enclosed or not, or in any vessel, it shall be lawful for such magistrate or justice of the peace, by warrant under his hand directed to any police officer, to cause any such house,

Search warrant.

store, yard or other place, or any such land, or any such vessel, to be entered and searched at any time of the day, or by night, if power for that purpose be given by such warrant.

(2) The magistrate or justice of the peace may, by such warrant, if it shall appear necessary to him, give authority to the police officer, with such assistance as may be found necessary, to use force for the effecting of such entry, whether by breaking open doors or otherwise, but before using force for the purposes aforesaid, such police officer shall make known his authority as aforesaid.

(3) If upon search made as hereinbefore provided, anything so stolen or unlawfully obtained as aforesaid, or any other thing which there shall be reasonable cause to suspect to have been stolen or unlawfully obtained, is found, the police officer shall take it before a magistrate, or guard it on the spot or in some place of security subject to the orders of a magistrate.

(4) The police officer shall apprehend and bring before a magistrate the person or persons in whose house, store, yard, place or vessel anything as aforesaid shall be found, and also any other person found in such house, store, yard, place or vessel, if the police officer has reasonable cause to suspect any such person as is hereinbefore mentioned to have been privy to such concealment or lodging as aforesaid.

(5) If the police officer fails or is, for any reason whatever, unable to arrest any such person as is hereinbefore mentioned, it shall be lawful for a magistrate or justice of the peace to issue his warrant for the arrest of any such person, or a summons requiring him to appear before a magistrate at a time and place to be mentioned in the said summons.

(6) A magistrate may call upon any such person as is mentioned in subsection (5) of this section to give an account to the satisfaction of the magistrate by what lawful means any such thing came to be in such place as aforesaid, or that he was not privy to such concealment or lodging, and any person who fails to satisfy the magistrate shall on summary conviction be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

5.—(1) Any police officer may enter on board any vessel in any harbour, bay, roadstead or river, and may remain on board any such vessel for such reasonable time as he thinks expedient, and if he has reasonable ground to suspect that there is on board of any such vessel anything stolen or unlawfully obtained, it shall be lawful for him to search, with any assistants, any and every part of the vessel, and, after demand and refusal of the keys, to break open any receptacle, and, upon discovery of anything which he may reasonably suspect to have been stolen or unlawfully obtained, to take such thing and the person in whose possession it is found before a magistrate to be dealt with as hereinbefore provided.

Power to board vessel.

(2) Any such police officer may pursue and detain any person in the act of conveying any such thing away from any such vessel, whether he has landed or not, together with anything so conveyed away or found in his possession.

6.—(1) If any person brought or appearing before a magistrate under section 2, 4 or 5 of this Act, declares that he received anything reasonably suspected to have been stolen or unlawfully obtained from some other person, or that he was employed as a carrier, agent or servant to convey that thing for some other person, the magistrate may cause every such other person, and also any other person through whose possession that thing shall previously have passed, to be brought before him either by summons or by warrant, as the magistrate in each case thinks fit.

Tracing possession.

(2) Upon any person mentioned in subsection (1) of this section being brought before him, the magistrate may examine that person on oath as to whether he has been in possession or control of any such thing as aforesaid and upon his admitting such possession or control, or upon its being proved to the satisfaction of the magistrate that such person has been in possession of any such thing, the magistrate may call upon such person to give an account to the satisfaction of the magistrate by what lawful means he came by such thing, and if such person fails, within a reasonable time to be assigned by the magistrate, to give such account, he shall on summary conviction be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

(3) For the purposes of this section the possession of a carrier, agent or servant shall be deemed to be the possession of the person who employed the carrier, agent or servant to convey the same.

Power of police officer to summon assistance.

7. A police officer may call upon any person to aid and assist him in the execution of his duties under this Act and if any person so called upon neglects or refuses without lawful excuse to aid and assist the police officer he shall be guilty of an offence and shall, on summary conviction thereof, be liable to a fine not exceeding one hundred and fifty dollars and in default of payment thereof to imprisonment for a term not exceeding three months.

Penalty for assaulting police officers or their assistants.

8. If any person assaults, obstructs, hinders or resists any police officer in the execution of his duties under this Act, or any person acting in aid of such police officer, every such person shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.