



BELIZE

**NATIONAL LANDS ACT
CHAPTER 191**

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CHAPTER 191

NATIONAL LANDS

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CHAPTER 191

NATIONAL LANDS

[13th June, 1992]

6 of 1992.
 41 of 1999.
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 S.I.83 of 1992.
 15 of 2004.

PART I

Preliminary

1. This Act may be cited as the National Lands Act.

Short title.

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

Interpretation.

“Advisory Committee” means the Advisory Committee established under section 5 of this Act;

“Commissioner” means the Commissioner of Lands and Surveys;

“frontage line” means the boundary of a road, river, public reserve, or any sea coast, permanent stream or lake;

“grant” means a land certificate or a conveyance effectual to pass an estate in fee simple to the grantee, subject to the terms and provisions of this Act;

“improvement” means any beneficial work done upon land to increase its value, productiveness, or powers of carrying stock and includes buildings, machinery, mines, canals, drains, wells, tanks, dams, cultivation, fencing, filling up, laying down grass, clearing and keeping clear of bush;

“lessee” means a tenant of national lands and includes the person actually in possession or occupation of national lands under a lease or Lease Purchase Agreement;

“Minister” means the Minister for the time being responsible for lands;

“national lands” means all lands and sea bed, other than reserved forest within the meaning of the Forests Act, Cap. 213, including cayes and parts thereof not already located or granted, and includes any land which has been, or may hereafter become, escheated to or otherwise acquired by the Government of Belize;

“proprietor” means any person actually in lawful possession or occupation of land;

“Registrar” means the Registrar General or the Registrar of Lands, as the case may be;

“stamps” means adhesive postage and revenue stamps.

PART II

Classification, Disposal etc., of National Lands.

Delegation of authority.
41 of 1999.

3. The Minister may, from time to time by Order published in the *Gazette*, delegate in writing to the Commissioner or any other senior officer of the Ministry responsible for Lands, his authority to carry out any of the functions connected with this Act.

Classification of national lands.

4.—(1) National lands shall be classed severally, as follows: national lands,

- (a) town lands;
- (b) suburban lands;
- (c) rural, including pastoral, lands;
- (d) mineral lands; and
- (e) beach lands.

(2) The Minister may, from time to time, define such classes of national lands and cause maps or plans to be prepared showing the above classification, and may vary such definition as seems advisable.

5.—(1) National lands shall not, save as is excepted by section 6, be dealt with or disposed of, except in the manner hereinafter provided.

Disposal of national lands-Advisory Committee.

(2) The Minister shall appoint an Advisory Committee to advise him generally on all matters relating to land administration.

(3) The Minister may appoint local committees to assist him in the consideration of applications for all tenants of national lands and other matters relating to land distribution.

6.—(1) Nothing contained in this Act shall prevent the Minister from excepting from sale in the ordinary manner and reserving to the Government of Belize the right of disposing of in a manner as for the public interests may seem best, such lands as may be required as reserves, public roads or other internal communications, or commons, or as the sites of public buildings, or as places for the interment of the dead, or places for the education, recreation and amusement of the inhabitants of any town or village, or as the sites of public quays, wharves or landing places on the sea coast or shores of streams, or for the construction of tram or railways or railway stations, or canals, or for the purpose of sinking shafts and digging for minerals, or for any purposes of public defence, safety, utility, convenience or enjoyment, or for otherwise facilitating the improvement and settlement of Belize, or for special purposes.

Exceptions.

(2) The Minister shall also have power to alter, vary or add to the ordinary terms and stipulations upon which any grant, lease or licence is made, should it be considered expedient to do so in any special instance.

(3) All reserves shall be notified in three successive issues of the *Gazette* and in one issue of a local newspaper and set forth on plans in the office of the Commissioner.

(4) All dereservations of reserves shall be notified in three consecutive issues of the *Gazette* and in one issue of a local newspaper.

7. The Minister may grant leases of national lands on such terms and conditions as he thinks fit and may likewise renew leases on such terms and for such periods as to him may seem proper.

Leases.

Leases not transferable without permission.

8.—(1) No lessee shall transfer or sublet his lease without the prior written permission of the Minister and on the payment of such fees and on compliance with such conditions as may be specified.

(2) If any lessee transfers or sublets his lease except in the manner provided in subsection (1) of this section, the lease shall be liable to cancellation and in every such case, the lessee shall not be entitled to any payment or compensation for development of the leased property.

Application for leases.

9.—(1) Every application for a lease of national lands shall be made to the Commissioner in the form of the First Schedule.

(2) Stamps to the value of such amount as may be specified shall be affixed to the application by the applicant and such stamps shall be cancelled by the officer receiving the application.

(3) In every case where the application for lease is approved by the Minister but the lessee fails to occupy the leased property within six months from the date of notification to him of such approval, the lease shall become void unless the Minister in his discretion extends the time for such occupation on reasonable cause being shown to him.

(4) Every person who applies to lease 500 acres or more of national land shall be required to carry out, at his own expense, an environmental impact assessment and provide the same to the Minister before the determination of his application for lease, and if the lease is approved, the lessee shall cause such assessment to be revised and provided to the Minister in like manner after every five years until the expiry of the lease.

(5) Where the application is for a lease of less than 500 acres of land, the Minister may in his discretion require the applicant to carry out and submit an environmental impact assessment before the determination of his application for lease, and the provisions of subsection (4) of this section regarding the revision of such assessment after every five years shall likewise apply.

(6) Every environmental impact assessment submitted to the Minister in pursuance of subsections (4) and (5) of this section shall become the property of the Government of Belize.

10. All rent irrespective of the amount involved, due to the Government of Belize from any lessee or tenant of national lands and not paid within two months after the date when such rent becomes due, shall at any time within six years after the date when it became due, be recoverable by civil proceedings in a court of competent jurisdiction.

Recovery of rent due to government of Belize from lessee or tenant of national lands.

11.—(1) If at any time it appears to the Commissioner that the condition of any lease has been neglected or broken, or that any land is suffering injury at the hands of the lessee or his agents, it shall be his duty forthwith to bring the matter to the notice of the Minister.

Commissioner to report breach of conditions of lease.

(2) If upon inquiry it appears to the Minister,

- (a) that any such neglect or breach of conditions has occurred; or
- (b) that injury has been done or is being done to the land by the lessee or his agent,

he may, after giving the lessee a reasonable opportunity to make representations, cancel the lease.

(3) Whenever any lease is cancelled under this section, the lessee shall have no right or claim for compensation against the Government, its agents and servants for the return of any deposit or payment made by him on account thereof.

12. Every lease of national land approved by the Minister shall be deemed to include the following terms and conditions,

Implied terms and conditions in a lease.

(1) The lease is granted subject to all powers, provisos and clauses contained in this Act.

(2) Precious metals, ores, gems, jewels, coal, timber and dyewood are strictly reserved and do not pass under this demise. The right of entry on the premises to search for, dig out, fell or cut (as the case may be), and remove any of the above is reserved to the Government of Belize.

- (3)
 - (a) Non-payment of rent at specified time;
 - (b) any disposition or transfer or subletting of the whole or any part of the land without written permission;
 - (c) non-observance of or non-compliance with any of the conditions herein contained or referred to, or specified in the lease;

shall in every instance authorise the Minister by notice in the *Gazette* to declare the lease forfeited, and thereupon the same shall cease and become null and void, to all intents and purposes, and the land may be entered upon by or on behalf of the Government of Belize, or by any person duly authorised so to do, and possession thereof may be resumed as the property of the Government of Belize and in such case the lessee shall have no claim to compensation for any improvement or outlay.

(4) The lessee shall be taken to covenant, promise and agree with and to the Government of Belize well and truly to pay during the continuance of the lease the rent reserved, in yearly payments, in advance, unto the Accountant General for the time being.

(5) The word “lessee” shall be read to include and be applicable to the lessee as well as the executors, administrators, and allowed assigns of such lessee as fully to all intents and purposes as if they had in every instance been specially mentioned.

(6) Where a part or whole of the land approved to the lessee consists of steep or uneven terrain, such land shall not be utilised where there is a risk of erosion or ecological damage being caused to the land.

(7) The lessee shall be taken to covenant with the Government of Belize or any other affected person to pay reasonable compensation in the event any damage is caused to the land by his willful act or gross negligence.

(8) Where land approved to the lessee is situate outside a city, town or village and adjoins any running stream, river or open water, a sixty

six feet wide strip of land along such running stream, river or open water shall be left in its natural state unless otherwise approved by the Minister to be used in a specified manner.

13.—(1) National lands may be sold at such prices and on such terms and conditions as to improvements and otherwise as the Minister may prescribe on the advice of the Advisory Committee.

Sale of national lands.

(2) An application to purchase national lands shall be made in the form of the Second Schedule.

Second Schedule.

14.—(1) Whenever the purchaser of any national land encumbers or Power of Minister disposes of his interest or purports to do so or dies intestate before completion to issue fiat for of the sale, the Minister may, if he thinks fit, complete the sale by issuing a fiat grant or lease to for a grant of the same land to the person whom the Minister considers to have person having best claim the best claim thereto.

Power of minister to issue fiat for grant or lease to person having best claim.

(2) Whenever the lessee of any national land dies intestate, the Minister may, if he thinks fit and after investigation, issue a lease of the same land to the person whom the Minister considers to have the best claim thereto.

(3) Notice of intention to issue a grant or a lease under this section shall be published in two consecutive issues of the *Gazette* and be posted for thirty days at the district court of the district in which the land affected is situated.

(4) Notice that a grant or a lease has been issued under this section shall, as soon as practicable, be published in one ordinary issue of the *Gazette*.

15.—(1) A lease or a grant issued under section 14 of this Act shall discharge the Minister and the Government of Belize from all liability in respect of the lease or grant issued, but shall not affect or prejudice the enforcement of any estate, right or interest adverse to or in derogation of the interest of the lessee and subsisting, or capable of arising, at the time of issue of the lease or grant.

Effect of grant or lease.

(2) A recital or statement in, or grant issued under section 14 of this Act that a grantee has encumbered or disposed of his interest or has purported to do so or is dead, or a recital or statement in a lease that the lessee has died intestate shall, for the purposes of the protection of the Minister and the Government of Belize, be conclusive evidence of the fact.

Records. **16.**—(1) The Registrar shall keep certain books, to be termed “The National Lands Books” in the various forms given in the Third Schedule and entries made by him in such books, in conformity with the provisions of this Act, shall have all the force and validity of formal grants or leases from the Government, as the case may be.

(2) A duplicate of an entry in any National Lands Book or of any plan furnished by the Registrar and certified by him, shall be received in all courts as evidence in like manner as the original.

(3) To enable the Registrar to furnish a certified duplicate plan, the Commissioner shall prepare in duplicate all plans required to be sent to the Registrar.

Grants to be by Minister’s fiat. **17.** All grants or leases of national lands exceeding a term of seven years shall be effected by the issue of a fiat by the Minister to the Registrar in one of the forms of the Fourth Schedule, and the Registrar shall thereupon enter such grant or lease respectively in the book named in such fiat, and every grant or lease shall be deemed to be dated on the day on which the Minister’s fiat is dated.

Fees. **18.**—(1) The Registrar shall make the entry as required by section 17 free of cost and shall on demand by or on behalf of a grantee or proprietor, or lessee within two months of the date of the fiat, furnish a copy of the fiat to the grantee, or proprietor, or lessee, free of cost.

(2) Except as provided in subsection (1) of this section, the Registrar shall demand and receive the specified fee for every entry made by him and the specified fee for every certified copy of each entry contained in the National Lands Book.

19.—(1) The Registrar after entering the grant, or lease, shall file in books, to be called respectively “the fiat” and “plan” book, the Minister’s fiat and the plan accompanying such fiat, if any.

“Fiat” and “plan” book.

(2) Both fiat and plan shall have the number of the grant or lease to which they respectively refer.

20. The Registrar shall keep written up a separate index containing an alphabetical arrangement of all grantees, or proprietors, or lessees whose names have been entered in the National Lands Books, giving the volume and page where such entry is made, and the volume and page likewise of the books of fiats and plans where the fiat or plan, if any, is to be found.

Index to be kept up.

21. Whenever it is made to appear to the satisfaction of the Minister on a statutory declaration of the Commissioner or otherwise that any error exists in any entry or plan in any of the National Lands Books, it shall be lawful for the Minister to issue a new fiat cancelling such erroneous entry or plan in Form (3) in the Fourth Schedule and directing a new and proper entry or plan to be made.

Rectification of errors.

22. Every entry in the books of the Registrar relating to any lands comprised in any grant or lease cancelled under this Act, shall be cancelled by writing across the face thereof the words “cancelled by authority”, and thereupon such writing shall be signed by the Registrar, and such entry shall thereby be cancelled and thereafter be of no force or effect.

Mode of cancellation.

23. The Minister may from time to time and on the advice of the Advisory Committee make rules and regulations with respect to reserves created under section 6 of this Act.

Regulations for reserves.

24. Not more than one-fourth of the external boundaries of any land shall be allowed on any frontage line, unless in special cases approved by the Minister.

Frontage lines.

25. When from the frontage line not being straight, or from the interference of other frontage lines, natural features, or the boundaries of private lands, the rules provided in respect of form cannot be accurately

Frontage line not being straight.

observed, the form of the land shall be determined as nearly in accordance with the foregoing provision as circumstances permit.

Rural sections to be rectangular.

26. Every section of rural land shall be in one block and, except as provided in section 25 of this Act, of a rectangular form.

Power of Minister to make grant, etc., in case of invalid title.

27.—(1) Where the title of any land occupied or acquired by any person is invalid in law as against the Government, the Minister may, upon such terms as appear to him just and reasonable, make a grant title or enter into a lease with respect thereto,

- (a) to, upon or with any person who *bona fide* purchased the land from any other person for valuable consideration; or
- (b) to, upon or with any person who derives title from any person who purchased the land *bona fide* from some other person for valuable consideration.

(2) For that purpose the Minister may issue his fiat which the Registrar shall enter in the National Lands Book and in the third column headed “Remarks”, shall insert and sign the words “confirmation of title by the Minister’s Fiat of the day of.....”.

High water mark to be considered sea boundary.

28. In any grant, lease or other document where the sea, or any sound, bay, or creek or any part thereof, affected by the ebb or flow of the tide, described as forming the whole or part of the boundary of the land to be disposed of, such boundary or part thereof shall be deemed and taken to be the line of high water mark at ordinary tides.

Reservation.

29.—(1) The right is hereby reserved to the Government to have access to, enter on and take away from any lands granted or leased under this Act any indigenous produce, rock or soil which may be required for any public purposes, to have access to all waters, pools and springs thereon, and to depasture on any unenclosed or enclosed but otherwise unimproved land any horses or cattle in the employ of the Government while working on or passing over the said land, together with liberty for any Government officers, workmen, servants and agents to pass over

such land with or without horses, stock or conveyances, while travelling from one part of the country to another, on all necessary occasions.

(2) The right is also reserved to lay out, declare open and make for permanent or temporary use public roads over any lands granted or leased under this Act.

30.—(1) Where it appears uncertain whether the title to any lands is vested in the Government or in any other person or persons, the Government may claim possession thereof in civil proceedings under the Crown Proceedings Act, Cap. 167, against the person or persons (if any) in possession of the land or generally against “all persons claiming to be the owner or owners of the land”.

Vindication of Government titles.

(2) The practice and procedure for vindicating possession of land under this section shall be prescribed by rules of court.

(3) Upon the commencement of proceedings by the Government under this section, the land in question shall be presumed to be vested in the Government, and the burden of proof shall lie upon the defendant or defendants, except as to such facts and particulars as may be admitted by the Government.

(4) The defendant or defendants may prove his or their right to the land by thirty years continuous possession thereof adverse to the Government or by other valid title thereto.

(5) This section shall apply to any lesser estate or interest in any lands in the same manner as it applies to the fee simple in such lands.

31.—(1) Every person who is found in the unlawful occupation of national lands is guilty of an offence and is liable to a fine not exceeding five hundred dollars upon the information of the Commissioner or any other person authorised by him.

Penalty for unlawful occupation.

(2) It shall be lawful for the Minister, if he thinks fit, whenever any improvements have been made on any national lands by any person in unauthorized occupation of such land, to cause to be added to the price of such land the value of such improvements.

(3) If the occupant becomes the purchaser, the Minister may exercise his discretion as to the payment of the value of the improvements by such occupant, and if any other person becomes the purchaser, it shall be lawful for the Minister in his discretion to return the amount of the value of such improvements to the occupant.

Persisting in unlawful occupation.

32. Every person who, having been convicted under section 31 (1) of this Act persists in the unlawful occupation of any national lands, shall be liable to a fine not exceeding one thousand dollars, upon the information of the Commissioner or any person appointed by him.

Fixture of landmarks and penalty for removing or defacing.

33.—(1) The Minister may, from time to time, cause such permanent marks to be fixed in such places as seems to him fit, for the purpose of being used as points of departure for correcting the true position of boundary lines, and for such other purposes as may be requisite.

(2) Every person who,

- (a) unlawfully obliterates, counterfeits, removes or defaces any marks that have been placed for the purposes of defining and ascertaining the boundaries of land, or any such marks as aforesaid; or
- (b) without lawful excuse impedes, obstructs or hinders the Commissioner or any person employed under him in the execution of his duty,

shall be guilty of an offence and be liable to a fine or imprisonment, or both, such fine not exceeding one thousand dollars and such imprisonment not exceeding six months.

Penalty for occupying, etc., on pretext of application.

34.—(1) Every person who, on pretext of having made an application to purchase or lease any national lands, or upon any pretext whatever, enters upon or occupies or attempts to appropriate or otherwise turn to account any national lands or any produce or product thereof, without the permission of the Minister authorising such entry or occupation, is guilty of an offence and is liable to a fine not exceeding five hundred dollars.

(2) It shall be lawful for the Commissioner or any person employed under him to seize and take for the benefit of the Government all timber wood, nuts, ground soil or other produce or product of such land, which may have been cut or gathered or dug by such person, wherever the same may be found.

35. All offences against the provisions of this Act shall be tried and determined upon summary conviction.

Procedure for offences.

36. Any party dissatisfied with the adjudication of a summary jurisdiction court under this Act may appeal therefrom to the Supreme Court, and such appeal shall be in accordance with the provisions of Part IX of the Supreme Court of Judicature Act, Cap. 91.

Appeals.

37. The Minister may make rules for the more effectual working of this Act and for securing the making of improvements upon lands granted or leased under this Act.

Rules.

38. In the event of any conflict in regard to any matter between the provisions of this Act and those of the Registered Land Act, Cap. 194, the provisions of this Act shall prevail.

Resolution of conflicts with Registered Land Act.

39.—(1) In every Act, rule, regulation, order or other instrument having effect as part of the law of Belize, or in any grant, permission or other document, issued under the Crown Lands Act, Cap. 147, R. E. 1980-1990, any reference to “Crown land” shall be read and construed as a reference to “national land” as defined in this Act.

Construction of references.

(2) Notwithstanding the repeal of the Crown Lands Act, Cap. 147, R. E. 1980-1990 by this Act, all rules and regulations made under that Act in so far as they are not inconsistent with the provisions of this Act shall continue to remain in force until amended or repealed by Rules and Regulations made under this Act.

40. For the purpose of trespass to national lands, the word “owner” shall include any lessee, tenant or lawful occupier of such land, and any action may be taken against the trespasser by such lessee, tenant or lawful occupier in like manner as an owner.

Trespass to national lands.

Enforcement no-
tices.

41.—(1) Without prejudice to the provisions of sections 30 to 34 of this Act, if the Commissioner or any person to whom section 3 of this Act applies is of the opinion that any person is contravening the terms and conditions of any grant, lease or licence, or is willfully failing to comply with any frontage lines as provided in section 24 of this Act or any high water mark boundary as provided in section 28 of this Act, or is otherwise contravening any other provisions of this Act or any Regulations made thereunder, the Commissioner or such other person may serve an enforcement notice on the person.

(2) An enforcement notice shall,

- (a) state the opinion of the Commissioner or the person referred to in section 3 of this Act in relation to the alleged breach, contravention or violation as provided in subsection (1) of this section;
- (b) specify the matters constituting the breach, contravention or violation, or the matters related or incidental thereto;
- (c) specify the steps that must be taken to remedy the breach, contravention or violation;
- (d) specify, subject to any time periods provided in this Act or any Regulations made thereunder, the time period within which the steps referred to in paragraph (c) must be taken by the person alleged to be committing the breach, contravention or violation, as the case may be.

(3) A copy of the enforcement notice shall be served,

- (a) on the proprietor, lessee or occupier of the land to which it relates; and
- (b) on any other person, including an agent or attorney-at-law of the proprietor, lessee or occupier having an interest which, in the opinion of the Commissioner or the person referred to in section 3 of this Act, is materially affected by the notice.

(4) An enforcement notice may, notwithstanding any provision of this Act to the contrary, require,

- (a) the suspension or cancellation of any licence, lease, permit, grant or approval granted or issued under this Act or Regulations made thereunder;
- (b) the stopping or shutting down of any activity or thing either permanently or for a specified period;
- (c) the cessation of the construction or operation of any activity or thing until the Commissioner or the person referred to in section 3 is satisfied that the activity or thing will be constructed or operated in accordance with this Act or any Regulations made thereunder;
- (d) the specification of the measures that must be taken in order to effect compliance with this Act or Regulations made thereunder;
- (e) the alteration or removal of any buildings or waste; or
- (f) any activity on the land, including the expulsion of squatters from the land, to be carried out or not to be carried out, and the extent to which the activity is to be or not to be carried out.

(5) The Commissioner or the person referred to in section 3 may, in the enforcement notice, order the immediate cessation of the offending activity if he is of the opinion that the circumstances giving rise to the notice are such as to warrant an order to that effect.

42.—(1) The Commissioner or the person referred to in section 3 may withdraw an enforcement notice if the person on whom the notice has been served consents in writing to comply with the requirements set out in the notice.

Variation or withdrawal of enforcement notices.

(2) The powers under subsection (1) of this section may be exercised whether or not the notice has taken effect.

(3) The Commissioner or the person referred to in section 3 of this Act shall, immediately after exercising the powers conferred by subsection (1) of this section, give notice of the exercise of such powers to every person who has been served with a copy of the enforcement notice or would, if the notice were re-issued, be served with a copy of the notice.

(4) The withdrawal of an enforcement notice does not affect the power of the Commissioner or the person referred to in section 3 of this Act to issue a further enforcement notice.

43.—(1) A person on whom an enforcement notice is served, or any other person having an interest in the land affected may, at any time before the date specified in the notice as the date on which it is to take effect, appeal to the Supreme Court against the notice on any of the following grounds,

- (a) that, in respect of any breach of this Act or any Regulations made thereunder, which may be constituted by the matters stated in the notice or, as the case may be, the condition or limitation concerned, have been discharged;
- (b) that those matters have not occurred;
- (c) that those matters, if they occurred, do not constitute a breach of this Act or any Regulations made thereunder;
- (d) that copies of the enforcement notice were not served as required by section 41;
- (e) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of this Act which may be constituted by those matters or, as the case may be, to remedy any injury to any amenity which has been caused by any such breach.

(2) Where an appeal is made against an enforcement notice in which the cessation of an activity is ordered, the notice shall remain in force pending the final determination or withdrawal of the appeal.

Appeal against enforcement notice.

PART V

Miscellaneous

44. The Minister may make Regulations to give effect to sections 41 to 46 of this Act.

Regulations.

45.—(1) Where, at any time after the end of the period for compliance not with an enforcement notice, any step required by the notice to be taken has not been taken or any activity required by the notice to cease is carried on, the person who is then the proprietor, lessee or occupier of the property is in breach of the notice.

Offence where enforcement notice not complied with.

(2) Where the proprietor, lessee or occupier of the property is in breach of the notice as provided in subsection (1) of this section, he commits an offence and liable on summary conviction to a fine not exceeding five thousand dollars or to five years imprisonment, or to both such fine and period of imprisonment.

(3) In proceedings against any person for an offence under subsection (2) of this section, it shall be a defence for him to show that he did all within his power to secure compliance with the notice.

(4) A person who has control of, or an interest in, the land to which an enforcement notice relates shall not carry on any activity which is required by the notice to cease or permit such an activity to be carried on.

(5) A person who, at any time before the period of compliance with the notice, contravenes subsection (4) of this section, commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to five years imprisonment, or to both such fine and period of imprisonment, and if the offence continues after conviction, to a further fine of five hundred dollars for each day the offence continues.

(6) An offence under subsection (2) of this section may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under the subsection in question by reference to any period of time following the preceding conviction for such an offence.

Cessation order.

46.—(1) Where a person fails to carry out an environmental impact assessment or any other duty imposed by this Act or any Regulations made thereunder, the Commissioner or the person referred to in section 3 of this Act may issue an order in writing to such person directing him to cease, by such date as specified in the order, the activity in respect of which the environmental impact assessment or duty, as the case may be, is required.

(2) Where a person to whom an order is issued under subsection (1) of this section fails to take such steps as he considers appropriate to ensure the cessation of the activity to which the order relates, he commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and period of imprisonment.

Interpretation in sections 48 to 56. 15 of 2004.

47. For the purposes of sections 48 to 56 of this Act,

“alien”,

(a) in respect of a natural person, means a person who is neither,

(i) a citizen of Belize;

(ii) a national of a CARICOM Member State; or

(iii) a Commonwealth Citizen.

(b) in respect of a company, means a company which is deemed to be under alien control in accordance with Section 48 of this Act.

“designated area” means an area of national lands declared to be a designated area by the Minister under section;

“licence” means a licence issued by the Minister under section.

Company under alien control.

48. For the purposes of this section and sections 49 to 56 of this Act, a company shall be deemed to be under alien control if,

- (a) one-half or more of its directors or shareholders are aliens; or
- (b) one-half or more of the votes exercisable at any meeting of the company are held by or for and on behalf of an alien; or
- (c) one-half or more of the issued share capital is held by or for and on behalf of an alien.

49. Subject to the provisions of this Act, no legal or equitable estate in national land shall vest in an alien after the commencement of this Act,

Prohibition
against alien hold-
ing national land.

Provided that,

- (a) national lands may be acquired and title thereto may vest in an alien by virtue of a licence under the provisions of section 51;
- (b) national land may be acquired and title thereto may vest in an alien if the same is situate within the boundaries of a city or town and the total area held by the alien does not in aggregate exceed one-half acre or if the same is situate outside the boundaries of a city or town and the total area held by the alien does not in the aggregate exceed ten acres;
- (c) nothing contained in this Act shall affect the title to an estate in land vested in an alien at the commencement of this Act;
- (d) nothing contained in this Act shall affect the right of an alien devisee under a will to receive the proceeds of sale from land the subject of a devise.

50. Any deed, conveyance, certificate of title, fiat, vesting asset or other assurance of land whatsoever purporting to convey, transfer, vest or evidence title to a legal equitable estate in national land to or in an alien contrary to the provisions of this Act shall for that purpose be void.

Title to land in
alien void.

Alien licenced to hold land.

51.—(1) Notwithstanding the provisions of section 49 of this Act the Minister may in his discretion grant to an alien a licence to acquire and to hold an estate in national land subject to such terms and conditions as specified in the licence as he may think fit for the development of the said land.

(2) Every licence issued under the provisions of this section shall be recorded in the General Registry as a deed.

(3) The Minister may from time to time alter, amend or extend the provisions of any licence granted hereunder and any alteration, amendment or extension shall be recorded in the General Registry as a deed.

(4) Breach of any term or condition in a licence issued under the provisions of this section shall render the licence voidable.

(5) The Minister may by notice in writing give to a licensee three months to comply with any term or condition of a licence which has been breached, and if the licensee fails to comply within the time specified by the Minister, the Minister may by notice in writing to the licensee declare the licence void.

(6) The Minister may record as a deed at the General Registry a cancellation of a licence that has become void and the land in respect of which the licence has been issued and all buildings, fixtures and appurtenances thereon shall forthwith be forfeited to the Crown.

(7) The Minister may from time to time by Order published in the *Gazette*,

- (a) set out the terms and conditions applicable to licences granted under this section;
- (b) determine the duration of licences granted hereunder;
- (c) set out the procedure by which applications for licences may be made and prescribe the form of licence, deed of cancellation, notice and other documents for use under the provisions of this section;

- (d) allow the Minister to administer interrogatories and to obtain discovery of documents from any applicant or licensee for the enforcement of this Act; or
- (e) for the proper and due implementation of the provisions of this section.

(8) Where the conditions of a licence have been fulfilled to the satisfaction of the Minister, the Minister shall grant the licensee a certificate declaring that the licence shall no longer be voidable and the same shall be recorded in the General Registry as a deed.

52.—(1) Any person aggrieved by the Minister’s notice given under the provisions of section 53(5) of this Act may, within fourteen days of receipt thereof, appeal to the Supreme Court for a review of the Minister’s decision.

Appeal from Minister’s notice.

(2) The court shall, within the period of three months provided in section 51 (5) of this Act, review all the facts and arguments relating to the breach complained of in the Minister’s notice, and may declare the Minister’s notice void if no breach has occurred or if a breach has occurred may impose a fine upon the licensee not exceeding ten thousand dollars, or declare the land in respect of which the licence had been issued and all buildings, fixtures and appurtenances thereon forfeited to the State. The Court may also make recommendations to the Minister in cases where only a fine has been imposed for the implementation of the licensee’s obligations under the licence.

53.—(1) Where a licence has been granted under section 51 of this Act to an alien that is a company, it shall be an offence for any of the shares or stock in the same to be issued or transferred to another alien without the permission of the Minister expressed in writing.

Prohibition to transfer shares in licensed alien company.

(2) It shall be an offence for any of the shares or stock in any company in which title to national land vests to be issued or transferred to an alien so that the company is deemed to be under alien control in accordance with the provisions of section 48 without the permission of the Minister expressed in writing.

(3) It shall be an offence for any of the shares or stocks in an alien company in which title to national land vests to be issued or transferred to an alien who is not already holding shares or stocks in the same company without the permission of the Minister expressed in writing.

(4) Every director, manager or officer of the company who knowingly and willfully authorises or permits the issue or transfer of shares or stock contrary to the provisions of this section shall be liable upon conviction on indictment to a fine not exceeding five thousand dollars and the shares or stock the subject of the offence shall forthwith be forfeited to the State.

Prohibition against holding land or shares for alien.

54.—(1) It shall be an offence for any person or corporation as trustee, agent or otherwise to hold title to the legal estate in national land to which the equitable estate or any portion thereof is vested in an alien contrary to provisions of this Act, or to hold the title to shares or stock as trustee, agent or otherwise for and on behalf of an alien without disclosure of the same in a company in which title to legal or equitable estate in national land is vested, except a personal representative during and in the course of administration or a receiver during and in the course of bankruptcy.

(2) Any person convicted on indictment of an offence under this section shall be liable to a fine not exceeding five thousand dollars, and the national land and all buildings, fixtures and appurtenances thereon or the shares or stock the subject of the offence shall forthwith be forfeited to the State.

Declaration of area to regulate alien landholding.

55.—(1) Notwithstanding anything to the contrary contained in this Act the Minister may by Order published in the *Gazette* declare any area in Belize to be a designated area for the purposes of this Act and may by the said order set out terms and conditions under which aliens may if at all hold national land within the area designated.

(2) A breach by an alien of any of the terms and conditions set out in the Order shall be an offence and shall be punishable on indictment with a fine of five thousand dollars, and the land and all buildings, fixtures and appurtenances thereon the subject of the offence shall forthwith be forfeited to the State.

56.—(1) Where land has been forfeited under the provisions of this Act, the Registrar General, notwithstanding anything to the contrary contained in the General Registry Act, Cap 327 and any rules made thereunder, shall,

Power to enforce forfeiture.

- (a) in the case of unregistered land, receive and record as a deed a memorandum purporting to be signed by the Minister in the case of land forfeited under section 51 of the Act or by a judge of the Supreme Court in the case of, land forfeited under sections 52, 54 or 55 of this Act signifying the forfeiture of the same without further proof and the same shall be evidence of title in the State to the land therein described in fee simple absolute;
- (b) in the case of registered land, receive a memorandum signed by the Minister in the case of land forfeited under section 51 of this Act or by a judge of the Supreme Court in the case of land forfeited under sections 52, 54 or 55 of this Act as authority to cancel the registered proprietor's certificate of title and to issue a Transfer Certificate of Title in respect of the land in the memorandum described in favour of the State as registered proprietor of the same in fee simple absolute.

(2) Where shares or stock in a company have been forfeited under the provisions of this Act it shall be lawful for the Crown to be registered as proprietor of the same upon presentation of a memorandum purporting to be signed by a judge of the Supreme Court signifying the forfeiture aforesaid.

FIRST SCHEDULE

NATIONAL LANDS ACT

Application to Rent or Lease National Lands

[Section 9]

I, _____ hereby apply for a lease of _____ acres
(more or less) of national land, in the _____ district for
_____ years, from the _____ day of _____ 20____, in accordance with the
provisions of the National Lands Act.

The position and boundaries are

Signature.

Date

Received this application, this _____ day of _____
at _____ o'clock.

Commissioner of Lands and Surveys.

Recommended for approval

Commissioner of Lands and Surveys.

This application is

Minister.

Date

SECOND SCHEDULE

NATIONAL LANDS ACT
 Application for a Grant of National Land
[Section 13]

I, A.B., of _____ (*address or calling*), do hereby
 apply
 to purchase _____ acres of land bounded to the best of my belief
 as follows,
 and I further agree to purchase the said land, subject to all the terms, conditions
 and reservations of the National Lands Act.

Date _____

Applicant.

Rough plan, if possible, showing boundaries to be attached.

20 _____ Receives this application this _____ day of
 _____, at _____ o'clock.

Commissioner of Lands and Surveys.

Report of Commissioner of Lands and Surveys

*[Commissioner of Lands and Surveys to furnish all information with
 respect to _____ application]*

Date _____

Commissioner of Lands and Surveys.

Minute of Minister Thereon

Approved (*or application not approved, as the case may be*).

Date

Minister.

Receipt for Purchase Money

Received from A.B., the sum of _____ dollars for
purchase of the above described piece or parcel of land.

Cash

Date

Accountant General

*Certificate of Commissioner of Lands and Surveys to be written
at the bottom of every plan, if in accordance with provisions of this Act.*

I, C.D., Commissioner of Lands and Surveys, do hereby certify
that the above plan, No. _____ of _____ is in strict
accordance with the provisions of the National Lands Act.

*Certificate of Commissioner of Lands and Surveys to be written at
the bottom of plan, if not in accordance with provisions of this Act.*

I, C.D., Commissioner of Lands and Surveys, do certify that the
above plan is not in accordance with the provisions of the National Lands
Act, and requires the special approval of the Minister, which I hereby
recommend.

Date

Commissioner of Lands and Surveys.

Indorsement by Minister

Approved.

Date

Minister.

or

Specially approved on report and recommendation of Commissioner of Lands and Surveys.

Date

Minister.

Certificate as to Cost of Survey (in Special Cases)

I certify that the cost of survey, see Plan No. 20 ,
prepared for A.B., amounts to dollars,

Date

Commissioner of Lands and Surveys.

Accountant General's Receipt for same

Received the above amount from A.B. (*cost of survey*).

Date

Accountant General.

THIRD SCHEDULE

National Lands Book (Grants)
Grants

[Section 16]

No. of entry	Date	Name of Grantee	Land where situate	Acres	Town or suburban	Rural	Purchase money	No. of plan in Plan Book	Improvements to be made, remarks, etc.	No. of fiat in Fiat Book	Signature of Registrar

(2)
National Lands Book
Leases

No. of entry	Lands where situate and approximate description and size	Rent payable in advance to Accountant General	Lessee	Duration of lease	Terms and conditions	No. of plan, if any	Remarks	No. of fiat in Fiat Book	Signature of Registrar General

FOURTH SCHEDULE

NATIONAL LANDS ACT

Minister's Fiat

[Sections 17 and 21]

Fiat No. 1

No. *Grant*

Enter in the National Lands Book (grants) A.B., of
 as the grantee of _____ acres of land situate at
 bounded and described as shown by plan No. _____ of 20
 herewith for the sum of _____ dollars, and this shall be your sufficient
 authority for so doing.

Date, *Minister.*

To L.M., Registrar

Fiat No. 2

No. *Leases*

Enter in the National Lands Book (leases) A.B., of _____, as
 the lessee for _____ years of (*size, where situate*) at an annual rent,
 payable in advance _____ of \$ _____, and this shall be your
 sufficient warrant for so doing.

Date, *Minister.*

To L.M., Registrar

Fiat No. 3

Rectification of Error

Whereas it hath been made to appear to my satisfaction that an error exists in the entry No. in the National Lands Book (grants, leases, licences, *as the case may be*) or in plan No. in the plan book.

(Here insert particular error.)

Let the said *(entry or plan)* be cancelled, and enter in the said National Lands Book or plan book.

(Here insert directions.)

And this shall be your sufficient authority for so doing.

Date,

Minister.

To L.M., Registrar