



BELIZE

**PRESCRIPTION ACT
CHAPTER 192**

**REVISED EDITION 2011
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CHAPTER 192**PRESCRIPTION****ARRANGEMENT OF SECTIONS**

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CHAPTER 192

PRESCRIPTION

[15th December, 1888]

Ch. 199,
R.L., 1958.
CAP. 155,
R.E. 1980-1990.

Short title.

1. This Act may be cited as the Prescription Act,

Profit à prendre.

2.-(1) No claim which may be lawfully made at the common law by custom, prescription or grant, to any profit or benefit to be taken and enjoyed from or upon any land of Her Majesty, any ecclesiastical or lay person or anybody corporate, except such matters and things as are herein specially provided for, and rent and services, shall, where such profit or benefit has been actually taken and enjoyed by any person claiming right thereto, without interruption for the full period of thirty years, be defeated or destroyed, by showing only that such profit or benefit was first taken or enjoyed at any time prior to such period of thirty years, but, nevertheless, such claim may be defeated in any other way by which it is now liable to be defeated.

(2) When such profit or benefit has been so taken and enjoyed as aforesaid for the full period of sixty years, the right thereto shall be deemed absolute and indefeasible, unless it appears that it was taken and enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing.

Rights of way and other easements.

3.-(1) No claim which may be lawfully made at the common law by custom, prescription or grant, to any way or other easement, or to any watercourse, or the use of any water to be enjoyed or derived upon, over or from any land or water of Her Majesty or being the property of any ecclesiastical or lay person or anybody corporate, when such way or other matter, as herein last before mentioned, has been actually enjoyed by any person claiming right thereto without interruption for the full period of twenty years shall be defeated or destroyed by showing only that such way or other matter was first enjoyed at any time prior to such period of twenty years, but, nevertheless, such claim may be defeated in any other way by which it is now liable to be defeated.

(2) Where such way or other matter, as mentioned in subsection (1) of this section has been so enjoyed as aforesaid, for the full period of forty years, the right thereto shall be deemed absolute and indefeasible, unless it appears that it was enjoyed by some consent or agreement expressly given or made for that purpose by deed or writing.

4. When the access and use of light to, and for any dwelling house, workshop or other building, has been actually enjoyed therewith for the full period of twenty years, without interruption, the right thereto shall be deemed absolute and indefeasible, any local usage or custom to the contrary notwithstanding, unless it appears that it was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing.

Use of light.

5. Each of the respective periods of years mentioned in sections 2, 3 and 4 of this Act, shall be deemed and taken to be the period next before some suit or action, wherein the claim or matter to which such period relates has been, or is brought into question, and no act or other matter shall be deemed to be an interruption within the meaning of this Act, unless it has been, or is submitted to, or acquiesced in, for one year after the party interrupted has had or has notice thereof, and of the person making or authorising it to be made.

Time, how to be computed.

6.-(1) In all actions upon the case and other pleadings wherein the party claiming may now by law allege his right generally without averring the existence of such right from time immemorial, such general allegation shall still be deemed sufficient, and if it is denied, all matters mentioned and provided in this Act which are applicable to the case shall be admissible in evidence to sustain or rebut such allegation.

As to pleadings.

(2) In all pleading to actions of trespass, and in all other pleading wherein before the passing of this Act it would have been necessary to allege the right to have existed from time immemorial, it shall be sufficient to allege the enjoyment thereof as of right by the occupiers of the tenement in respect whereof the same is claimed for and during such of the periods mentioned in this as may be applicable to the case, and without claiming in the name or right of the owner of the fee as is now usually done.

(3) If the other party intends to rely on any proviso, exception, incapacity, disability, contract, agreement or other matter hereinbefore mentioned, or on any cause or matter of fact, or of law, not inconsistent with the simple fact of enjoyment, it shall be specially alleged and set forth in answer to the allegation of the party claiming, and shall not be received in evidence on any general traverse or denial of such allegation.

No presumption when less enjoyment than period fixed.

7. In the several cases mentioned in, and provided for, by this Act, no presumption shall be allowed or made in favour or support of any claim, upon proof of the exercise or enjoyment of the right or matter claimed, for any less period of time, or number of years, than for such period or number mentioned in this Act, as may be applicable to the case, and to the nature of the claim.

Proviso in the case of infants, etc.

8. The time during which any person, otherwise capable of resisting any claim to any of the matters before mentioned, has been or is an infant, idiot, *non compos mentis* or tenant for life, or during which any action or suit has been pending, and which has been diligently prosecuted until abated by the death of any party or parties thereto, shall be excluded in the computation of the periods hereinbefore mentioned, except only in cases where the right or claim is hereby declared to be absolute and indefeasible.

Time to be excluded in certain cases.

9. When any land or water upon, over or from which any such way or other convenient watercourse or use of water, has been or is enjoyed or derived, has been or is held under or by virtue of any term of life, or any term of years, exceeding three years from the granting thereof, the time of the enjoyment of any such way or other matter, as herein last before mentioned, during the continuance of such term, shall be excluded in the computation of the said period of forty years, in case the claim is within three years next after the end or sooner determination of such term, resisted by any person entitled to any reversion expectant on the determination thereof.