



BELIZE

**NATIONAL LANDS ACT
CHAPTER 191**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-

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ARRANGEMENT OF SECTIONS

3

NATIONAL LANDS ACT

6

Amendments in force as at 31st December, 2000.



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CHAPTER 191

NATIONAL LANDS

ARRANGEMENT OF SECTIONS

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CHAPTER 191**NATIONAL LANDS**

6 of 1992.

41 of 1999.

Commencement.

[13. 6. 1992]

S.I. 83 of 1992.

[23rd April, 1992]

Short title.

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

Interpretation.

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

“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, 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;

CAP.213.

“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.

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.

Delegation of authority.
41 of 1999.

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

Classification of 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.

Disposal of
national lands-
Advisory
Committee.

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.

(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.

Exceptions.

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.

(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.

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.

Leases not transferable without permission.

(2) If any lessee transfers or sublets his lease except in the manner provided in subsection (1), 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.

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

Application for leases. 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) 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) shall become the property of the Government of Belize.

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

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.

Commissioner to report breach of conditions of lease.

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.

(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 dye-wood 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 wilful 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.

Sale of national lands.

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.

Second Schedule.

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

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

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

(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 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 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.

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.

Records.
Third Schedule.

(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. Fourth Schedule.	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), 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.
"Fiat" and "plan" 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. (2) Both fiat and plan shall have the number of the grant or lease to which they respectively refer.
Index to be kept up.	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.

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| 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.

Form (3), Fourth Schedule. |
| 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 observed, the form of the land shall be determined as nearly in accordance with the foregoing provision as circumstances permit. | Frontage line not being straight. |
| 26. Every section of rural land shall be in one block and, except as provided in section 25, of a rectangular form. | Rural sections to be rectangular. |
| 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 | Power of Minister to make grant, etc., in |

case of invalid title.

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, is 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, 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. CAP. 167.

(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) 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.,

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. on pretext of application.
- (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 X of the Supreme Court of Judicature Act. Appeals.
CAP. 91.
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, the provisions of this Act shall prevail. Resolution of conflicts with Registered Land Act.
CAP. 194.
- 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, any reference to "Crown land" shall be read and construed as a reference to "national land" as defined in this Act. Construction of references.
CAP. 147,
R.E. 1980-1990.

CAP. 147,
R.E. 1980-1990.

(2) Notwithstanding the repeal of the Crown Lands Act 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.

Trespass to
national lands.

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.

FIRST SCHEDULE

[Section 9]

Form of Application to Rent or Lease National Lands

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

[Section 13]

Form of Application for a Grant of National Land

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.*

Receives this application this _____ day of
 20____, 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

[Section 16]

Grants

National Lands Book (Grants)

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

National Lands

ICAP. 191

25

(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

[Sections 17 and 21]

Minister's Fiat (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

Minister's Fiat (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

Minister's Fiat to Rectify Error (3)

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