



BELIZE

**LAND UTILIZATION ACT
CHAPTER 188**

REVISED EDITION 2020

**SHOWING THE SUBSTANTIVE LAWS AS AT
31ST DECEMBER, 2020**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020.

This edition contains a consolidation of amendments made to the Law by Act No. 43 of 2017.



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CHAPTER 188

LAND UTILIZATION

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CHAPTER 188**LAND UTILIZATION**

CAP. 158A.
 R.E. 1980-1990.
 16 of 1981.
 22 of 1987.
 5 of 1990.
 10 of 2000.
 43 of 2017.

[19th September, 1981]

PART I*Preliminary*

- Short title. **1.** This Act may be cited as the Land Utilization Act.
- Interpretation. **2.** In this Act, unless the context otherwise requires—
- 43 of 2017. “Authority” means the Land Subdivision and Utilization Authority established under section 9;
- 43 of 2017. “Minister” means the Minister of Government responsible for land, and Ministry shall be construed accordingly;
- “subdivide” means to divide for the purpose of alienation any land into smaller parcels than that in which it is owned or possessed at the time of the coming into force of this Act.

PART II*Subdivision and Utilisation*

- Restriction on subdivision of land.
 5 of 1990. **3.-(1)** This Act shall apply to all land in Belize,

Provided that, the Minister may by Order published in the *Gazette* declare that the provisions of this Act shall apply only to an area as may be described in the Order.

(2) No person may subdivide any land to which this Act applies except in accordance with the provisions hereinafter contained.

4. A person wishing to subdivide land to which this Act applies shall submit an application to the Land Subdivision and Utilization Authority established under section 9. Application.

5. An application submitted under section 4, shall include a plan and a statement setting out the applicant's title and the details of the intended subdivision. Requirements of application.

6. The plan submitted with an application under section 4 shall show the following particulars— Particulars in application.

- (a) the location, dimensions and boundaries of the land to be subdivided;
- (b) the dimensions of each lot or parcel of land following from the subdivision;
- (c) the location of all existing buildings on the land to be subdivided;
- (d) the layout of the streets, and the proposed width of each, within the subdivision;
- (e) the location of the main drains;
- (f) the location of any swamps, hills, rivers, streams, ancient monuments or ruins, drainage patterns, on the land to be subdivided; and
- (g) the situation of any easements or rights of way to which the land to be subdivided is subject.

- When subdivision void. **7.**—(1) Any purported subdivision in contravention of the provisions of this Act shall be void and of no effect.
- (2) A person who contravenes the provisions of this Act commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.
- Duty of the Registrar of Lands. **8.**—(1) The Registrar shall not, after the coming into force of this Act, register any subdivision of land or any title to any lot arising from any subdivision of land unless he is satisfied that the subdivision was done with the approval of the Minister.
- 43 of 2017. (2) A certificate from the Chairperson of the Authority stating that the subdivision is approved by the Minister shall be conclusive evidence of the fact of that approval.
- 5 of 1990. (3) No instrument which creates or transfers, or purports to create or transfer, any interest in land, including common law conveyances, arising from or involving any subdivision of land wherever situate in Belize, shall be lodged or received for registration unless it is accompanied by a certificate from the Chairperson of the Authority verifying that the final approval for the subdivision was granted by the Minister or that the approval was not required.
- 43 of 2017.
- Land Subdivision and Utilization Authority. **9.**—(1) There shall be a Land Subdivision and Utilization Authority which shall be comprised of—
- 43 of 2017. (a) the Director of the Natural Resources Department in the Ministry, who shall be the Chairperson of the Authority;
- (b) the Commissioner of Lands and Surveys or his representative;
- (c) the Chief Engineer or his representative;
- (d) the Chief Forest Officer or his representative;

- (e) the Chief Agricultural Officer or his representative;
- (f) the Chief Environmental Officer or his representative;
- (g) the National Coordinator appointed under the Disaster Preparedness and Response Act; and CAP. 145.
- (h) the Principal Planner, who shall be the Secretary to the Authority.

(2) Any four of the members mentioned in paragraphs (a) to (f) of sub-section (1), shall constitute a quorum for any meeting of the Authority.

10.—(1) The Land Subdivision and Utilization Authority, hereinafter referred to as “the Authority”, shall receive all applications for subdivision and shall make investigation thereon as the Authority shall deem necessary.

Application to be made to the Authority.

(2) The Authority may call for and take into consideration all information and documents as may be necessary for a proper study of the application.

(3) A person who makes an application under section 4 shall, if so requested by the Authority, provide the Authority with any information and documentary materials as may be within his power to provide, and failure or neglect so to do may result in the Minister refusing to grant his approval to the proposed subdivision.

11.—(1) The Authority, having considered the application and all other relevant information, shall report to the Minister and make recommendations as to the grant of approval by the Minister.

Report by Authority. 5 of 1990.

(2) Where any land or part of land proposed to be subdivided is situate within the limits of any city or town, the Authority shall, in considering any application for subdivision, consult the

local authority concerned and shall include the comments of the authority in the report submitted to the Minister under subsection (1).

Provisional approval.

12.—(1) The Minister may, after consideration of the recommendations of the Authority, grant a provisional approval to a proposed subdivision of land.

(2) The Minister may, on the recommendation of the Authority, attach to any provisional approval granted by him to a proposed subdivision of land conditions as he thinks necessary.

Duties of the applicant.

13. The applicant for any approval to subdivide land shall, upon receipt of provisional approval—

5 of 1990.

- (a) have the land to be subdivided surveyed by a Certified Surveyor and a plan drawn up in accordance with the provisional subdivision;
- (b) have the prepared plan recorded by the Principal Surveyor;
- (c) build the roads or streets to the satisfaction of the Ministry of Works; and
- (d) comply with any conditions as may be imposed by the Minister in the provisional approval.

Restriction on sales, etc.

14. The applicant shall not sell, lease, give or in any other manner alienate any part of the land which is to be subdivided until he has received the final approval of the Minister.

Final approval.

15. Where an applicant, to whom provisional approval is granted by the Minister, complies with the requirements under section 13 to the satisfaction of the Authority, the Authority shall report to the Minister and the Minister shall grant final approval to the proposed subdivisions,

Provided that, the Minister may, on the recommendation of the Authority, grant to an applicant to whom provisional approval was granted in respect of any subdivision, final approval of any part of the subdivision as may be completed to the satisfaction of the Authority.

16.-(1) Where after the coming into force of this Act, a testator, being the owner of any land, purports to grant a divided portion of the land to any person by will or codicil, the grant shall, until approval to such subdivision has been granted by the Minister or where the Minister has refused his approval to such subdivision, take effect as if it were a grant of an undivided share of the said land.

Testamentary disposition of land.

(2) The executor or an heir may apply for approval for the proposed division of the land.

17.-(1) The Minister may make Regulations as are necessary for the better carrying out of the provisions of this Part.

Regulations.

(2) The Minister may annex to the breach of any regulation made hereunder a fine not exceeding five hundred dollars.

(3) Regulation made under this section shall be subject to negative resolution by the National Assembly.

18. This Part shall not apply—

Application of this Part.

(a) where the divided portion of any land is transferred to the owner of any land abutting on the subdivided portion; or

(b) where the divided portions are to be alienated to the transferor's wife or children and each parcel of land so alienated or devised is provided with a right of way.

19.-(1) The Minister may, for the better utilization of land, make Regulations—

Regulations regarding utilization.

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- (a) to demarcate areas, water catchment areas or watersheds and prohibiting the clearing of any vegetation within those areas;
 - (b) to provide for other measures as may be required to prevent soil erosion;
 - (c) restricting the construction of buildings within stipulated distances from the middle line of any road or street;
 - (d) to demarcate specific areas as special development areas and to stipulate the type of development that will be permitted within those areas;
 - (e) for the clearing of any forest or the felling of any trees; and
 - (f) to provide for all other things as may be necessary for the better carrying out of the provisions of this Part.

(2) The Minister may annex to the breach of any regulation made hereunder a fine not exceeding five hundred dollars.

(3) Regulation made under this section shall be subject to negative resolution by the National Assembly.