



## **BELIZE**

# **ANCIENT MONUMENTS AND ANTIQUITIES ACT CHAPTER 330**

## **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-	Page
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<b>ANCIENT MONUMENTS AND ANTIQUITIES ACT</b> Amendments in force as at 31st December, 2000.	5



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**CHAPTER 330**

**ANCIENT MONUMENTS AND ANTIQUITIES**

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**CHAPTER 330**

**ANCIENT MONUMENTS AND ANTIQUITIES<sup>1</sup>**

[1st May, 1972]

CAP. 259,  
R.E. 1980-1990.  
22 of 1971.  
Commencement.  
S.I. 13 of 1972.

1. This Act may be cited as the Ancient Monuments and Antiquities Act. Short title.
2. In this Act, unless the context otherwise requires:- Interpretation.

“Ancient Monument” means any structure or building erected by man or any natural feature transformed or worked by man, or the remains or any part thereof, whether upon any land or in any river, stream or watercourse or

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1. This Act will stand repealed upon the commencement of the National Institute of Culture and History Act, Chapter 331.

under the territorial waters of the country, that has been in existence for one hundred years or more;

“antiquity” means any article manufactured or worked by man, whether of stone, pottery, metal, wood, glass, or any other substance, or any part thereof-

- (i) the manufacture or workmanship of which belongs to the Mayan or other American civilization being of an age of one hundred and fifty years or more; or
- (ii) the manufacture or workmanship of which belongs to a civilization other than the Mayan or American civilization being an article which is of an age of one hundred and fifty years or more;

“Minister” means the Minister for the time being responsible for ancient monuments and antiquities and includes any person by name or by office authorised in writing by the Minister to carry out any of his functions under this Act.

Personal jewelry, etc., exempted.

3.-(1) The provisions of this Act shall not apply to personal jewelry and personal manuscripts.

(2) The onus of proving that any article falls within subsection (1) shall lie on the person making any such claim.

Vesting in the Government of all ancient monuments and antiquities.

4. All ancient monuments and antiquities however situate, whether upon any land or in any river, stream or watercourse, or under territorial waters of the country, and whether or not before the date of the commencement of this Act in private ownership, possession, custody or control, shall absolutely vest in the Government.

5.-(1) Subject to this Act no person shall possess or have in his custody or control any ancient monument or antiquity except under a licence in writing granted by the Minister in the prescribed form.

Licence to possess.

(2) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment, and in addition, any such ancient monument or antiquity shall be forfeited to the Government.

6.-(1) Any person who at the date of the commencement of this Act is in possession of, or has in his custody or control, any ancient monument or antiquity shall, within ninety days, register his possession, custody or control of such ancient monument or antiquity with the Minister.

Registration of possession.

(2) Any person who at any time after the date of the commencement of this Act has or takes or comes into possession, custody or control of any ancient monument or antiquity shall within fifteen days of his first having or taking or coming into possession, custody or control of such ancient monument or antiquity, register his possession, custody or control of such ancient monument or antiquity with the Minister.

(3) Any person who contravenes any of the provisions of this section commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment, and in addition, any such ancient monument or antiquity shall be forfeited to the Government.

7.-(1) Within sixty days of any registration under section 6, the Minister may by notice in writing in the prescribed form addressed to and served upon the person who had registered his possession, custody or control of any ancient monument or antiquity acquire and thereby take possession of such ancient monument or antiquity if in his opinion the national interest would be likely to be furthered by such acquisition.

Acquisition by the Government.

(2) Where in any other case the Minister has reasonable cause to believe that any person has in his possession, custody or control any ancient monument or antiquity, and-

- (i) that person has not registered his possession, custody or control of the ancient monument or antiquity under section 6; or
- (ii) that person has not been granted a licence to keep the ancient monument or antiquity in his possession, custody or control under section 10;

the Minister may by notice in writing in the prescribed form addressed to and served upon that person acquire and thereby take possession of such ancient monument or antiquity if in his opinion the national interest would be likely to be furthered by such acquisition.

(3) Upon service of any notice pursuant to subsections (1) and (2), the person to whom the notice is addressed shall deliver up or cause to be delivered up all his possession, custody or control of such ancient monument or antiquity when called upon to do so by the Minister.

(4) Any person who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment, and in addition, the ancient monument or antiquity shall be forfeited to the Government.

Compensation in certain cases of acquisition.

8.-(1) Upon any acquisition under section 7 (1), the Minister shall pay to the person who had registered his possession, custody or control of the ancient monument or antiquity such sum of money by way of reasonable compensation as the parties may agree to:



Provided that the Minister shall in his absolute discretion be satisfied that-

- (a) the person had exercised a substantial measure of possession, custody or control over such ancient monument or antiquity; and
- (b) the person had suffered financial loss arising directly out of or in connection with the actual acquisition by the Government of the possession of the ancient monument or antiquity; or
- (c) the person had during the period of five years immediately preceding the date of the service of the notice of acquisition under section 7 (1), expended sums of money by way of maintenance or preservation or improvement of the ancient monument or antiquity.

(2) Where the parties fail to agree on the amount of compensation to be paid under subsection (1), the matter of the amount to be paid by way of reasonable compensation shall be referred by the Minister to a single arbitrator appointed by the Minister, whose award shall be final and binding upon the parties.

(3) The Arbitration Act shall have no application to any arbitration pursuant to any reference to an arbitrator under subsection (2). CAP. 125.

(4) No payment or award by way of reasonable compensation under this section shall take account of any market or other commercial valuation of any ancient monument or antiquity or any question of prospective or future loss of any description by any person.

Application for licences.

9. Any person in possession or who has custody or control of any ancient monument or antiquity may at any time after his registration of such ancient monument or antiquity pursuant to section 6, and provided that no notice of acquisition pursuant to section 7 shall have been served upon him, or in any other case, apply to the Minister for a licence in the prescribed form to keep the ancient monument or antiquity in his possession, custody or control.

Granting and revocation of licences.

10.-(1) The granting or withholding of any licence to keep the possession, custody or control of any ancient monument or antiquity shall be in the absolute discretion of the Minister.

(2) Any such licence may be revoked by the Minister in his absolute discretion at any time and for any reason by notice in the prescribed form addressed to and served upon the licensee.

(3) Upon service of any notice of revocation pursuant to subsection (2), the ancient monument or antiquity the subject of such notice shall be deemed to be acquired in the national interest and section 7 (3) and (4) and section 8 shall apply to such ancient monument or antiquity.

Restrictions on transfer of licence or permit or alienation by licensee.

11.-(1) No person shall sell, transfer or otherwise part with any licence or permit granted to him under the provisions of this Act.

(2) No person shall give, sell, transfer or otherwise part with the possession, custody or control of any ancient monument or antiquity of which he is a licensee except with the prior consent in writing of the Minister and upon delivery up to the Minister of his licence.

(3) Where the Minister has given his consent under subsection (2), any person to whom the licensee has parted with his possession, custody or control of the ancient monument or antiquity shall within fifteen days report to the Minister his acquisition of possession, custody or control of such ancient monument or antiquity and shall apply to the Minister for a licence in

the prescribed form to keep such ancient monument or antiquity in his possession, custody or control.

(4) Any person who contravenes this section commits an offence.

12. If any person finds any ancient monument or antiquity he shall within fourteen days of such finding report the details of the finding to the Minister. Report of finding.

13. Any person who contravenes section 12 commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment, and in addition, any such ancient monument or antiquity in the possession, custody or control of the finder shall be forfeited to the Government. Offence and penalty.

14. If the Minister, after inspecting the ancient monument or antiquity so found, shall decide that the national interest would be likely to be furthered by acquiring possession of such ancient monument or antiquity, he may acquire the ancient monument or antiquity by notice published in the *Gazette*. Acquisition of finds by the Government.

15. Upon any acquisition pursuant to section 14, the Minister in his absolute discretion may award to the finder of the ancient monument or antiquity such sum of money, if any, as may seem just and equitable in all the circumstances. Reward to finders.

16. Subject to this Act and to any regulations made thereunder, the Minister may in his absolute discretion grant a permit in the prescribed form- Grant of permits.

(a) to any suitable person or group of persons to enter upon any specified lands (or in any river, stream or water-course or under the territorial waters of this country) where ancient monuments or antiquities are or may be situated to search for and explore or excavate such ancient monuments or antiquities and to remove ancient

monuments or antiquities therefrom subject to such conditions as he may specify therein; or

- (b) to any occupier to demolish for agricultural or other industrial reasons an ancient monument situated on the occupier's land subject to such conditions as he may specify therein.

Landowner's consent to issue of permit.

17. A permit to be exercised on private land shall not be issued without the consent of the owner, occupier, or lessee of the land unless-

- (a) the name and address of the owner, occupier or lessee of the land is unknown and continues to remain unknown to the Minister after he had advertised for this information in at least one newspaper published in the country and in the *Gazette* and fifteen days have elapsed since the last publication of the advertisement; or
- (b) the owner, occupier or lessee of the land neglects or refuses to furnish to the Minister his views on an application for a permit upon the Minister requesting him to do so, provided that fourteen days shall have elapsed since the Minister posted such a letter addressed to the owner, occupier or lessee of the land containing a notice that if by the end of such period the Minister had not received any such views from the owner, occupier or lessee of the land he would proceed to consider the application for a permit; or
- (c) the Minister is satisfied that the granting of a permit is necessary for cultural or scientific or salvage reasons and that the owner, occupier or lessee of the land has unreasonably withheld his consent.

18. Any person who in the exercise of any rights granted under a permit issued pursuant to section 16 (*a*) removes any ancient monument or antiquity from the specified land shall within fifteen days of such removal report the details of the removal to the Minister. Report of removals by permittee.
19. Any person who contravenes section 18 commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment, and in addition, any such ancient monument or antiquity shall be forfeited to the Government. Offence and penalty.
20. Subject to section 18, any person who in exercise of any rights granted under a permit issued pursuant to section 16 (*a*) shall in the case of finding any ancient monument or antiquity comply with the provisions of this Act relating thereto. Compliance with law by permit holders.
- 21.-(1) In the case of any acquisition of any ancient monument or antiquity under section 14 in any case where a finding of any ancient monument or antiquity had been reported by a person or group of persons to whom a permit had been issued under section 16 (*a*), the Minister shall not award any sum of money but may in his absolute discretion award to the person or group of persons to whom the permit had been issued the whole or any part or portion of such ancient monument or antiquity: Reward to permit holders.
- Provided that the Minister is satisfied that an archaeological or scientific institute or body will benefit thereby.
- (2) No award by the Minister under subsection (1) of this section shall be made unless and until a notice of intention to make the award has been published in the *Gazette* and a period of fourteen clear days has elapsed since such date of publication.
22. On every grant or lease of national lands there shall be specifically reserved to the Government all rights of ownership in any ancient monument Reservation in Government grant or lease.

or antiquity which is found in or upon any such lands granted or leased.

Power of entry on lands granted or leased by Government.

23. The Archaeological Commissioner, or any person authorised by him in writing for that purpose, may at any time enter upon lands granted or leased by the Government, whether before or after the commencement of this Act, where the grant or lease of such lands was made subject to any reservation clause such as that provided for in section 22.

Power of entry, etc., on other lands.

24.-(1) Subject to subsection (2), the Archaeological Commissioner, or any person authorised by him in writing for that purpose, may enter upon any land for the purpose of inspecting, searching for and locating any ancient monument or antiquity that may be in or upon such land.

(2) The Archaeological Commissioner shall, before exercising his powers under subsection (1) give reasonable notice to the owner or occupier of the land of his intention to enter upon the land for the purposes mentioned in subsection (1).

Prohibition on trade, etc. without licence.

25.-(1) No person shall import, export, sell or trade in any manner in ancient monuments or antiquities or attempt to do so without a licence in writing granted by the Minister in the prescribed form.

(2) Any person who contravenes subsection (1) commits an offence and notwithstanding any punishment otherwise provided in this Act, upon conviction, any such ancient monument or antiquity and any vehicle or other article whatsoever used in such importation, exportation, sale or trade or attempt shall be liable for forfeiture to the Government.

Power to enter and search premises, to stop and search persons, vehicles, etc.

26.-(1) It shall be lawful for the Archaeological Commissioner, or any person authorised by him in writing for that purpose, or any police officer having a writ of assistance under the hand of the Chief Justice with the seal of the Supreme Court, or any warrant issued by a justice of the peace at any time of day or night, to enter upon premises wherein he has reasonable cause to suspect that any ancient monuments or antiquities may be found

which have been obtained or are being possessed unlawfully and to seize therefrom any such ancient monuments or antiquities.

(2) All writs of assistance issued pursuant to subsection (1) shall continue and be in force during the whole of the period in which such writs are granted and issued and for six months from the conclusion of such period.

(3) The Archaeological Commissioner or any person authorised by him in writing for that purpose or any police officer shall have the right to stop and search any person, vehicle, vessel or aircraft or any carrier, who or which he has reasonable cause to suspect of carrying or being used to carry any ancient monuments or antiquities which have been obtained or are being possessed unlawfully and to seize therefrom any such ancient monuments or antiquities.

(4) Any ancient monuments or antiquities seized under subsections (1) and (3) shall be forfeited to the Government unless and until a restoration order has been made by a court of summary jurisdiction which finds that such ancient monuments or antiquities were lawfully obtained or possessed, the onus of proof whereof shall lie upon the person who claims that such ancient monuments or antiquities were lawfully obtained or possessed.

27. Any person who obstructs, molests or hinders in any manner any other person in the exercise of the powers conferred by section 23, 24 or 26 commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

Obstruction, etc.,  
of officers on  
duty.

28. The Minister may by order published in the *Gazette* declare-

- (a) any area of unalienated national land containing or adjacent to an ancient monument to be an Archaeological Reserve;

Declaration of  
Archaeological  
Reserves.

- (b) any area of alienated national land, title to which has reverted to the Government containing or adjacent to an ancient monument to be an Archaeological Reserve;
- (c) any ancient monument acquired by the Minister pursuant to section 7 (1) or (2) or to section 10 (3) or to section 14, together with any land adjacent thereto, to be an Archaeological Reserve.

Acquisition of land adjacent to acquired ancient monuments.  
CAP. 184.

29. In the case of any order pursuant to section 28 (c) which includes any land adjacent to any ancient monument no such order shall have effect unless and until the provisions of the Land Acquisition (Public Purposes) Act have been complied with in respect of such adjacent land.

Archaeological Reserves open to public.

30. The Minister may by order published in the *Gazette* specify the Archaeological Reserves which shall be open to the public, specifying the times when entry thereto is permitted and the charges, if any, by way of entry fee to such Archaeological Reserves.

Rules for Archaeological Reserves.

31. The Minister may make rules governing Archaeological Reserves in respect of traffic, litter, the appointment and duties of caretakers and wardens, safety measures, and generally for all matters of their general regulation, and may specify penalties for any breaches of such rules recoverable on summary conviction therefor.

Prohibition of removal or earth or stones.

32.-(1) Subject to subsection (2), no person shall remove any earth or stone from any ancient monument except under a permit in the prescribed form issued by the Archaeological Commissioner.

(2) This section shall not apply to any person or group of persons holding a permit granted by the Minister under section 16 in so far as they transfer debris or spoil within the specified land as part of their operations.

(3) Any person who contravenes subsection (1) commits an



offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

33.-(1) Subject to the provisions of this Act, any person who-

- (a) wilfully damages, destroys or disturbs any ancient monument or in any way marks or defaces any ancient monument; or
- (b) wilfully removes any antiquity from any ancient monument or destroys any such antiquity,

Damage or destruction of monuments.

commits an offence.

(2) Any person who wilfully causes or induces or attempts to cause or induce any other person to commit an offence under this Act or who knowingly aids and abets any other person in the commission of any such offence commits an offence.

34.-(1) The Archaeological Commissioner may direct any land owner, lessee, concessionaire, contractor or any other person who is about to engage in any operation which in the opinion of the Archaeological Commissioner is liable to destroy, damage, interfere with or otherwise be to the detriment of any ancient monument or antiquity—

Control of land operations.

- (a) not to proceed with any operation until the Archaeological Commissioner shall have had an archaeological exploration and survey carried out; and
- (b) to take or to refrain or desist from taking any such action as part of the operation as the Archaeological Commissioner may decide to be fair and reasonable for

the proper protection of the ancient monument or antiquity.

(2) Any person who contravenes any direction in writing of the Archaeological Commissioner under subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

Evidence by certificate.

35. In any proceedings for an offence under this Act the production of a certificate signed by the Archaeological Commissioner shall be sufficient evidence of the facts therein stated in respect of the age or archaeological source of any ancient monument or antiquity without proof of his signature or official capacity unless the defence requires that he shall be called as a witness.

Forfeiture.

36.-(1) Where any person is convicted of an offence under this Act and the court by which such person is convicted finds that any aircraft, vessel or vehicle was used or employed by such person in the commission of the offence of which he is convicted such aircraft, vessel or vehicle may be forfeited to the Government.

(2) The owner of any aircraft, vessel or vehicle forfeited under subsection (1) shall have all the rights of appeal of an accused person.

(3) For the purpose of this section, “aircraft”, “vessel” and “vehicle” respectively include everything contained in, being on or attached to any aircraft, vessel or vehicle which in the opinion of the court forms part of the equipment of such aircraft, vessel or vehicle.

Offences and penalties.

37.-(1) Every person who commits an offence against the provisions of section 11, 25 or 33 shall upon conviction be liable to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

(2) It shall be within the discretion of the Director of Public Prosecutions whether an offence against the provisions of section 11, 25 or 33 shall be prosecuted summarily or on indictment.

38. The Minister may by regulations-

Regulations.

- (a) prescribe any forms of licence, notice, permit or other document required to be prescribed under this Act;
- (b) prescribe the charging or levying of any fees in respect of the grant or issue of any licence or permit under this Act, for their waiver in specified circumstances, and for their collection and recovery;
- (c) prescribe the keeping and contents of such registers, records or other books or documents by the Archaeological Commissioner or other public officer as may seem necessary for the proper carrying out of any of the provisions of this Act;
- (d) prescribe the manner in which and the place to which any finder or the grantee of any permit shall carry any ancient monument or antiquity found or discovered by him;
- (e) prescribe the manner in which any ancient monument or antiquity the possession of which has been acquired by the Minister under this Act shall thenceforth be disposed of or dealt with;
- (f) prescribe the manner in which any ancient monument or antiquity seized or forfeited under this Act shall thenceforth be disposed of or dealt with;

- (g) appoint archaeological inspectors and prescribe the powers and duties of their office;
- (h) make any other provisions as may seem necessary for the further and better carrying out of any of the provisions of this Act; and
- (i) provide that the contravention of any of the provisions of any regulations made pursuant to this section shall be an offence punishable on summary conviction and impose penalties in respect of any such offence being fines not exceeding two hundred and fifty dollars.