



No. 10 of 2001

I assent,

(SIR COLVILLE N. YOUNG)
Governor-General

27th March, 2001.

AN ACT to amend the National Lands Act (No. 6 of 1992), to provide for the issuing of enforcement notices and cessation orders in the administration of the Act; to regulate the manner in which the title to an estate in national lands may vest in an alien; and to provide for matters connected therewith or incidental thereto.

(Gazetted 31st March, 2001.)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:-

1. This Act may be cited as the

Short title.

NATIONAL LANDS (AMENDMENT) ACT, 2001.

and shall be read and construed as one with the National Lands Act which, as amended, is hereinafter referred to as the principal Act.

2. The principal Act is hereby amended by the addition of new sections 43 to 58 immediately after section 42 as follows:-

“Enforcement
notices

43.(1) Without prejudice to the provisions of sections 30 to 34, if the Commissioner or any person to whom section 3 applies is of the opinion that any person is contravening the terms and conditions of any grant, lease or licence, or is wilfully failing to comply with any frontage lines as provided in section 24 or any high water mark boundary as provided in section 28, 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 in relation to the alleged breach, contravention or violation as provided in subsection (1);
- (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, 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.

44.(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) may be exercised whether or not the notice has taken effect.

(3) The Commissioner or the person referred to in section 3 shall, immediately after exercising the powers conferred by subsection (1), 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 to issue a further enforcement notice.

**Appeal against
enforcement
notice.**

45.(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 43;
- (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.

46. The Minister may make Regulations to give effect to sections 42 to 48.

Regulations.

47.(1) Where, at any time after the end of the period for compliance 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 being 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), 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) 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.**

48.(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 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) 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.”

49. For the purposes of sections 50 to 58 of this Act-

“alien”, in the case of a natural person, means a person who is neither a citizen of Belize nor a Commonwealth citizen, and in respect of a company, means a company which is deemed not be under alien control in accordance with section 50;

**Interpretation
of words and
phrases used in
sections 50 to
58.**

“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.**

50. For the purposes of this section and sections 51 to 58, 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.

**Prohibition
against alien
holding
national land**

51. 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:

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 53;

- (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.

52. 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.

53. (1) Notwithstanding the provisions of section 51, 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

Alien licenced to hold land.

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.

54. (1) Any person aggrieved by the Minister's notice given under the provisions of section 53(5) may, within

**Appeal from
Minister's
notice.**

fourteen days of receipt thereof, appeal to the Supreme Court for a review of the Minister's decision.

(2) The court shall, within the period of three months provided in section 53(5), 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 Crown. 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.

**Prohibition to
transfer shares
in licensed alien
company.**

55.(1) Where a licence has been granted under section 53 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.

(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 50 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 wilfully 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 Crown.

56.(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 the 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.

**Prohibition
against holding
land or shares
for alien.**

(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 Crown.

**Declaration of
area to regulate
alien
landholding.**

57.(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 Crown.

**Power to
enforce
forfeiture
CAP. 258**

58.(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 and any rules made thereunder, shall:-

(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 53 or by a judge of the Supreme Court in the case of land forfeited under section 54 or 56 or 57 signifying the forfeiture of the same without further proof and the same shall be evidence of title in the Crown 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 53 or by a judge of the Supreme Court in the case of land forfeited under section 54 or 56 or 57 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 Crown 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".