



BELIZE

**LAND ACQUISITION (PUBLIC PURPOSES) ACT
CHAPTER 184**

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

ARRANGEMENT OF SECTIONS

3

LAND ACQUISITION (PUBLIC PURPOSES) ACT

6

Amendments in force as at 31st December, 2000.



BELIZE

LAND ACQUISITION (PUBLIC PURPOSES) ACT CHAPTER 184

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

ARRANGEMENT OF SECTIONS

3

LAND ACQUISITION (PUBLIC PURPOSES) ACT

6

Amendments in force as at 31st December, 2000.

CHAPTER 184

LAND ACQUISITION (PUBLIC PURPOSES)

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.

PART II

Compulsory Acquisition of Land and Abandonment of Acquisition

3. Acquisition of land.
4. Preliminary notification and power to enter land.
5. Power to apply land to purposes of acquisition without waiting for formal vesting.
6. Authorised officer to treat with landowner.
7. Boundaries of land and issue of notice of acquisition.
8. Authorised officer may require information as to interests in land.
9. Claim of person interested to have land acquired or abandoned.

10. Abandonment of acquisition,

PART III

Appointment and Powers of Board of Assessment

11. Determination of questions by Board of Assessment.
12. Appointment of Board of Assessment.
13. Documents, etc., to be forwarded to the Board.
14. Inquiry by Board.
15. Procedure at inquiry.
16. Power of entry for purpose of inquiry.
17. Award of Board.

PART IV

Determination of Small Claims for Compensation

18. Procedure where claim for compensation does not exceed certain amount.

PART V

Provisions Governing Assessment of Compensation, etc.

19. Rules for assessment of compensation.
20. Undeveloped and developed land.

21. Special rule as to severance.
22. Interest.
23. Rules as to costs.
24. Appeal.

PART VI

Miscellaneous

25. Absentee owners.
26. Compensation to persons interested in adjacent land.
27. Special provision as to leases.
28. Persons in possession to be deemed owners.
29. Fees and expenses of Board.
30. Conveyancing, etc., cost to be paid by authorised officer.
31. Payment of compensation, etc.
32. Exemption from stamp duty and fees.
33. Limitation of time for making claims.
34. Assaulting or obstructing officer.

PART VII

Voluntary Conveyance of Land to Crown

35. Land not in a town voluntarily conveyed to Crown.

PART VIII

Registration

36. Registration on acquisition by Crown.

CHAPTER 184**LAND ACQUISITION (PUBLIC PURPOSES)**

[1st April, 1947]

PART I

Preliminary

Ch. 114,
R.L., 1958.
CAP. 150,
R.E. 1980-1990.
15 of 1962.
40 of 1963.
15 of 1968.
16 of 1975.
16 of 1992.

Short title. 1. This Act may be cited as the Land Acquisition (Public Purposes) Act.

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

40 of 1963. “authorised officer” means any person who may from time to time be appointed as such by the Minister for the purposes of this Act;

“land” includes messuages, tenements and hereditaments, corporeal or

incorporeal, and real property of every tenure or description, whatever may be the estate or interest therein;

“person interested” means every person claiming, or entitled to claim, compensation under this Act:

Provided that a tenant by the month or at will shall be deemed not to be a person interested for the purposes of this Act;

“public purpose” means a purpose determined to be a public purpose in accordance with section 4.

PART II

Compulsory Acquisition of Land and Abandonment of Acquisition

3.-(1) Whenever the Minister considers that any land should be acquired for a public purpose, he may cause a declaration to that effect to be made in the manner provided by this section and the declaration shall be *prima facie* evidence that the land to which it relates is required for a public purpose.

Acquisition of
land.
40 of 1963.
16 of 1992.

(2) Every declaration shall be published in two ordinary issues of the *Gazette*, there being an interval of not less than six weeks between each publication, and copies thereof shall be posted on one of the buildings, if any, on the land or exhibited at suitable places in the locality in which the land is situate.

(3) The declaration shall specify the following particulars to the land which is to be acquired-

- (a) the district in which the land is situate;
- (b) a description of the land, giving the approximate area and such other particulars as are necessary to identify

the land;

(c) in cases where a plan has been prepared, the place where, and the time when, a plan of the land can be inspected;

(d) the public purpose for which the land is required.

(4) Upon the second publication of the declaration in the *Gazette* as required by subsection (2), the land shall vest absolutely in the Crown and the authorised officer, and his agents, assistants and workmen may enter and take possession of the land accordingly.

16 of 1992.

(5) Any person claiming an interest in or right over the land shall have a right of access to the courts for the purpose of determining whether the acquisition was duly carried out for a public purpose in accordance with this Act.

(6) Nothing in this section shall be construed to prevent the acquisition of lands for public purposes by private treaty.

Preliminary
notification and
power to enter
land.

40 of 1963.

4. Whenever it appears to the Minister that any land is likely to be required for any purpose which, in the opinion of the Minister, is a public purpose and it is necessary to make a preliminary survey or other investigation of the land, he may cause a notification to that effect to be published in the *Gazette* and thereupon the authorised officer and his agents, assistants and workmen, may do all or any of the following things-

(a) enter upon and survey and take levels of any land in any locality to which the notification relates;

(b) dig or bore into the subsoil of such land;

(c) do all other acts necessary to ascertain whether the

land is adapted to such purpose;

- (d) set out the boundaries of the land intended to be taken, and the intended line of work, if any, proposed to be done thereon;
- (e) mark levels and lines by placing marks and cutting trenches;
- (f) where otherwise the survey cannot be completed, the levels taken or the boundaries or line of the work set out, cut down and clear away any standing crop, fence, tree or bush;
- (g) do all such other acts as may be incidental to or necessary for any of the purposes aforesaid:

Provided that-

- (a) the authorised officer shall not enter into any building, or into or upon any enclosed yard, court or garden attached to a dwelling house, except at all reasonable hours, and except with the consent of the occupier thereof, without previously giving to the occupier at least seven days' notice in writing of his intention to do so;
- (b) compensation shall be assessed and paid to the persons interested in the land entered for any actual damage or injury resulting to them by reason of the exercise of the powers conferred by this section-
 - (i) in so far as it relates to land the acquisition of which is subsequently deemed to be abandoned under section 9 or abandoned under section 10,

as though it were compensation payable under this Act for the acquisition of the land;

- (ii) in so far as it relates to land the compulsory acquisition of which is subsequently completed under section 3, as though it were part of the compensation for the acquisition of the land.

Power to apply
land to purposes
of acquisition
without waiting for
formal vesting.
40 of 1963.
40 of 1963.

5.-(1) If, at any time after the publication of a notification in accordance with section 4, it appears to the Minister that the land or some parcel of the land to which it refers should be acquired but that for any reason it is not possible to make an immediate declaration to that effect, the Minister may direct the authorised officer to do any work on the land or parcel thereof connected with the use to which the land is intended to be put on its acquisition, and thereupon the authorised officer may proceed with the execution of the work.

(2) Compensation shall be paid to the persons interested for any actual damage or injury resulting to them by reason of the exercise of the power conferred by this section and shall be determined in the same way as compensation for actual damage or injury resulting from the exercise of the powers conferred by section 4.

Authorised officer
to treat with
landowner.

6.-(1) As soon as any declaration has been published in accordance with section 3, the authorised officer shall, without delay, enter into negotiations or further negotiations for the purchase of the land to which the declaration relates upon reasonable terms and conditions, and by voluntary agreement with the owner of the land.

(2) It shall not be necessary for the authorised officer to await the publication of the declaration before he endeavours to ascertain from the owner the terms and conditions on which he is willing to sell his land, but no negotiations or agreement shall be deemed to be concluded unless and until the conditions of sale and acquisition have been approved in writing by the

Minister.

40 of 1963.

7.-(1) As soon as may be after any land has been acquired compulsorily, the authorised officer shall, if the boundaries of the land have not been set out or if they cannot be identified by reference to any plan, cause them to be set out, and he shall also issue a notice of acquisition in accordance with this section.

Boundaries of land and issue of notice of acquisition.

(2) Every notice of acquisition under this section shall-

- (a) state the decision of the Minister to acquire and take possession of the land compulsorily;
- (b) contain the particulars which, in relation to the land, were included in the declaration provided for by section 3; and
- (c) require all persons interested, as soon as is reasonably practicable, either-
 - (i) to appear personally or by attorney or agent before the authorised officer to state the nature of their respective interests in the land and the amounts and full particulars of their claims to compensation in respect of those interests, distinguishing the amounts under separate heads and showing how the amount claimed under each head is calculated; or
 - (ii) to render to the authorised officer a statement in writing, signed by them or by their attorneys or agents, setting forth the like matters.

(3) The authorised officer shall cause a copy of the notice of

acquisition to be served, either personally on, or by post addressed to the last known place of abode or business of, every person who is known or believed by the authorised officer to be entitled to compensation in respect of the acquisition, and whose whereabouts are known to the authorised officer:

Provided that where the whereabouts of any such person are not known, the authorised officer shall cause copies of such notice to be posted on one of the buildings, if any, on the land or exhibited at suitable places in the locality in which the land is situate.

(4) Any person who, without lawful authority or excuse, removes or destroys any landmark placed, or removes or defaces or destroys any notice posted or exhibited, by the authorised officer in or upon the land or any building thereon in accordance with this Act commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

Authorised officer may require information as to interests in land.

8.-(1) The authorised officer may, by notice served personally, or by post addressed to the last known place of abode or business of the person concerned, require the owner or occupier of, or any person interested in, any land, or in any part thereof, in respect of which a declaration or a notification has been published in the *Gazette* under section 3 or 4 respectively, to deliver to him within a time to be specified in the notice, being not less than twenty-one days after service of the notice, a statement in writing containing, so far as may be within his own knowledge, the name of every person possessing any interest in the land, or any part thereof, whether as partner, mortgagee, lessee, tenant or otherwise, and the nature of such interest.

(2) A person who is required to make and deliver a statement under this section and who, without reasonable excuse, refuses to make or deliver such statement, or wilfully makes any such statement which is false or incomplete in any material particular commits an offence and is liable on

summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months.

(3) Any person claiming an interest in or right over the land shall have a right of access to the courts for the purpose of establishing his interest or right (if any).

16 of 1992.

9. If, within three months after entry has been made on any land under section 4, such land shall not be acquired or abandoned, any person interested in the land or any part thereof may serve a notice on the authorised officer requiring that the acquisition of the land or part thereof be completed or abandoned, and, if within one month thereafter, the acquisition of such land or part thereof is not completed or abandoned in accordance with this Act, the acquisition of the land or part thereof shall be deemed to have been abandoned.

Claim of person interested to have land acquired or abandoned.

10.-(1) At any time before any land has been acquired compulsorily the Minister may, by notification published in the *Gazette*, declare that the intended acquisition of such land is abandoned.

Abandonment of acquisition.

(2) When the acquisition of any land is abandoned in accordance with this section, or is deemed to have been abandoned under section 9, any compensation payable by virtue of this Act shall, in default of agreement, be assessed as though it was compensation payable under this Act for the acquisition of land.

(3) No compensation shall be payable in any case for loss of bargain or for damages for breach of contract.

PART III

Appointment and Powers of Board of Assessment

Determination of questions by Board of Assessment.

11.-(1) All questions and claims relating to the payment of compensation under this Act and to the apportionment of such compensation shall, except as is provided in section 18, be submitted to a Board of Assessment to be appointed in each case in accordance with section 12.

(2) A Board of Assessment shall have full power to assess, award and apportion compensation in such cases, in accordance with this Act.

Appointment of Board of Assessment.

12.-(1) As soon as it becomes necessary to do so the Minister shall cause a Board of Assessment, hereinafter referred to as “a Board” or “the Board”, to be appointed.

(2) A Board for the purposes of this Act shall in every case be constituted of-

16 of 1975.

(a) the Chief Justice, or other Judge of the Supreme Court nominated by the Chief Justice, who shall be the Chairman of the Board, hereinafter referred to as “the Chairman”;

(b) a member to be appointed by the Minister:

Provided that the member so appointed shall not be public officer;

(c) a member to be nominated by the owner of the land to be acquired:

Provided that where in any case the Minister is satisfied that the owner of the land has refused to exercise his right to nominate a member of

the Board, or has unreasonably delayed such nomination, or where the persons interested in the land have failed to agree upon such nomination, the Minister, by order in writing, may direct the Chairman to proceed with the inquiry notwithstanding that there has been no such nomination by the owner, and in every such case the Board shall be deemed to be lawfully constituted without the presence of such member, and, if there is any difference of opinion as to the amount of compensation that should be awarded, the decision of the Chairman shall be deemed to be the decision of the Board.

13.-(1) Upon the appointment of a Board or where proceedings are taken before a magistrate for the determination of any question relating to the payment of compensation, the authorised officer shall forward to the Chairman, or to the magistrate, as the case may be, those of the following documents and particulars which relate to the acquisition or the intended acquisition of the land, as the case may be-

Documents, etc.,
to be forwarded
to the Board.

- (a) a copy of any notification and declaration which has been published in the *Gazette*;
- (b) a copy of the notice of acquisition;
- (c) a copy of any notice issued or received by him;
- (d) a copy of all statements received by him in compliance with any notice issued by him;
- (e) the names and addresses of the persons who the authorised officer has reason to believe are interested in the land; and
- (f) a copy of the report required by this section.

(2) The report to be sent to the Board shall state the opinion of the authorised officer, and his reasons for such opinion, upon each of the

following matters-

- (a) what is a fair and proper description of the land acquired, including particulars of any building, trees or standing crop thereon;
- (b) the approximate acreage of the land;
- (c) the value of the land, for the purposes of compensation under this Act.
- (d) the amount of provisional compensation which should be paid for the land, including any damage payable in respect of entry into possession;
- (e) the apportionment of the provisional compensation among the persons interested in the land, in respect of their interests.

(3) The authorised officer, in assessing the amount of any compensation for the purpose of a report under this section, shall have regard to the rules prescribed by this Act which may or may not be taken into consideration in assessing compensation.

Inquiry by Board.

14. Where a Board has been appointed under this Act, the Board shall hold an inquiry at a place, date and time to be fixed by the Chairman, of which not less than fourteen clear days notice shall be given to the parties concerned, and every such inquiry shall be conducted in public.

Procedure at inquiry.

15. The procedure at an inquiry before a Board, the summoning and remuneration of witnesses for attendance thereat, and all questions incidental to the inquiry shall be governed by the provisions of the laws for the time being in force relating to civil proceedings in the Supreme Court:

Provided that in the case of any doubt arising on any question of practice and procedure it may be settled by the Chairman.

16. The Board, or any person authorised by the Board, may at any time before, during or after an inquiry under this Act, enter upon and inspect any land for any purpose connected with such inquiry.

Power of entry for purpose of inquiry.

17.-(1) At the conclusion of the inquiry the Board shall decide upon the claims for compensation and apportionments submitted to them and shall make an award under the hand of the Chairman who shall cause it to be filed in the Supreme Court.

Award of Board.

(2) The decision of the majority of the members of the Board with respect to the compensation to be paid shall be deemed to be the decision of the Board, and, if all the members of the Board differ, the mean between the amount decided upon by the Chairman and that one of the amounts decided upon by the two other members of the Board which approximates most nearly to the amount decided upon by the Chairman shall be deemed to be the compensation awarded by the Board.

(3) The award may be enforced in the same manner as a judgment or order of the Supreme Court to the same effect.

16 of 1992.

PART IV

Determination of Small Claims for Compensation

18.-(1) Notwithstanding anything contained in any Act to the contrary, in any case in which the compensation claimed does not exceed five thousand dollars, the amount of the compensation to be paid in such case shall be determined by a magistrate.

Procedure where claim for compensation does not exceed certain amount. 16 of 1992.

(2) The magistrate may, upon the application of either party with respect to any question of disputed compensation in either of the cases

mentioned in subsection (1), summon the other party to appear before him at a time and place to be named in such summons and to hear and determine such question of disputed compensation.

(3) For the purposes of any proceeding under this section-

(a) the procedure to be followed thereat, the summoning and remuneration of witnesses and all questions incidental to such proceeding shall be governed by any law for the time being in force in Belize relating to the recovery of claims before a magistrate and all the provisions of any such law shall apply *mutatis mutandis* to any such proceeding; and

(b) sections 16, 19, 20, 21, 22 and 25 shall apply with such verbal alteration, not affecting the substance, as may be necessary to make them applicable.

16 of 1992.

(4) The determination by the magistrate under this section may be enforced in the same manner as a final judgment or order of the magistrate within the meaning of section 25 of the District Courts (Procedure) Act.

CAP. 97.

CAP. 97.

(5) An appeal shall lie against the determination by the magistrate of any question of disputed compensation under this section in like manner as if such determination was given in the exercise of his jurisdiction under the District Courts (Procedure) Act, and for the purposes of such appeal, the determination of the magistrate under this section shall be deemed to be a final judgment or order of the magistrate within the meaning of section 25 of the District Courts (Procedure) Act.

CAP. 97.

PART V

Provisions Governing Assessment of Compensation, etc.

19. Subject to this Act, the following rules shall apply to the assessment and award of compensation by a Board for the compulsory acquisition of land-

Rules for
assessment of
compensation.

- (a) the value of the land shall, subject as hereinafter provided, be taken to be the amount which the land, in its condition at the time of acquisition, if sold in the open market by a willing seller, might have been expected to have realised at the date of the second publication in the *Gazette* of the declaration under section 3:

15 of 1962.
16 of 1992.

Provided that this rule shall not affect the assessment of compensation for any damage sustained by the person interested by reason of severance, or by reason of the acquisition injuriously affecting his other property or his earnings, or for disturbance, or any other matter not directly based on the value of the land;

- (b) the special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose is a purpose to which the land could be applied only in pursuance of statutory powers not already granted, or for which there is no market apart from the special needs of a particular purchaser or the requirements of any Government department;
- (c) where the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any court, or is contrary to law, or is detrimental to the health of the inmates of the

premises or to public health, the amount of that increase shall not be taken into account;

- (d) where land is, and but for the compulsory acquisition would continue to be, devoted to a purpose of such a nature that there is no general demand or market for land for that purpose, the compensation may, if the Board is satisfied that reinstatement in some other place is *bona fide* intended, be assessed on the basis of the reasonable cost of equivalent reinstatement;
- (e) no allowance shall be made on account of-
 - (i) the acquisition being compulsory or the degree of urgency or necessity which has led to the acquisition;
 - (ii) any disinclination of the person interested to part with the land acquired;
 - (iii) any damage sustained by the person interested which, if caused by a private person, would not render such person liable to an action;
 - (iv) any damage, not being in the nature of deprivation of or interference with an easement, servitude or legal right, which, after the time of awarding compensation, is likely to be caused by or in consequence of the use to which the land acquired will be put:

Provided that nothing herein shall prejudice any claim under this Act for damage subsequently sustained in consequence of the

use to which the land acquired is put;

- (v) any increase to the value of the land acquired likely to accrue from the use to which the land acquired will be put;
- (vi) any outlay or improvement of such land which has been made, commenced or effected within twelve months before the publication of the declaration under section 3, with the intention of enhancing the compensation to be awarded therefor in the event of such land being acquired for public purposes.

20. In assessing the compensation payable the Board shall assess separately the compensation payable in respect of-

Undeveloped and developed land.
16 of 1975.

(a) undeveloped land; and

(b) developed land and any buildings standing on the land.

21. As to severance, compensation may be assessed on the footing that any specified works, crossings, or access agreed to on behalf of the Minister shall be erected, provided, and allowed, and any such agreement shall be reduced into writing and be signed by the Chairman and shall be valid and effectual and binding on the parties.

Special rule as to severance.
40 of 1963.

22.-(1) The Board, in awarding compensation, may add interest thereto and shall be guided by the rate paid by commercial banks in Belize on fixed deposits at the date of acquisition; so, however, that reasonable compensation shall be paid to the claimant having regard to all the circumstances.

Interest.
16 of 1992.

(2) The interest under subsection (1) may be added for the whole

or any part of the period between the date of acquisition of the land and the date of the payment of the compensation awarded by the Board.

Rules as to costs.

23.-(1) The authorised officer shall pay to the claimant the reasonable costs incurred by him in or about the preparation and submission of his claim, unless the Chairman considers that the claimant has failed to put forward a proper claim within a reasonable time after the service of the notice under section 7 or that the claim put forward is grossly excessive or that he has been a party to some deceit or fraud in respect of his claim.

(2) Subject to subsection (1), where an unconditional offer in writing of any amount as compensation has been made to any claimant by or on behalf of the authorised officer and the sum awarded as compensation does not exceed the amount offered, the Chairman shall, unless for special reasons he thinks it proper not to do so, order the claimant to bear his own costs and to pay the costs of the authorised officer so far as the costs of the authorised officer were incurred after the offer was made.

(3) Where the claimant has failed to put forward a proper claim in sufficient time to enable the authorised officer to make a proper offer, the foregoing provisions of this section shall apply as if an unconditional offer had been made by or on behalf of the authorised officer at the time when, in the opinion of the Board, a proper claim should have been put forward and the claimant had been awarded a sum not exceeding the amount of such offer.

(4) Subject to subsection (1), where a claimant has made an unconditional offer in writing to accept any amount as compensation and has put forward a proper claim in sufficient time to enable the authorised officer to make a proper offer, and the sum awarded is equal to or exceeds that amount, the Chairman shall, unless for special reasons he thinks it proper not to do so, order the authorised officer to bear his own costs and to pay the costs of the claimant so far as the costs of the claimant were incurred after the offer was made.

(5) Subject to subsections (1) to (4), the costs shall be in the discretion of the Chairman who may direct to and by whom and in what manner those costs or any part thereof shall be paid, and he may in any case direct such costs to be taxed by the Registrar.

(6) The mode of enforcing any order as to costs shall be in the manner prescribed by the practice of the Supreme Court.

(7) Where the Chairman orders the claimant to pay the costs or any part of the costs of the authorised officer, the authorised officer may deduct the amount so payable by the claimant from the amount of any compensation which may be payable to him.

24. An appeal shall lie to the Court of Appeal against the determination by the Board of any question of disputed compensation under this section in like manner as if such determination was given in the exercise of the jurisdiction of the Supreme Court under the Supreme Court of Judicature Act, and for the purposes of such appeal the determination of the Board shall be deemed to be a final judgment or order of the Supreme Court, and Part III of the Court of Appeal Act shall apply to the procedure and determination of such appeal by the Court of Appeal.

Appeal.
16 of 1975.

CAP. 91.

CAP. 90.

PART VI

Miscellaneous

25.-(1) Where there is no person competent to alienate land or to receive or to give a sufficient discharge for any compensation awarded, or where any person interested in land, by reason of his absence from Belize and of his not being represented therein by a duly authorised attorney, does not submit a statement to or appear before the authorised officer as required by section 7, and where such person, after diligent inquiry, cannot be found, the authorised officer shall pay the compensation into the Supreme Court to the credit of the person entitled thereto.

Absentee
owners.

(2) Any compensation paid into the Supreme Court by virtue of this section may, on the subsequent application of any person claiming to be entitled thereto, be paid out to such person on the order of the court.

(3) All moneys paid into the Supreme Court under this section which remain unclaimed for twelve years after such payment shall be transferred and paid into the Consolidated Revenue Fund and all legal claims thereto shall be forever barred.

Compensation to persons interested in adjacent land.

26.-(1) A person interested in any land which, without any portion thereof being compulsorily acquired, has been injuriously affected by the erection or construction on land compulsorily acquired of any works in respect of which the land was acquired, shall be entitled to compensation in respect of such injurious affection.

(2) Compensation shall not be payable under this section in respect of any injurious affection which, if caused by a private person, would not render such person liable to an action.

Special provisions as to leases.

27.-(1) Where any land is comprised in a lease for a term of years unexpired and part only of such land is acquired compulsorily, the rent payable in respect of the land comprised in such lease may, on the application of the lessor or the lessee to the Supreme Court, be apportioned between the land acquired and the residue of the land.

(2) After such apportionment, the lessee shall, as to all future accruing rent, be liable to pay only so much of the rent as shall be so apportioned in respect of the residue of the land, and as to the residue of the land, and as against the lessee, the lessor shall have all the same rights and remedies for the recovery of such portion of the rent as previously to such apportionment he had for the recovery of the whole rent reserved by the lease.

(3) All the covenants, conditions, and agreements of such lease,

except as to the amount of rent to be paid, shall remain in force with regard to the residue of the land in the same manner as they would have done in case the residue of the land only had been included in the lease.

(4) Where it is shown that the compulsory acquisition of a portion of land comprised in a lease has rendered the residue unsuitable for the purpose for which the land was leased or where in the circumstances the court considers it just to do so the court may rescind the lease altogether, and in such case the lessee shall only be liable to pay the rent due at the date of the occurrence of the circumstance on which the rescission order is based.

(5) Where as the result of such rescission of lease the lessor or lessee suffers any loss or injury he shall be entitled to compensation as provided in this Act.

28. Where any question arises touching the title of any person to any land which may be entered upon or acquired for the purposes of this Act, or touching any estate or interest therein, the person having the ostensible possession or enjoyment of the rents and profits of such land shall, for the purposes of this Act, be deemed to be the owner of the land until the contrary is proved.

Persons in possession to be deemed owners.

29.-(1) Every assessor shall receive for his services such fee as the Minister, on the recommendation of the Chairman, may direct.

Fees and expenses of Board.
40 of 1963.

(2) The Minister may also authorise the reimbursement of the travelling and subsistence expenses incurred by the Chairman and members of a Board appointed under this Act.

30. All reasonable costs, charges, and expenses incurred by the owners of the land or persons interested therein for all conveyances and assurances of any lands purchased or acquired, and of any outstanding terms of interest therein, and of deducing, evidencing and producing title to such lands, terms and interest, and of making out such abstracts and attested copies as the

Conveyancing, etc., cost to be paid by authorised officer.

authorised officer may require, shall be paid by the authorised officer.

Payment of
compensation,
etc.

31. All amounts which have been awarded by way of compensation under this Act, including interest and costs to be paid by the authorised officer, and all other costs, charges and expenses which shall be incurred under the authority of this Act, shall be paid out of moneys voted for the purpose by the National Assembly:

16 of 1975.

Provided that the authorised officer shall be entitled to deduct from any compensation which may have been awarded such sums as are due to the Government as arrears of rural land tax and land tax or any other tax in respect of the land acquired or in respect of any other land owned by the person entitled to the compensation.

Exemption from
stamp duty and
fees.

32. Notwithstanding anything contained in any Act to the contrary, no instrument or document relating to anything lawfully done under or for the purposes of this Act, shall be chargeable with any stamp duty, registration or recording fee.

Limitation of time
for making claims.
40 of 1963.

33. Except with the approval of the Minister, in any case in which he considers that injustice may otherwise be done, no claim for compensation which may be made under this Act shall be admitted or entertained unless the claim is made within twelve months after the date on which entry has been made on the land under section 4 or, if a declaration has been made under section 3, within a similar period after the date of the second publication of such declaration.

Assaulting or
obstructing
officer.

34. Any person who-

- (a) assaults or obstructs or aids any person in assaulting or obstructing the authorised officer or any of his agents, assistants or workmen in the execution of his or their duty under this Act; or

- (b) opposes or impedes the lawful occupation or taking of possession of any land under this Act,

commits an offence and is liable on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

PART VII

Voluntary Conveyance of Land to Crown

35.-(1) The owner of any land, not being land in a town, may convey that land to Her Majesty the Queen, her heirs and successors for the use of the Government of Belize, and the Minister may in his discretion accept that land and pay therefor a price to be agreed upon between the owner and the Commissioner of Lands and Surveys.

Land not in a town voluntarily conveyed to Crown.
15 of 1968.

(2) If the owner and the Commissioner of Lands and Surveys cannot agree upon the price, the matter shall be determined by a district court in accordance with sections 24 and 25 of the Land Tax Act as if the inability to agree on the price was the service of a notice of assessment against which an appeal is filed under section 24 (2) of that Act and sections 24 and 25 of that Act shall, *mutatis mutandis*, apply.

CAP. 58.

(3) The price may be paid either in a sum of money or by the issue of debentures in the manner provided in subsection (4).

(4) The price of any land conveyed under subsection (3) may be paid by the issue to the owner of the land of one or more drawing debentures to an amount equal to the price of the land, and any debenture so issued shall-

- (a) be redeemable within a period not exceeding twenty years;

- (b) bear interest at the rate of three *per centum* per annum; and
- CAP. 81. (c) be deemed to have been issued under the Public Loans Act, and the provisions of that Act shall apply accordingly, subject to the modification that section 13 thereof shall have effect as if there were included therein provision requiring the payment into the Sinking Fund of all moneys received by Government from the sale of any land in respect of which a debenture has been issued under this section.

PART VIII

Registration

Registration on
acquisition by
Crown.
16 of 1975.
CAP. 327.

36. Where land has been acquired by the Crown under this Act, the Registrar, notwithstanding anything to the contrary contained in the General Registry Act and rules made thereunder, shall-

- (a) in the case of unregistered land, receive and record as a deed a memorandum signed by the Minister signifying the acquisition or conveyance of the land without further proof and the memorandum shall be evidence of title in the Government to the land described therein, in fee simple absolute;
- (b) in the case of registered land, receive a memorandum signed by the Minister as authority to cancel the registered proprietors' certificate of title and to issue a transfer certificate of the title in respect of the land described in the memorandum in favour of the Crown as registered proprietor of the land in fee simple absolute:

Provided that where the entirety of a parcel of land described in a certificate of title is not acquired, the registered proprietor shall be entitled to receive a certificate of title from the portion of the land not included in the acquisition.
