



BELIZE

**LAND REFORM (SECURITY OF TENURE) ACT
CHAPTER 186**

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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LAND REFORM (SECURITY OF TENURE) ACT	6
Amendments in force as at 31st December, 2000.	



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CHAPTER 186

LAND REFORM (SECURITY OF TENURE)

ARRANGEMENT OF SECTIONS

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FIRST SCHEDULE

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CHAPTER 186**LAND REFORM (SECURITY OF TENURE)**

CAP. 151,
R.E. 1980-1990.
9 of 1962.
40 of 1963.
Commencement.

[1st January, 1961]¹

PART I*Preliminary*

- Short title. 1. This may be cited as the Land Reform (Security of Tenure) Act.
- Interpretation. 2.-(1) In this Act, unless the context otherwise requires:-
- “application”, in relation to a Land Tribunal, means an application made pursuant to sections 13 (6), 14, 15 or 22;
- “building” includes houses, rooms, flats, apartments and parts thereof;
- “court” means the Supreme Court or a district court;
- “land” includes buildings, houses and other structures and erections thereon;
- “landlord” means any person who under any tenancy is, as between himself and the tenant for the time being, entitled to the rents and profits of the land or building;
- CAP. 191. “national land” has the meaning assigned to it by section 2 of the National Lands Act;

¹ This Act received the Governor’s assent on 26th March, 1962, but by section 28 (which is not reprinted) the Act was deemed to have commenced on 1st January, 1961.

“Tribunal” means a Land Tribunal established under section 8;

“milpa tenancy” means a periodic tenancy under a contract, express or implied, entitling the tenant to hold for one year the exclusive possession of a parcel of land for the growing of an annual crop in contemplation that in each year after the first year of the tenancy the same or a different parcel of land will be allotted to the tenant by the landlord for the tenant to hold for one year the exclusive possession thereof for the growing of an annual crop;

“notice of increase of rent” means a notice served by a landlord on a tenant pursuant to section 13 (1), (2) and (3);

“rent” means the sum of money or other ascertainable consideration payable by the tenant for the possession of the land or building;

“tenancy to which this Act applies” means a tenancy to which this Act applies by virtue of section 3 (1);

“tenant” means any person entitled in possession to the land or building under any contract of tenancy whether the interest of such tenant was acquired by original contract, assignment, operation of law or otherwise;

“town” has the meaning assigned to it by section 2 of the Land Tax Act.

CAP. 58.

(2) The designations of landlord and tenant shall continue to apply to the parties until the conclusion of any proceedings taken under or in pursuance of this Act.

PART II

Provisions as to Contracts of Tenancy to which Act applies

3.-(1) This Act shall apply to every tenancy as defined in section 3 of the Landlord and Tenant Act which exists at the date of commencement of this

Tenancies to which Act applies.

CAP.189. Act in respect to any land, other than national land or land within a town, or is hereafter created in respect to any such land and which so exists or is created under a contract which-

- (a) is not in writing; or
- (b) does not provide for a term certain of more than two years; or
- (c) does provide for a term certain of more than two years and contains a provision whereby either the landlord or the tenant may terminate the tenancy by less than six months' notice for any reason other than that of non-observance or of non-compliance with any of the provisions of the contract of tenancy; or
- (d) provides for an indeterminate term,

and to every milpa tenancy which exists at the date of the commencement of this Act in respect to any such land or is hereafter created in respect to any such land.

CAP. 189. (2) Except in so far as is otherwise provided by this Act, a tenancy to which this Act applies shall, subject to the Landlord and Tenant Act, have the same qualities and incidents as a tenancy from year to year would have under the common law of England notwithstanding anything contained in the Landlord and Tenant Act and except as so otherwise provided the Landlord and Tenant Act shall apply to every such tenancy.

CAP. 189. Termination of tenancies to which Act applies.

4.-(1) Every tenancy to which this Act applies shall be deemed to be a holding of land under a contract for the exclusive possession of a term which shall not come to an end unless-

- (a) subject to subsection (2), it is terminated on 31st December of any year of the tenancy, either by the landlord or the tenant, by not less than twelve months' notice to quit in writing according to Form 1 in the First Schedule; or
- (b) it is terminated in the circumstances described in subsection (2) or (3) or in section 5; or
- (c) it is terminated by the surrender of the tenancy to the landlord or by the abandonment of the tenancy by the tenant; or
- (d) it is terminated by right of re-entry or forfeiture pursuant to section 15 of the Landlord and Tenant Act or by virtue of the law relating to re-entry or forfeiture or relief in case of non-payment of rent.

First Schedule.
Form 1.

CAP. 189.

(2) A milpa tenancy may also be terminated if before the last day of February of each year of the tenancy, the landlord and the tenant fail to agree as to the situation or boundaries of the parcel of land to be held for that year under the milpa tenancy by the tenant or if the landlord refuses to allot to the tenant a parcel of land for that year and in such event, the milpa tenancy shall, for the purposes of this Act, be deemed to have been terminated by the landlord on the last day of February.

(3) Where the tenant of a milpa tenancy holds of the same landlord a tenancy defined in section 3 of the Landlord and Tenant Act and to which this Act applies and on which is situated a building in which he resides to enable him to work the milpa tenancy, the landlord shall not without the consent of the tenant terminate either the milpa tenancy or such other tenancy by a notice to quit served under subsection (1) (a) but if such consent is given and such notice is served in respect of either of the tenancies, such notice shall operate to terminate both tenancies, notwithstanding that the tenancy of the one may have commenced in a different year from that of the other.

CAP. 189.

CAP. 189. (4) Where the tenant of a milpa tenancy holds of the same landlord a tenancy defined in section 3 of the Landlord and Tenant Act and to which this Act applies and on which is situate a building in which he resides to enable him to work the milpa tenancy and the milpa tenancy is at any time terminated by the happening of any of the events mentioned in subsection (2), the tenant may at any time within the month of March of the year in which the milpa tenancy is so terminated serve notice on the landlord according to Form 2 in the First Schedule of his intention to vacate the tenancy of such other land and by such notice the tenancy of such other land shall be deemed to be terminated by the landlord on 1st April in that year.

First Schedule.
Form 2.

Further provisions as to termination of tenancies.

5.-(1) Where the tenant of a tenancy to which this Act applies has been served with a notice of increase of rent, and either does not make an application to a Tribunal within the time allowed by section 14 to have determined the question whether the increased rent demanded by the landlord ought to be allowed or not, or makes such application and the rent payable by him in respect of the tenancy to which the application relates is increased by either the Tribunal or by the Minister on review, he may, if he considers he is unable to pay the rent so increased, serve on the landlord a notice according to Form 3 in the First Schedule.

First Schedule.
Form 3.

(2) A notice served by the tenant on the landlord under subsection (1) shall in any case where no application has been made to a Tribunal by the tenant within the time allowed by section 14, be served within one month of the date of the expiration of the period within which the tenant under section 14 may make application to a Tribunal and in the case where an application has been made by the tenant to a Tribunal, within one month of the date of the decision reached by the Tribunal on such application:

Provided that, if either the landlord or the tenant shall within the time allowed by section 12 (1) apply to the Minister to have reviewed the decision reached by the Tribunal, such notice shall be served within one month of the date on which the decision of the Minister is communicated to the parties affected by it.

(3) Where a notice is served by a tenant on a landlord under subsection (1), the tenancy to which it relates shall be deemed to be terminated by the landlord-

- (a) in any case where no application is made by the tenant to a Tribunal within the time allowed by section 14, on 1st January of the year after the year in which the notice of increase of rent was served by the landlord on the tenant, or, if such last mentioned notice specified a later day, then on such later day; and
- (b) in any case where an application is made by the tenant to a Land Tribunal within the time allowed by section 14, and
 - (i) the Tribunal does not fix a day on and from which the increased rent has effect, on 1st January of the year after the year in which the notice of increase of rent was served by the landlord on the tenant, or, if such last mentioned notice specified a later day, then on such later day;
 - (ii) the Tribunal does fix a day on and from which the increased rent has effect, on the day fixed by the Tribunal:

Provided that if either the landlord or the tenant shall, within the time allowed by section 12 (1), apply to the Minister to have reviewed the decision reached by the Tribunal, the tenancy shall terminate on the day fixed by the Minister as the day on and from which the increased rent has effect, or, if the Minister fails to fix such day, then on the day fixed by the Tribunal as the day on and from which the increased rent has effect, or, if both the Minister and the Tribunal fails to fix such day, then on the day determined in accordance with subparagraph (i) of paragraph (b) of this subsection.

- CAP. 189. (4) Where the tenant of a milpa tenancy holds of the same landlord a tenancy defined in section 3 of the Landlord and Tenant Act and to which this Act applies and on which is situate a building in which he resides to enable him to work the milpa tenancy and either the milpa tenancy or such other tenancy is terminated by virtue of the foregoing provisions of this section, or by virtue of section 4 (1) (d), the tenant may, in respect of the tenancy not so terminated, at any time within one month of the day on which the other tenancy is so terminated, serve notice on the landlord according to Form 2 in the First Schedule of his intention to vacate the tenancy not so terminated and by such notice such last mentioned tenancy shall be deemed to be terminated by the landlord on the first day of the month after the month in which is served the notice under this subsection.
- First Schedule. Form 2.
- Provisions as to notices terminating tenancies to which Act applies. 6. Every notice to terminate a tenancy to which this Act applies or which by virtue of the provisions of this Act operates to terminate such tenancy, shall be signed by the landlord or, as the case may be, by the tenant or by the agent or attorney-at-law of the landlord or tenant.
- Manner of service of notices terminating tenancies to which Act applies. 7.-(1) Service of a notice to terminate a tenancy to which this Act applies or which by virtue of the provisions of this Act operates to terminate such tenancy, may be effected either personally on the person to be served, or by mailing it by registered post or by leaving it with any adult person at the place of abode of the person to be served, or, if the person to be served cannot be found and the place of his abode either is not known or admission thereto cannot be obtained, then by mailing it by registered post to the last known address of the person to be served, or, if such person is the tenant, then by posting it on some conspicuous place on the land.
- (2) For the purposes of subsection (1), where either the landlord or the tenant is a company or a partnership or joint owners or tenants, as the case may be, the expression “person to be served” shall, in the case of a company, mean the secretary of the company, and in any other case any one of the partners, joint owners or joint tenants.

PART III

Provisions as to Land Tribunals

8.-(1) For the purposes of this Act, there shall be established such number of Land Tribunals as the Minister may think fit.

Establishment, jurisdiction and constitution of Land Tribunals.

(2) A Land Tribunal shall consist of a Chairman and two other members and shall have jurisdiction over such area as the Minister may by Order published in the *Gazette* appoint.

40 of 1963.

(3) Where any land, the subject of an application to a Tribunal, is situate within the area of more than one Tribunal, the Tribunal to which application is first made shall be the Tribunal to determine the issue raised by the application.

(4) The Chairman of each Tribunal shall be a magistrate and the two other members shall be appointed by the Minister from a panel of persons from time to time approved by the Minister.

(5) The Chairman of each Tribunal shall have all the powers conferred on a magistrate with respect to the summoning of witnesses, the issue of warrants to compel the attendance of any person or the production of any document relevant to the proceedings before the Tribunal and the maintenance of order at sittings of the Tribunal.

(6) The expenses of a Tribunal shall be defrayed out of moneys provided by the National Assembly.

9.-(1) Each Tribunal shall meet at such times and places as the Chairman may appoint, and such meetings shall be open to the public.

Meetings and procedure of Tribunals.

(2) The Chairman of each Tribunal shall preside at all meetings of the Tribunal and a Tribunal shall meet from time to time with or without adjournment to determine any application made to it.

(3) At the hearing of any application, either party to the application may attend in person or, if not present in person, may be represented by an attorney-at-law or by an agent authorised in writing in that behalf and either party may give evidence on oath or affirmation and shall have the right to obtain from the Chairman of the Tribunal summonses for witnesses to appear at the hearing and give evidence on oath or affirmation or give evidence and produce any books, deeds, papers, writings or articles in their possession.

(4) If, on the day appointed for the hearing of an application, either the landlord or the tenant or the attorney-at-law or agent of either of them shall, without reasonable excuse, fail to appear, a Tribunal may in its discretion adjourn the hearing of the application to a later day or may proceed with the hearing of the application in the absence of the party not attending and whether his agent or attorney-at-law be present or not and, if both the landlord and the tenant and their attorneys-at-law and agents, without reasonable excuse, fail to appear on the day appointed for the hearing of an application, a Tribunal may in its discretion adjourn the hearing to a later day or dismiss the application.

(5) Subject to this Act, every Tribunal shall have power to regulate its own proceedings.

Provisions as to
decisions of
Tribunals.

10.-(1) Subject to subsection (2), a decision of a Tribunal shall be the decision of the majority of persons serving on that Tribunal.

(2) In the event of the members of the Tribunal being each of a different opinion, the opinion of the Chairman of the Tribunal shall be the decision of the Tribunal.

(3) All questions of law or practice or usage having the force of law shall be decided solely by the Chairman of the Tribunal whose ruling as to whether any question is a question of law or practice or usage having the force of law shall be binding on the Tribunal and the parties to the application.

(4) Every decision of a Tribunal with respect to the determination of an application shall be announced by the Chairman of the sitting of the Tribunal at which the decision is reached, and shall be-

- (a) reduced into writing with the reasons therefor stated;
- (b) signified under the hand of the Chairman; and
- (c) enforceable as if it were a decision given by the district court of the judicial district within which the Tribunal has jurisdiction.

(5) On the determination of an application, the Chairman of the Tribunal which heard the application may award such costs not in excess of the costs set forth in the tables in the Schedule to the Inferior Courts Act as he thinks fit. CAP. 94.

(6) Any costs awarded on the determination of an application shall be apportioned by the Chairman of the Tribunal in like manner as costs set forth in the tables in the Schedule to the Inferior Courts Act are apportioned and shall be recoverable as if they were an award of the district court of the judicial district within which the Tribunal has jurisdiction. CAP. 94.

11.-(1) All acts done by any sitting of a Tribunal shall, notwithstanding that it is afterwards discovered that there was a defect in the appointment or a disqualification of a person purporting to be a member thereof, be as valid as if that defect or disqualification had not existed. Validation of acts and documents of Land Tribunals.

(2) Any document purporting to be a document issued by or on behalf of the Chairman of a Tribunal or by or on behalf of a Tribunal shall, until the contrary is proved, be deemed to be a document so issued.

Power of Minister
to review
decisions of
Tribunals.
First Schedule.
Form 4.

12.-(1) A landlord or tenant aggrieved by a decision of a Tribunal may, within one month of the decision reached, apply to the Minister by notice in writing according to Form 4 in the First Schedule for a review of the decision of the Tribunal.

(2) For the purposes of this section, a decision of a Tribunal shall not include the decision of the Tribunal to dismiss an application by reason of the failure without reasonable excuse, of the landlord and the tenant and their attorneys-at-law and agents to appear on the day appointed for the hearing of the application or the decision of the Tribunal with respect to an application made under section 13 (6).

(3) Every notice for a review of the decision of a Tribunal shall be accompanied by a fee of ten dollars which shall be paid into the Consolidated Revenue Fund, and a copy of the decision of the Tribunal certified by the Chairman of the Tribunal and stating the reasons for the decision together with a copy of the application made to the Tribunal shall accompany the notice of review.

(4) On the review of a decision of a Tribunal the Minister may-

- (a) require the Chairman of a Tribunal to submit the proceedings before the Tribunal or a certified copy thereof;
- (b) seek the advice of such persons as he may think fit, and

and may, subject to sections 17 and 22 (4), confirm, reverse, vary or otherwise amend the decision of the Tribunal, and may amend any award of costs made by the Tribunal, so, however, that any costs awarded by the Minister shall not be in excess of the costs set forth in the tables in the Schedule to the Inferior Courts Act.

CAP. 94.

(5) Where the Minister fixes as a day on and from which any increase

of rent shall become payable, being a later day than that fixed by the Tribunal pursuant to section 16 (6), such later day shall be a day within three months of the day so fixed by the Tribunal.

(6) The decision of the Minister on a review of the decision of a Tribunal shall be reduced into writing and shall be final and binding on the landlord and tenant to whom it shall be communicated as soon as practicable and such decision shall be enforceable and any costs awarded shall be recoverable as if the decision or award were a decision or award of the district court of the judicial district within which the Tribunal has jurisdiction.

(7) Except as provided by this section, no proceedings whether by way of appeal, review, *certiorari* or otherwise may be instituted in respect to a decision of a Tribunal or of the Minister.

PART IV

Provisions as to Rent

13.-(1) The amount of any rent payable in respect of a tenancy to which this Act applies, shall not at any time be increased during the continuance of the tenancy unless the landlord serves notice on the tenant of such increase not less than six months prior to 1st January of the year after the year in which the notice is served. Increase of rent.

(2) A notice of increase of rent shall be in writing signed by the landlord or his authorised agent and shall specify a day, not being a day earlier than 1st January of the year after the year in which the notice is served, as the day on and from which the increased rent has effect, and shall state the amount of the rent to be paid on and from that day.

(3) A notice of increase of rent shall not state as the day on and from which the increased rent has effect any day other than a day on which rent normally falls due under the provisions of the contract of tenancy.

(4) Service of a notice of increase of rent shall be effected in the manner provided by section 7 (1) for the service of a notice to terminate a tenancy to which this Act applies.

(5) Where the rent payable in respect of a tenancy to which this Act applies was increased on the day of commencement of this Act or at any time after that day and prior to the day on which this Act was first published in the *Gazette* after the Governor assented to its enactment, and the tenant has on such first mentioned day or at any time within such period paid as rent any amount in excess of the amount payable as the rent of the tenancy immediately prior to its being increased, the landlord shall within one month of the day of such publication refund to the tenant such excess of rent.

(6) If a landlord fails to comply with subsection (5), the tenant may, at any time by notice in writing according to Form 5 in the First Schedule, apply to the Tribunal having jurisdiction in the area in which the land to which his tenancy relates is situate, for the recovery of such amount of excess rent paid by him as he satisfies the Tribunal is due and owing to him.

First Schedule.
Form 5.

Right of tenant to
dispute a notice
of increase of
rent.

14. Where notice of increase of rent is served by the landlord on the tenant of a tenancy to which this Act applies the tenant may, if he considers that the rent ought not to be increased or that the amount of the increase is unjustified or that the day specified in the notice of increase of rent as the day on and from which the increase is to have effect ought to be postponed, by notice in writing according to Form 6 in the First Schedule apply within one month after the date of receipt of the notice of increase of rent to the Tribunal having jurisdiction in the area in which the land the subject of the tenancy is situate, to have any or all such matters determined.

First Schedule.
Form 6.

Application to
Tribunal for
reduction of rent.
First Schedule.
Form 7.

15.-(1) Subject to subsection (2), the tenant of a tenancy to which this Act applies may, at any time by notice in writing according to Form 7 in the First Schedule, apply to the Tribunal having jurisdiction in the area in which the land, the subject of the tenancy is situate, to have reduced on and from the day on which such application is made the amount of rent payable by him in respect

to such tenancy.

(2) No application under subsection (1) shall be made by the same tenant in respect to the same tenancy within twelve months of a previous such application made by him.

16.-(1) Within fourteen days of the receipt of a notice of application made under section 13 (6) or under section 14 or 15, the Chairman of the Tribunal to which the application is made shall cause to be served on the landlord and the tenant a notice specifying the date on which, the place where and the time at which the Tribunal shall sit to hear and determine the application and every such notice served on the landlord shall be accompanied by a copy of the notice of application of the tenant.

Procedure of Tribunal on application under section 14 or 15.

(2) Service of a notice under subsection (1) shall be effected in the manner provided by section 7 (1) for the service of a notice to terminate a tenancy to which this Act applies.

(3) On the hearing of an application made under section 14, the burden of proving that the rent ought to be increased shall lie upon the landlord and, if any question arises as to the date on and from which such increase shall take effect, the burden of proving that such date ought to be postponed shall lie upon the tenant.

(4) On the hearing of an application made under section 15, the burden of proving that the rent ought to be reduced shall lie upon the tenant.

(5) Where the Tribunal to which an application is made under section 14 or 15 is satisfied that the rent ought to be increased to the amount demanded by the landlord, or, as the case may be, reduced to the amount claimed by the tenant, the Tribunal shall direct that the amount of rent so demanded or claimed shall be the rent payable, but if the Tribunal is not so satisfied, it may direct that the amount of the increase, or reduction of rent so demanded or claimed be

reduced by such amount as it considers just or that no increase or reduction of rent be allowed.

(6) Where the Tribunal to which an application is made under section 14 is satisfied that the rent ought to be increased and that the increase ought to take effect on and from the date specified in the notice of increase of rent, the Tribunal shall direct that such increase of rent as pursuant to subsection (5) it may direct to be paid, shall become payable on and from such date, and if the Tribunal is satisfied that the rent ought to be increased but is not satisfied that the increase ought to take effect on and from the date specified in the notice of increase of rent, the Tribunal shall direct that such increase of rent as pursuant to subsection (5) it may direct to be paid, shall become payable on and from such date, not being a date more than six months after the date so specified, as it shall think just.

Nature of use that shall determine questions of increase of rent.

17. In determining whether or not on an application made under section 14 or 15 or on a review of such an application any increase or reduction of rent ought to be allowed and if so the amount of such increase or reduction, a Tribunal or, as the case may be, the Minister shall take into consideration only the use for which the land was let under the contract of tenancy and shall not have regard to any other use that might be made or is being made of the land.

PART V

Provisions as to Compensation

Tenants compensation for unexhausted improvements.

18. Subject to section 20, where the tenant of a tenancy, to which this Act applies has carried out on the land subject to the tenancy any improvement, whether the improvement was or was not an improvement which he was required to make by the terms of the contract of tenancy, he shall be entitled on the termination of the tenancy or on its being deemed to be terminated by the landlord, to obtain from the landlord as compensation for any improvement the benefit of which is unexhausted, such sum as fairly represents the amount a willing purchaser of the land would pay for the enhanced value of the land:

Provided that this section shall not apply to-

- (a) tenant's fixtures of any kind; or
- (b) any building,

which by virtue of section 13 of the Landlord and Tenant Act the tenant is entitled to remove on the termination of the tenancy or at the election of the landlord to receive compensation therefor. CAP. 189.

19.-(1) Without prejudice to section 18 but subject to subsection (2) and section 20, where a tenancy to which this Act applies is terminated or is deemed to be terminated by the landlord, the tenant shall be entitled to compensation for disturbance in such sum as he and the landlord may agree or failing agreement shall be entitled in any case, other than in the case of a milpa tenancy terminated in the circumstances mentioned in section 4 (2), to a sum equivalent to twenty *per centum* of the total amount paid or payable to the landlord as rent during the continuance of the tenancy, and in the case of a milpa tenancy terminated in the circumstances aforesaid, to forty *per centum* of the total amount so paid or payable: Tenants compensation for disturbance.

Provided that where the tenancy of the tenant has continued for more than twenty years prior to the day on which it is terminated or is deemed to be terminated by the landlord, then in determining the amount of compensation payable for disturbance in any case where the landlord and the tenant fail to agree upon the sum to be paid, no regard shall be had to the amount of any rent paid or payable prior to the twenty years immediately preceding the day on which it is terminated or is so deemed to be terminated.

(2) The tenant of a tenancy to which this Act applies shall not be entitled to compensation for disturbance in any case where-

- (a) he abandons the land, the subject of the tenancy or surrenders the land to the landlord;

- (b) he terminates the tenancy by a notice to quit served under section 4 (1) (a) ; or
- (c) without making application to a Tribunal in respect to a notice of increase of rent, or, having made such application in respect to such notice and the rent payable is increased either by a Tribunal or on review by the Minister, he has not served on the landlord a notice as provided by section 5 (1) and has failed to pay the whole or any part of the increased rent as and when it becomes due and payable.

Deductions that may be made from compensation payable to tenants.

20. Subject to section 21, there may be deducted from any compensation payable pursuant to this Part the amount of any rent due and unpaid by the tenant under the contract of tenancy to which the compensation relates and such amount as fairly represents any damage suffered by the landlord in consequence of any wilful act done by the tenant to the land of the tenancy terminated or deemed to be terminated by the landlord or in consequence of any wilful misuse of such land by the tenant.

Compensation, etc., to be taken into account in proceedings before court and Tribunals.

21.-(1) Any compensation awarded under this Part and not paid shall be taken into account by a court in any case where proceedings are initiated by either the landlord or the tenant of a tenancy in respect to which compensation was awarded under this Part for the recovery of any rent, compensation or damages claimed under the contract of tenancy.

CAP. 189.

(2) Any sum by way of arrears or recovery of rent, or as compensation or damages awarded by virtue of any proceedings initiated in any court by either a landlord or a tenant under a contract of tenancy in respect to which an application for compensation has been made under section 22 to a Tribunal and which sum has not been paid and is not a sum awarded under section 13 of the Landlord and Tenant Act, shall be taken into account by a Tribunal and by the Minister on review of the decision of the tribunal in determining the amount of the compensation, if any, to be awarded by virtue of this Part.

22.-(1) If the landlord and the tenant of a tenancy to which this Act applies fail to agree as to the amount of the compensation payable to the tenant under this Part, either the landlord or the tenant may, within one month of the day on which the tenancy is terminated or is deemed to be terminated by the landlord, by notice in writing according to Form 8 in the First Schedule, apply to the Tribunal having jurisdiction in the area in which the land held under the tenancy is situate to have the amount of the compensation so payable determined.

Determination of compensation where parties fail to agree as to amount payable. First Schedule. Form 8.

(2) Within fourteen days of the receipt of a notice of application made under subsection (1), the Chairman of the Tribunal to which the application is made shall cause to be served on the landlord and the tenant a notice specifying the date on which, the place where and the time at which the Tribunal shall sit to hear and determine the application and every such notice served on the party by whom such application has not been made shall be accompanied by a copy of the notice of application of the party by whom such application has been made.

(3) Service of a notice under subsection (2) shall be affected in the manner provided by section 7 (1) for the service of a notice to terminate a tenancy to which this Act applies.

(4) In determining the amount of compensation, if any, payable on an application made under subsection (1) or in determining the amount, if any, to be deducted from such compensation, a Tribunal and the Minister on a review of the decision of a Tribunal shall have regard only to sections 18, 19, 20, and 21.

23.-(1) In the event of a landlord of a tenancy to which this Act applies failing to pay to the tenant thereof before the day on which the tenancy is terminated or is deemed to be terminated by the landlord the full amount of the compensation payable to the tenant under this Part, the tenant shall have the right, notwithstanding that the tenancy has been terminated or has been so deemed to be terminated, to retain the exclusive possession of the land subject to subsection (2).

Creation of tenancy on sufferance for non-payment of compensation.

CAP. 189. (2) Where the tenant of a tenancy to which this Act applies retains the exclusive possession of the land in the circumstances mentioned in subsection (1), he shall be deemed to hold the land under a tenancy on sufferance having, subject to the Landlord and Tenant Act, the same qualities and incidents as a tenancy on sufferance would have under the common law of England:

CAP. 189. Provided that notwithstanding anything contained in the Landlord and Tenant Act, a tenancy on sufferance arising by virtue of this section shall not be capable of termination by the landlord until the landlord has paid to the tenant the full amount of the compensation payable to the tenant under this Part on the tenancy specified in subsection (1) being terminated or being deemed to be terminated by the landlord.

PART VI

Miscellaneous

Regulations.
40 of 1963. 24.-(1) The Minister may make regulations for the better carrying out of this Act.

(2) Without prejudice to subsection (1), the Minister may make regulations with respect to-

- (a) the conduct of proceedings before a Tribunal and the appointment of members thereto;
- (b) the service of notices on a Tribunal or on the Minister;
- (c) the fees to be paid for the issue of a summons by the Chairman of a Tribunal or for the furnishing by such Chairman of any documents required by the Minister on a review of an application made to a Tribunal;

- (d) the remuneration, including any travelling allowance, to be paid to a member of a Tribunal; and
- (e) the enforcement of decisions made by a Tribunal or by the Minister on a review of a decision of a Tribunal and the recovery of costs awarded by a Tribunal or the Minister.

25. Where any conflict or inconsistency arises between this Act and the provisions of any other law affecting the relationship of landlord and tenant, the provisions of this Act shall prevail.

Provisions of this Act to prevail.

26. Notwithstanding anything contained in this Act, the Second Schedule shall have effect in relation to the tenancies to which it applies.

Application of Second Schedule.

27. Where by virtue of any acts done or proceedings initiated prior to the day on which this Act was first published in the *Gazette* after the Governor assented to its enactment, any tenancy to which this Act applies would be terminated otherwise than in accordance with this Act, on or at any time after that day, such acts or proceedings, other than an act of service of a notice of intention to quit by the tenant on the landlord in accordance with the terms of the contract of tenancy or the law in force immediately before the day of the commencement of this Act, shall be null and void and of no legal effect whatever:

Saving.

Provided that any costs awarded by a court to either a landlord or a tenant in any such proceedings shall be recoverable at the suit of the party in favour of whom they were awarded.

FIRST SCHEDULE

FORM 1

[Section 4 (1) (a)]

Notice to Terminate Tenancy

TO (state name of landlord) of (state address)
tenant

I hereby² (as agent or attorney-at-law for X.Y. your landlord
tenant
and on his behalf) give you notice ¹to quit
that it is (my)¹ (his)¹ intention to quit

and deliver up possession on 31st December 20 of the lot of land of
(state area or approximate area of land) and being (state description of the
land) situate at (state place) in the (state name of district) District in Belize¹
(which you hold of (me)¹ (him)¹ as tenant thereof under the provisions of the
Land Reform (Security of Tenure) Act

CAP. 186.

OR

CAP. 186. (now held by¹ (me)¹ (him)¹ as your tenant under the provisions of the Land
Reform (Security of Tenure) Act).

DATED the day of 20 .

Signature.

NOTES:

1. Delete whichever is inapplicable.
2. Omit where notice is sent personally by either a landlord or tenant.

FORM 2

[Sections 4 (4) and 5 (4)]

Notice by Tenant of Intention to Vacate Tenancy

TO (state name of landlord) of (state address of landlord).

I hereby* (as agent or attorney-at-law for X.Y. your tenant and on his behalf) give you notice that it is (my)* (his)* intention to vacate and deliver up possession of the lot of land of (insert area or approximate area of the land) and being (insert description of the land) situate at (state place) in the (state name of district) District in Belize now held by (me)* (him)* as tenant thereof under the provisions of the Land Reform (Security of Tenure) Act.

CAP. 186.

DATED the day of 20 .

Signature.

NOTE: *Delete whichever is inapplicable.

FORM 3

[Section 5 (1)]

Notice by Tenant of Inability to Pay Increased Rent

To (state name of landlord) of (state address of landlord).

I hereby* (as agent or attorney-at-law for X.Y. your tenant and on his behalf) give you notice that (I am)* (he is)* unable to pay the increased rent payable in respect of the lot of land of (insert area or approximate area of the land) and being (insert description of the land) situate at (state place) in the

CAP. 186. (state name of district) District in Belize now held by (me)* (him)* as tenant thereof under the Land Reform (Security of Tenure) Act.

DATED the day of 20 .

Signature.

NOTE: *Delete whichever is inapplicable.

FORM 4

[Section 12 (1)]

Notice of Application for Review of Decision of a Land Tribunal

TO The Permanent Secretary, Ministry of Natural Resources.

I hereby* (as agent or attorney-at-law for X. Y. of and on his behalf) make application to the Minister of Natural Resources, for a review by the Minister of the decision (a certified copy of which is attached) given on the day of 20 by the Land Tribunal for (state area over which the Tribunal has jurisdiction) with respect to the attached application.

DATED the day of 20 .

Signature.

NOTE: *Delete whichever is inapplicable.

The above application must be accompanied by a fee of five dollars (\$5.00).

FORM 5

[Section 13 (6)]

Notice of Application to Land Tribunal to Recover Excess Rents Paid

TO: _____ Esq., of _____ Chairman
of the Land Tribunal for (state area over which the Tribunal has jurisdiction).

I hereby* (as agent or attorney-at-law for X.Y. of and on his behalf) make application to the Land Tribunal over which you preside as Chairman to recover the sum of \$ _____ cents being the amount of the excess rents paid by (me)* (him)* (on the 1st day of January, 1961)* (after the 1st day of January, 1961)*, and prior to the _____ day of _____ 1962, to _____ of _____ the landlord of the lot of land of (state area or approximate area of the land) and being (state description of the land) situate at (state place) in the (state name of district) District which is now held by (me)* (him)* as tenant thereof under the Land Reform (Security of Tenure) Act.

CAP. 186.

DATED the _____ day of _____ 20 .

Signature.

NOTE: *Delete whichever is inapplicable.

NOTE: *Delete whichever is inapplicable.

FORM 7

[Section 15 (1)]

Notice of Application by a Tenant for Reduction of Rent

TO: Esq., of Chairman of the Land Tribunal (state area over which the Tribunal has jurisdiction). I hereby (as agent or attorney-at-law for X.Y. of and on his behalf)* make application to the Land Tribunal over which you preside as Chairman to have reduced the rent payable by (me) * (him) * with respect to the lot of land of (state area or approximate area of the land) and being (state description of the land) situate at (state place) in the (state name of district) District in Belize of which (I am)* (he is)* the tenant of (state name of landlord) of (state address of landlord) under the Land Reform (Security of Tenure) Act.

CAP. 186.

DATED the day of 20 .

Signature.

*Delete whichever is inapplicable.

FORM 8

[Section 22 (1)]

Notice of Application to Land Tribunal to Determine Compensation

TO: _____ Esq., of _____ Chairman
of the Land Tribunal for (state area over which the Tribunal has jurisdiction).

I hereby (as agent or attorney-at-law for X.Y. of
and on his behalf) * make application to the Land Tribunal over which you
preside as Chairman to have determined the amount of the compensation
payable in respect of the termination of the tenancy of the lot of land of (state
area or approximate area of the land) and being (state description of the land)
situate at (state place) in the (state name of district) District of which (I am)*
CAP. 186. (he is)* the (landlord)* (tenant)* under the Land Reform (Security of Tenure)
Act.

The (landlord)* (tenant)* of the said land is (state name) and his
address is (state address).

DATED the _____ day of _____ 20 ____ .

Signature.

NOTE: *Delete whichever is inapplicable.

SECOND SCHEDULE

[Section 26]

1.-(1) For the purposes of this Schedule, unless the contrary intention appears-

Interpretation.

“publication day” means the day on which this Act is or was first published in the *Gazette* after the Governor assented to its enactment;

“tenancy” means a tenancy terminated on the 1st January, 1961, or at any time after that day and prior to the publication day, which at the time of its termination was a tenancy to which this Act applies;

“termination” in relation to a tenancy shall, with its grammatical variations, mean that the tenancy has been terminated by virtue of a law governing the relationship of landlord and tenant in force immediately before the 1st January, 1961.

(2) Where, under the provisions of this Schedule, a tenancy is declared to be terminated, that expression shall, unless the provisions of this Schedule expressly provide to the contrary, be construed to mean that the legal relationship of landlord and tenant has ceased to exist but the designations of landlord and tenant shall continue to apply to the parties for the purposes of the provisions of this Schedule.

2.-(1) Where a tenancy has been terminated and on the publication day the tenant is in possession of the land to which the tenancy related, then, subject to the provisions of paragraph (2) of this article, the tenancy terminated shall on that day, notwithstanding the termination thereof, revive and continue as a tenancy to which this Act applies and, subject to the provisions of this Act, shall so continue upon the terms and conditions of the contract of tenancy which applied thereto immediately before the termination thereof:

Provisions as to terminated tenancies where the land is in possession of the tenant on the publication day.

Provided that, the rent payable in the case of a tenancy so reviving and continuing shall, if it was increased on the 1st January, 1961, or at any time after

that day and prior to the publication day, be, as on and from the day the tenancy so revives and continues, the rent that was payable immediately before it was increased unless or until it is increased or reduced in accordance with the provisions of Part IV of this Act.

(2) Where on the publication day a tenant is in possession of the land which was held under a tenancy that has been terminated, the tenancy shall not revive and continue as provided by paragraph (1) of this article in any case where the tenancy was terminated-

(a) by notice to quit served on the landlord by the tenant in accordance with the terms of the contract of tenancy or of the law applicable thereto; or

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(b) by right of re-entry or forfeiture pursuant to the provisions of section 15 of the Landlord and Tenant Act or by virtue of the law relating to re-entry or forfeiture or relief in case of non-payment of rent.

First Schedule.
Form 2.

(3) A tenant in possession on the publication day of the land which was held under a tenancy that has been terminated, may, in the case where the tenancy revives and continues pursuant to paragraph (1) of this article, by notice according to Form 2 in the First Schedule served in accordance with section 7 (1) of this Act on the landlord within one month of the publication day, declare his intention to vacate the tenancy and by such notice the tenancy shall be deemed to be terminated by the landlord on the first day of the month after the month in which the notice is served by virtue of the law governing the relationship of landlord and tenant in force on the 1st January, 1961.

(4) Where a tenancy is terminated by virtue of the provisions of paragraph (3) of this article the tenant shall upon the termination thereof become entitled to compensation for improvement as provided by Part V of this Act but shall not be entitled to compensation for disturbance as so provided.

3.-(1) Where a tenancy has been terminated and on the publication day the tenant is not in possession of the land to which the tenancy related, the tenant shall be entitled to compensation for improvement as provided by Part V of this Act and, subject to the provisions of paragraphs (2) and (3) of this article, be entitled to compensation for disturbance as so provided.

Provisions as to terminated tenancies where the land is not in the possession of the tenant on the publication day.

(2) Where on the publication day a tenant is not in possession of the land which was held under a tenancy that has been terminated, he shall not be entitled to compensation for disturbance in any case the tenancy was terminated-

- (a) by a notice to quit served on the landlord by the tenant in accordance with the terms of the contract of tenancy or of the law applicable thereto; or
- (b) because he has abandoned the land, the subject of the tenancy, or surrendered the land to the landlord.

(3) If within one month of the publication day, the landlord of a terminated tenancy of which the tenant was not in possession of the land on the publication day, shall by notice in writing invite the tenant to resume his occupation of the land as the tenant of a tenancy to which this Act applies and, subject to the provisions of this Act, upon the terms and conditions of the contract of tenancy which applied thereto immediately before the termination thereof, and the tenant shall reject such invitation for any reason other than that the land is in the occupation of some person other than the landlord, the tenant shall not be entitled to compensation for disturbance as provided by Part V of this Act.

(4) The rent payable in the case of a terminated tenancy, the occupation of which is resumed by the tenant under the provisions of paragraph (3) of this article, shall, if it was increased on the 1st January 1961, or at any time after that day and prior to the publication day, be, as on and from the day the occupation is so resumed, the rent that was payable immediately before it was increased unless or until it is increased or reduced in accordance with Part IV of this Act.

(5) An application to a Land Tribunal for any compensation payable under this article shall be made not earlier than one month after the publication day or later than two months after that day.

Recovery of
excess rents paid.

4.-(1) If the rent of a terminated tenancy was at any time increased on the 1st January, 1961, or after that day and prior to the day of the termination of the tenancy, being a day prior to the publication day, and the tenant shall have in respect of 1st January, 1961, or of the aforesaid period, paid as rent any amount payable in excess of the amount payable as rent immediately before it was increased, the landlord shall refund such excess to the tenant, and if the landlord shall within one month of the publication day fail so to do, the tenant may by notice in writing apply to the Land Tribunal having jurisdiction in the area in which the land to which the tenancy related is situate for the recovery of such amount as he satisfies the Land Tribunal is due and owing to him.

(2) Within fourteen days of the receipt of a notice of application made under paragraph (1) of this article, the Chairman of the Land Tribunal to which the application is made shall cause to be served on the landlord and the tenant a notice specifying the date on which, the place where and the time at which the Land Tribunal shall sit to hear and determine the application and every such notice served on the landlord shall be accompanied by a copy of the notice of application of the tenant.

(3) Service of a notice under paragraph (2) of this article shall be effected in the manner provided by subsection (1) of section 7 of this Act for the service of a notice to terminate a tenancy to which this Act applies.

(4) The decision of a Land Tribunal on an application made under paragraph (1) of this article shall not be subject to review by the Minister.

(5) A notice of application made under paragraph (1) of this article shall be according to the following form-

Notice of Application to Land Tribunal to recover Excess Rents paid

TO: Esq., of Chairman
of the Land Tribunal for (state area over which the Tribunal has jurisdiction).

I hereby (as agent or attorney-at-law for X.Y. of and on his behalf)* make application to the Land Tribunal over which you preside as Chairman to recover the sum of \$ cents being the amount of the excess rents paid by (me) * (him) * (on the 1st day of January, 1961) (after the 1st day of January, 1961)* and prior to the day of ,1962 to of the landlord of the lot of land of (state area or approximate area of the land) and being (state description of the land) situate at (state place) in the (state name of district) District which (1)* (he)* held as tenant and which was terminated on the day of 1962.

DATED the day of 20 .

1.*Delete whichever is inapplicable.

5. Any costs awarded by a court to either a landlord or a tenant in any proceedings which result in the termination of a tenancy shall be recoverable at the suit of the party in favour of whom they were awarded. Recovery of cost.

6. Save as provided by the provisions of this Schedule, the provisions contained in Part V of this Act and of section 25 thereof shall apply to a tenancy in like manner as they apply to a tenancy to which this Act applies, and in respect to any application made under the provisions of this Schedule to a Land Tribunal, the provisions of Part III of this Act, relating to Land Tribunals and of any regulations made under section 24 of this Act relating thereto shall, save as so provided, apply to such application in like manner as they apply to an application made under section 14, 15 or 22 of this Act. Saving.