



BELIZE

**LAND ADJUDICATION ACT
CHAPTER 185**

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-

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ARRANGEMENT OF SECTIONS

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LAND ADJUDICATION ACT

5

Amendments in force as at 31st December, 2000.



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CHAPTER 185

LAND ADJUDICATION

[14th December, 1992]

27 of 1992.
Commencement
[20. 4. 1999]
S.I. 46 of 1999.

PART I

Preliminary and Application

1. This Act may be cited as the Land Adjudication Act, and shall come into operation on a day to be appointed by the Minister by Order published in the *Gazette*.
Short title and commencement.
2. In this Act, unless the context otherwise requires:-
Interpretation.

- CAP. 194. “absolute title” has the meaning ascribed to it in the Registered Land Act;
- CAP. 194. “adjudication” means the demarcation of boundaries, settlement of boundary disputes, recording of rights and settlement of disputes concerning those rights, survey of parcels and production of Registry index maps as a preparation for the registration of land in accordance with the Registered Land Act;
- “adjudication area” means an area declared by the Minister under section 3;
- “adjudication record” means the adjudication record prepared in accordance with the provisions of section 18 in respect of an adjudication section;
- “adjudication section” means an adjudication section declared under section 5;
- “Adjudicator” means an Adjudicator appointed under section 4;
- “Court” means the Supreme Court of Belize;
- CAP. 90. “Court of Appeal” means the Court of Appeal established under the Court of Appeal Act;
- “demarcator” means a demarcator appointed under section 4,
- “guardian” means any person responsible for protecting the interests of any person who is under disability due to any cause;
- “interest in land” means any right or interest in, on, under or over land which is capable of being recorded under the provisions of this Act;
- “land” includes land covered water, all things growing on land, buildings and other things permanently affixed to land;

“Minister” means the Minister for the time being responsible for lands;

“parcel” means a piece of land separately shown on the Registry map and given a number;

“provisional title” has the meaning ascribed to it in the Registered Land Act; CAP. 194.

“records officer” means a records officer appointed under section 4;

“Registrar” means the Registrar of Lands appointed under the Registered Land Act; CAP. 194.

“Registry Map” means a Registry Index Map prepared under section 13 in respect of an adjudication section;

“surveyor” has the meaning ascribed to it by the Land Surveyors Act; CAP. 187.

“Tribunal” means the Land Adjudication Tribunal established under section 4.

3.-(1) The Minister may, from time to time declare that with effect from a given date, any area of land approximately defined and ascertained in such declaration shall be an adjudication area for the purpose of this Act, and on and with effect from such date, this Act shall apply thereto. Declaration of adjudication areas.

(2) The Minister may at any time revoke or amend any declaration made under subsection (1) above.

(3) Every declaration made under subsection (1) or (2) of this section shall be published in three consecutive issues of the *Gazette*.

PART II

Land Adjudication Tribunal and Officers

Establishment of
Land Adjudication
Tribunal and
appointment of
officers.

4.-(1) On or after the publication of a declaration made under section 3, the Minister shall appoint a Land Adjudication Tribunal for the adjudication area consisting of an Adjudicator and two other members. Each member shall be qualified as a land surveyor, lawyer or land economist; provided that not more than two members of the Tribunal shall be land surveyors or lawyers or land economists, and that an experienced magistrate may take the place of a lawyer. The Adjudicator shall preside over the Tribunal, which shall adjudicate upon and determine all matters referred to it; provided that two members, including the Adjudicator, shall form a quorum for the Tribunal.

(2) The Public Services Commission may appoint such demarcators, records officers, surveyors and other officers as may be necessary for performing the duties and exercising the powers imposed and conferred upon them by this Act.

(3) The Adjudicator may issue such general or special directions as he thinks necessary to the officers appointed under subsection (2) above, and may himself perform and exercise all or any of the duties and powers conferred under this Act to such officers, save that, unless he is himself a qualified surveyor, he shall not perform the technical functions of a surveyor.

(4) The Adjudicator shall be competent to administer oaths and take affidavits in any enquiry made by the Tribunal and to issue summonses, notices or orders requiring the attendance of such persons and the production of such documents as he may consider necessary for carrying out the adjudication.

(5) The Adjudicator, and any other officer pointed under this section, may at any reasonable time enter upon any land within the adjudication area for the purposes of adjudication, demarcation or survey of any parcel therein; provided that not less than seven clear days notice shall be given, and may summon any person who can give information regarding the boundaries of any such parcel to point out the boundaries.

PART III

Claims and Demarcation

5. The Adjudicator may by declaration divide the adjudication area into two or more adjudication sections, or and shall give each adjudication section a distinctive name. Adjudication sections.

6.-(1) The Adjudicator shall prepare a separate notice in respect of each adjudication section, and in each notice shall - Notice by Adjudicator.

- (a) specify as clearly as possible, the situation and limits of the adjudication section;
- (b) declare that all interests in land will be ascertained and recorded in accordance with the provisions of this Act;
- (c) require any person who claims any interest in land within the adjudication section to make a claim thereto either in writing or in person or by agent within the period, and at the place and in the manner specified in the notice; provided that any person whose name appears in a schedule prepared by the Registrar need not make a claim in respect of the parcel of land shown against his name;
- (d) require all claimants to land within the adjudication section to mark or indicate the boundaries of the land claimed in such manner and before such date as shall be required by the demarcator.

(2) The Adjudicator shall cause-

- (a) such notice and schedule, if any, to be published in two

local newspapers and at the office of the Commissioner of Lands and Surveys and such other places within Belize as he thinks fit; and

- (b) the substance of such notice to be made known throughout the adjudication area and elsewhere in such manner as he considers to be most effective for the purpose of bringing it to the attention of all persons affected thereby.

Staying of land suits.

7.-(1) Except with the consent in writing of the Adjudicator, no action concerning the adjudication of land in an adjudication section shall be begun in any civil court until proceedings under this Act have been completed.

(2) The hearing of any such action which was begun before the publication of the notice mentioned in section 6 above shall, where practicable, be determined before the adjudication of the land affected by the action is commenced.

(3) Any hearing which has not been completed before such adjudication is commenced shall, unless the Adjudicator otherwise directs, be stayed.

Claims and attendance.

8.-(1) Every person claiming any land or interest in land within an adjudication section shall make his claim in the manner and within the period fixed by the notice given under section 6.

(2) Every person whose presence is required by the Adjudicator, demarcator or records officer, as the case may be, shall attend in person or by agent at the time and place specified.

(3) If any such person fails to attend in person or by agent following a notice given under section 6 and fails to attend in person or by agent following a second notice of fourteen days, the demarcation, recording or

other proceeding shall continue in his absence.

9.-(1) If the Adjudicator, demarcator or records officer is satisfied that any person who has not made a claim has a claim to any interest in land within the adjudication section, the Adjudicator, demarcator or records officer may, but shall not be bound to, proceed as if a claim had been made, and may require the proper officer to furnish certified copies of any documents of title relevant thereto.

Safeguarding of rights of absent persons and minors, etc.

(2) If the Adjudicator, demarcator or records officer is satisfied that a claim might be established by a person under disability and no person has been appointed to represent such person, he shall apply in a summary manner to the Magistrates' Court of the district in which the adjudication area falls, for that Court to appoint a guardian in that behalf, and shall proceed as if a claim had been made.

10.-(1) Not less than seven clear days before the demarcation of land in an adjudication section is begun, the demarcator shall give notice of the intended demarcation in that section, and of the time and place at which it will begin, by publication in two local newspapers and in such manner as the Adjudicator shall deem the most likely to bring the matter to the knowledge of the persons to be affected by the demarcation.

Notice of demarcation and recording.

(2) Such notice shall require every claimant to indicate the boundaries of the land affected by his claim in the manner specified in the notice.

11. Subject to any general or particular directions issued by the Adjudicator, the demarcator shall within each adjudication section-

Indication of land claimed.

(a) ensure that the boundaries of each piece of land which is the subject of a claim, are indicated or demarcated in accordance with the requirements of the notice given under section 10;

- (b) indicate, or cause to be indicated, the boundaries of-
 - (i) public roads, public rights of way and other national land; and
 - (ii) waste or unclaimed land.

Special powers of demarcator.

12.-(1) The demarcator may divide the adjudication section into blocks which shall be given distinctive letters or numbers or combinations of letters and numbers.

- (2) The demarcator may-
 - (a) with the consent of the owner concerned, adjust the boundaries of any land in the adjudication section or reallot the same to ensure the more beneficial occupation thereof or to effect a more suitable subdivision thereof;
 - (b) make any reservations he considers necessary for the purposes of defining existing roads and paths;
 - (c) make a declaration of such existing rights of way over any land in the adjudication section and may direct the manner in which such rights of way are to be exercised and in such case he shall direct that such rights of way be recorded in the adjudication records in respect of the dominant and the servient land;
 - (d) award such compensation as may to him appear just, to any person who has suffered loss of land as the result of any adjustment of boundaries or the partition or reallotment of any land or the declaration of any rights of way and make an order directing by whom such

compensation shall be paid;

- (e) determine the proportions in which the expenses of any partition shall be borne by the persons interested therein and make an order accordingly.

(3) In the event of any dispute between parties arising from his exercise of the powers conferred under the provisions of subsection (2) above, the demarcator shall refer the matter to the Tribunal.

(4) Any order for the payment of compensation, expenses or costs made against the owner of any land shall create a debt to be charged on such land which shall have priority over all other debts whatever except debts due to the Government.

13. Subject to any general or particular directions issued by the Adjudicator, the duties of the surveyor shall be-

Duties of the
surveyor.

- (a) to carry out such survey work as may be required in the execution of the adjudication process and to the satisfaction of the Commissioner of Lands and Surveys;
- (b) to prepare or cause to be prepared the Registry Index Map or maps of the adjudication section which shall be compiled from survey data or aerial photographs, on which shall be shown every separate parcel of land identified by a distinguishing number, except that public roads shall not be required to be identified with a number.

14. The records officer shall consider all claims to any interest in land, and after such investigation as he considers necessary, shall prepare in accordance with the provisions of section 18, a record in respect of every parcel of land shown on the Registry Map.

Duties of the
records officer.

Disputes.

15.-(1) Where in any case-

- (a) there is a dispute as to any boundary whether indicated to the demarcator or demarcated or readjusted by him, which the demarcator is unable to resolve; or
- (b) there are two or more claimants to any interest in land and the records officer is unable to effect agreement between them;

the demarcator or the records officer, as the case may be, shall refer the matter to the Tribunal.

(2) The Tribunal shall adjudicate upon and determine any dispute referred to it under subsection (1) above, having due regard to any law which may be applicable, and shall make and sign a record of its proceedings.

(3) Parties affected or liable to be affected by an adjudication may be heard through their representatives who need not necessarily be persons admitted to practise law in Belize.

PART IV

Principles of Adjudication and Preparation of the Adjudication Record

Principles of
adjudication.

16.-(1) In preparing the adjudication record, where the records officer is satisfied that-

- (a) a person is in open, peaceful and adverse possession of a parcel (other than the foreshore) and has been in such possession by himself or by his predecessors in title for an uninterrupted period of twelve years or more

without the permission of any person lawfully entitled to such possession, he shall record that person as the owner of the parcel and declare his title to be provisional;

- (b) a person is in open, peaceful and adverse possession of a parcel of national land (other than the foreshore) and has been in such possession by himself or by his predecessors in title for an uninterrupted period of thirty years or more and without the permission of any person lawfully entitled to such possession, he shall record that person as the owner of the parcel and declare his title to be provisional;
- (c) a person has good documentary title to the land and that no other person has acquired a title thereto under any law relating to prescription or limitation, and that he would succeed in maintaining or defending such possession or title against any other person claiming the land or any part thereof, he shall record that person as the owner of the parcel and declare his title to be absolute;
- (d) any land is subject to any right which is registrable as a lease, charge, easement, profit or restrictive covenant or agreement under the Registered Land Act, he shall record such particulars as shall enable the right and the name of the person entitled to the benefit thereof to be registered;
- (e) a person is in possession of, or has a right to, a parcel but is not satisfied that such person is entitled to be recorded under paragraph (c) of this subsection as the owner of the parcel with absolute title, he may nevertheless record that person as the owner of the parcel and

CAP. 194.

declare his title to be provisional and shall record-

- (i) the date on which the possession of that person shall be considered to have begun;
- (ii) particulars of any deed, instrument or other document by virtue of which some estate, right or interest, adverse to or in derogation of, the title of that person may exist; or
- (iii) any other qualification which affects the title.

(2) For the purpose of this section-

- (a) a person is deemed to be in possession of land if he does not acknowledge the title of any other person to that land and by himself, his agent, tenant or servant, actually uses or has used the land to the exclusion of the public;
- (b) “good documentary title” means a title evidenced by documents which establishes that a person is entitled to land in fee simple and which title commenced with a grant, conveyance, assignment, mortgage or other good root of title which is more than twelve years old.
- (c) paragraphs (a) and (b) of subsection (1) above shall not apply to the foreshore.

(3) The records officer shall follow the rules laid down in section 17 below.

Rules to be followed in adjudication.

17.-(1) All unclaimed and unoccupied land shall be deemed to be national land save that where it remains uncertain after the completion of the

adjudication process whether the title to any land is vested in the Government or in any other person or persons, the provisions of section 30 of the National Lands Act shall apply.

CAP. 191.

(2) Possession or receipt of rents and profits by any person through whom a claimant derives his title shall be deemed to have been the possession or receipt of rents and profits of the claimant.

(3) Where from the relationship of the parties or from other special causes it appears that the person in possession of land is or was in possession on behalf of another, his possession shall be deemed to be or to have been the possession of that other.

(4) Where two or more persons have rights which entitle them to be registered as joint proprietors or proprietors in common under the Registered Land Act, the records officer shall record such persons as joint owners or owners in common, as the case may be, and if owners in common, the share of each such owner.

CAP. 194.

(5) A receipt shall be given by the records officer for all documents produced by a claimant and retained by the records officer.

18.-(1) The adjudication record shall consist of a form in respect of each parcel of land, which form shall show-

Adjudication
record.

- (a) the number and approximate area of the parcel as shown in the Registry Map;
- (b) either the name and description of the person entitled to be registered as the owner of the parcel, with particulars of the manner in which that person acquired that parcel and of any restriction on his power of dealing with it, or the fact that the parcel is national land;

CAP. 194.

- (c) the particulars of any right registrable under the Registered Land Act as shall enable it to be registered as a lease, mortgage, charge, easement, profit or restrictive covenant or agreement, as the case may be, affecting the parcel together with the name and description of the person entitled to the benefit thereof and particulars of any restriction on his power of dealing with it;
- (d) if any person shown in the adjudication record is under disability, whether by reason of age, unsoundness of mind or otherwise, the name of such person's guardian;
- (e) a list of the documents, if any, produced to the records officer and retained by him for the purpose of adjudication; and
- (f) the date on which the form is completed.

(2) When completed, the form shall be signed by the records officer and, in the case of privately owned land, he shall take all such steps as are reasonable and necessary to obtain an acknowledgment signed by the owner of the parcel and by any person recorded under the provisions of subsection (1) (c) above, as having an interest in such parcel, that such owner and every other person accepts the record.

Notice of completion of adjudication record.

19. When the adjudication record in respect of any adjudication section has been completed, the Adjudicator shall sign and date a certificate to that effect and shall forthwith give notice of the completion thereof and of the place and time at which the same, or an official copy thereof, can be inspected together with the Registry Map, and in such notice shall declare the period during which and the manner in which petitions under section 20 may be presented.

PART V

Objections and Finality

20.-(1) Any person (including the Minister), who is aggrieved by any entry in or omission from any completed adjudication record may, at any time during the period declared under section 19, petition the Tribunal in respect of such entry or omission and the petition shall be heard by the Tribunal and determined or redetermined in accordance with the provisions of this Act.

Objection to the adjudication record.

(2) In hearing a petition under subsection (1) above or a dispute under section 15, the Tribunal shall, so far as may be practicable, follow the procedure directed to be observed in the hearing of civil suits, save that in its absolute discretion it may admit evidence which would not be admissible in a court of law and may use evidence adduced in any other claim or contained in any official record and may call evidence of its own motion.

21. At any time before the adjudication record becomes final, the Adjudicator-

Correction of the adjudication record.

- (a) may correct in the record any error or omission not materially affecting the interests of any person; and
- (b) after taking such steps as he thinks fit to bring to the notice of every person whose interest is affected, his intention to make any material alteration in the record which he considers necessary, and after giving such person an opportunity to be heard, may make such alteration.

22. After the expiration of the period declared under section 19, or when all petitions presented to the Tribunal under section 20 have been determined, whichever is the later, the Adjudicator shall sign and date a certificate to the effect that the adjudication record is final, and shall deliver to the

Finality of the adjudication record.

- CAP. 194. Registrar for compilation of the Register in accordance with the provisions of the Registered Land Act, the adjudication record, Registry Map and all other documents received by him in the process of adjudication.
- Appeals. 23.-(1) Any person (including the Minister), who is aggrieved by any act or decision of the Tribunal and desires to question it or any part of it may appeal to the Court within thirty days from the date of the certificate of the Adjudicator given under section 22 or within such extended time as the Court may, on good cause being shown, allow.
- CAP. 194. (2) On such appeal, the Court may make such order or substitute for the decision of the Tribunal such decision as it may consider just and shall order as may be necessary and in such manner as it may think fit, rectification of the Register kept under the Registered Land Act.
- CAP. 90. (3) Any person (including the Minister), who is aggrieved by an order or decision of the Court made under subsection (2) above may appeal to the Court of Appeal in accordance with the provisions of the Court of Appeal Act governing appeals in civil proceedings and the Court of Appeal may upon such appeal affirm or reverse or amend the order or decision of the Court and shall order as may be necessary and in such manner as the Court of Appeal may think fit rectification of the Register kept under the Registered Land Act, and may also make such order as to costs in the Court, and as to costs of the appeal, as the Court of Appeal thinks proper.
- CAP. 194. (4) A decision of the Court on appeal under subsection (1) or of the Court of Appeal under subsection (3) shall be in writing and copies of it shall be furnished by the court in question to the Registrar, to the appellant and to all other parties to the appeal and by the Registrar to all other parties who, in his opinion, may be affected by the appeal.
- (5) Any person (including the Minister), appealing under subsection (1) shall give notice to the Registrar of his intention to appeal and the

Registrar shall forthwith make an order under subsection (1) of section 135 of the Registered Land Act prohibiting or restricting dealings with any land entered in the Register and affected by the appeal. CAP. 194.

(6) An appeal under subsection (1) shall be in such form and the parties thereto shall be liable to the payment of such fees as may be prescribed.

PART VI

Miscellaneous

24. Any person who- Offences.

- (a) after delivery of a summons issued under the provisions of this Act, wilfully neglects or refuses to attend in pursuance of such summons, or to produce any document which he is required to produce; or
- (b) wilfully neglects or refuses to answer upon oath or otherwise any question which may be lawfully put to him by any officer or member of the Tribunal at any time; or
- (c) without reasonable cause, wilfully neglects or refuses to indicate his land or assist in the demarcation of his land when required to do so by the demarcator,

commits an offence and on summary conviction shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and term of imprisonment.

25. No member of the Tribunal or an officer appointed under section 4 above shall be liable to any action or proceedings in respect of any act or matter in good faith done or omitted to be done in exercise or purported Indemnity of officers.

exercise of the powers conferred by this Act or any regulations made thereunder.

Regulations.

26.-(1) The Minister may make regulations for the purpose of carrying into effect the provisions and purposes of this Act and for prescribing anything that needs to be prescribed.

(2) Any regulations made under subsection (1) above shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.