



BELIZE

**ABANDONED WRECK ACT
CHAPTER 235**

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CHAPTER 235**ABANDONED WRECK****ARRANGEMENT OF SECTIONS**

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CHAPTER 235

ABANDONED WRECK

CAP. 196A,
R.E. 1980-1990.
7 of 1990.

[17th April, 1990]

Short title.

1. This Act may be cited as the Abandoned Wreck Act.

Interpretation.

2. In this Act, unless the context otherwise requires,

“abandoned wreck” means any wreck which has remained continuously upon the sea bed within the limits of the country of Belize for a period of fifty years or upwards before being brought to shore;

“Authority” means the Abandoned Wreck Authority established under section 4 of this Act;

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

“prospector” means any person or body of persons, corporate or unincorporate, with whom the Minister has entered into an agreement under the provisions of this Act, and shall be deemed to include the agents, licensees and servants of a prospector;

“salvage” includes all expenses properly incurred by the salvor in the performance of salvage operations;

“wreck” includes jetsam, flotsam, lagan and derelict found in, or on the shores of, the sea or any tidal water, and any other article found in such wreck.

Vesting in the Government of Belize of all abandoned wreck.

3. All abandoned wreck, however situate, whether upon any land or in any river, stream or water course or under the territorial waters of Belize, vest absolutely in the Government of Belize.

Abandoned Wreck Authority.

4.-(1) There shall be established an authority to be known as the “Abandoned Wreck Authority” which shall be composed of the following,

- (a) the Chief Executive Officer to the Ministry responsible for the Environment, who shall be the Chairperson;
- (b) the Director of Museums;
- (c) the Fisheries Administrator;
- (d) the Harbour Master; and
- (e) four other persons appointed by the Minister.

(2) The Authority shall advise the Minister on all matters relating to marine archaeology and the salvaging of abandoned wreck.

(3) The members referred to in subsection (1)(e) of this section,

- (a) shall hold office for such period as may be specified in the instruments appointing them;
- (b) may be removed at any time by the Minister for good and sufficient cause;
- (c) may be paid such fees for their services as the Minister of Finance may determine.

(4) Subject to the provisions of this Act, the Authority may regulate its own procedure.

5.—(1) It shall be lawful for the Minister, in any case in which he deems it to be in the public interest so to do, and after consultation with the Authority, to enter into an agreement with any prospector licensing such prospector to prospect for, salvage and bring to shore any abandoned wreck.

Minister may enter into agreement with prospector.

(2) Where in any case the Minister considers or is advised by the Authority that the finder of any abandoned wreck is not a suitable person to salvage and bring to shore such abandoned wreck, or the Minister does not deem it to be in the public interest to enter into an agreement with the finder of any abandoned wreck under subsection (1) of this section, the

Minister may pay to such finder such reward as he may, after consultation with the Minister of Finance in each case, determine and the Minister may enter into an agreement with any suitable person to salve and bring to shore such abandoned wreck.

(3) Every agreement under this section shall be entered into between the Minister acting for and on behalf of the Government of Belize and the prospector concerned under their respective hands and seals.

(4) Every person who applies to enter into an agreement with the Minister under the provisions of this section shall pay to the Government of Belize in advance such fee, not being less than five thousand dollars, as may be specified by the Minister by regulations made under this Act.

6.-(1) The Minister may, in any agreement made under the provisions of section 5 of this Act, grant to a prospector a licence to prospect for, work, salve and bring to shore any abandoned wreck within any defined area of the sea bed within the limits of Belize for such period as may be specified in such agreement.

(2) Every such agreement,

- (a) shall specify what proportion of any abandoned wreck brought to shore shall be returned (subject to the terms thereof) to the prospector;
- (b) may provide that at the option of the Minister, the Government of Belize shall retain all or any articles recovered upon payment to the prospector of the due percentage of the appraised value thereof; and
- (c) may specify what proportion (if any) of the agreed costs of salvage shall be payable by the prospector and by the Government of Belize respectively.

(3) It shall be a term of every such agreement that the prospector shall waive any right of salvage whatsoever which might otherwise arise in his favour in consequence of his bringing to shore any abandoned wreck found within the area specified in such agreement.

Terms and conditions of agreement.

(4) It shall be a term of every such agreement that the prospector shall employ such methods and submit to such measures of inspection and supervision and shall employ such equipment in and about the salvage of any abandoned wreck as may be required by the Minister after consultation with the Authority.

(5) Every such agreement shall contain provisions for,

- (a) the revocation of the licence granted thereby;
- (b) the preservation of the abandoned wreck;
- (c) the arbitration in Belize of all questions and differences arising between the Minister and the prospector;
- (d) the interpretation of such agreement according to the laws of Belize; and
- (e) all such other matters as appear to the Minister to be required in the public interest.

(6) It shall be a term of every such agreement that a duly qualified and experienced public officer designated by the Minister shall be present at all stages of the salvage of any abandoned wreck.

7. Whenever the Minister has entered into an agreement under section 5 of this Act, he shall cause notice thereof to be published in the *Gazette*. Such notice shall contain a description of the wreck and of the marks or features (if any) by which it may be identified.

Notice of agreement to be published in the Gazette.

8.–(1) Every person bringing to shore within Belize abandoned wreck, and whether or not in pursuance of an agreement made under the provisions of this Act, shall forthwith report the same to the Chairperson of the Authority and thereafter deposit the same for safe custody in such place and manner as the said Chairperson, with the approval of the Minister, may direct in writing.

Custody of abandoned wreck.

(2) Any person who fails to comply with the provisions of subsection (1) of this section commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred thousand dollars or imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment, and in addition all such abandoned wreck shall be forfeited.

Minister may appoint Wreck Commissioner.

9.—(1) Where it appears to the Minister that any matter needs to be investigated concerning any wreck within Belize or the recovery or possession of any articles comprising the same, he may appoint by instrument a Commissioner of Wreck to investigate such matter and to submit a report to him in writing.

(2) For the purpose of making investigations, the Commissioner of Wreck shall have all the powers of a magistrate, including the power to *sub-poena* witnesses, to take and receive evidence upon oath or affidavit, and to conduct the investigation either in public or in private as the Commissioner shall deem fit.

Claims of owners of wreck.

10.—(1) Any person claiming that,

- (a) any wreck is not abandoned wreck; and
- (b) he is the owner of such wreck,

may apply to the Supreme Court for a declaration of his rights in respect of such wreck and such application shall be supported by such evidence as the court may require.

(2) The Minister shall be a party to all applications under this section and a judge may direct such other persons to be served with the summons as he may think fit.

(3) If the Court finds that any wreck is not abandoned wreck and is the property of some person other than the Government of Belize, the court may award salvage to the person or persons responsible for the performance of the salvage operations in respect of such wreck.

(4) Any application under this section shall be made within two months after the publication in the *Gazette* of the notice in pursuance of the provisions of section 7 of this Act.

11.–(1) No person, other than a prospector acting under and in accordance with the terms of an agreement made pursuant to this Act shall, unless thereto specially authorised in writing by the Minister, work, take or bring to shore any abandoned wreck.

Offences and penalties.

(2) Any person who contravenes any of the provisions of subsection (1) of this section commits an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment.

(3) Every prospector whose failure or negligence to comply with the terms of the agreement as specified in subsection (4) of section 6 of this Act results in any damage to or destruction of the reef commits an offence and shall be liable on summary conviction to a fine not exceeding one hundred thousand dollars or imprisonment for a term not exceeding two years or to both, and in addition all such equipment employed by him in the salvage operation which occasioned such damage or destruction as aforesaid shall be forfeited.

12.–(1) Where the Minister suspects or receives information that any abandoned wreck is secreted or is in the possession of some person who is not the owner thereof, or that any such wreck is otherwise improperly dealt with, he may cause an application to be made to any magistrate for a search warrant, and that magistrate shall have power to grant such a warrant, and a police officer of or above the rank of Inspector may by virtue of such warrant enter any house or other place, wherever situate, and also any vessel, and search for such wreck, and seize and detain any such wreck there found.

Warrant may issue in cases of concealment of wreck.

(2) If any such seizure of abandoned wreck is made in consequence of information given by any person to the Minister, the Minister may, after consultation with the Minister of Finance, grant to the informer by way of reward such sum not exceeding twenty-five *per centum* of the value of the said wreck as he may determine.

Presumption where wreck found in possession of any person.

13. All wreck found in the possession of any person within Belize shall be deemed to be abandoned wreck until the contrary is proved to the satisfaction of a magistrate and any person found in possession of abandoned wreck shall be presumed to have brought it ashore unless he shall give some satisfactory explanation of the manner in which it came into his possession.

Regulations.

14. The Minister may make regulations for the better carrying out of provisions of this Act, including the prescribing of forms and other things that need to be prescribed.

Wrecks and Salvage Act not to apply to abandoned wreck.

15. the Wrecks and Salvage Act, Cap. 237 shall not apply to any abandoned wreck as defined in this Act.

Application.

16. This Act shall apply to all abandoned wreck notwithstanding anything contained in the Ancient Monuments and Antiquities Act, Cap. 330.