



BELIZE

**RETURN OF STOLEN VEHICLES (BELIZE/UNITED
STATES) ACT CHAPTER 24:03**

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CHAPTER 24:03

RETURN OF STOLEN VEHICLES (BELIZE/UNITED STATES)

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CHAPTER 24:03

RETURN OF STOLEN VEHICLES (BELIZE/UNITED STATES)

No.3 of 1997.

[18th March, 1997]

Short Title. 1. This Act may be cited as the Return of Stolen Vehicles (Belize/ United States) Act.

Interpretation. 2. In this Act, unless the context otherwise requires, "Minister" means the Minister for the time being responsible for foreign affairs;

Schedule. "Treaty" means the Treaty between the Government of Belize and the Government of the United States of America, signed at Belmopan on the 3rd of October 1996, and as set out in the Schedule to this Act;

The Treaty to have the force of law in Belize. 3. Notwithstanding any other law, but subject to the provisions of this Act, the Treaty shall have the force of law in Belize.

Advice of the Attorney General's Ministry. 4. All requests for the return of stolen vehicles from Belize under the Treaty shall be determined by the Ministry of Foreign Affairs on the advice of the Attorney General's Ministry.

Admissibility of documents. 5. Notwithstanding anything to the contrary contained in the Evidence Act, Cap. 95 or any other law, all documents received from the authorities of the United States of America in support of a request for the return of a stolen vehicle from Belize, which are duly authenticated by a judge, magistrate, notary public or other competent authority in the United States, shall be admissible in all courts in Belize as prima facie evidence of the facts therein stated without further proof.

Pursuance of the Treaty lawful 6. Where a vehicle falls within the scope of the Treaty it shall be lawful for the relevant authorities in Belize to detain such vehicle for such period as is reasonably necessary to determine any request for its return to the United States pursuant to the terms of the Treaty.

7.-(1) The Minister may make Regulations for the better carrying out of the objects and purposes of this Act and the Treaty. Regulations.

(2) Any Regulations made by the Minister under subsection (1) of this section shall, as soon as may be after the making thereof, be laid before the National Assembly and shall be subject to negative resolution.

SCHEDULE

RETURN OF STOLEN VEHICLES (BELIZE/UNITED STATES)

ACT

*Treaty**Between**The Government of Belize**And**the Government Of The United States Of America**for the Return of Stolen Vehicles*

The Government of Belize and the Government of the United States of America (hereinafter, “the Parties”);

Recognizing the growing problem of transnational theft of vehicles;

Considering the difficulties faced by innocent owners in securing the return of vehicles stolen in the territory of one Party that are recovered in the territory of the other Party; and

Desiring to eliminate such difficulties and to regularize procedures for the expeditious return of such vehicles;

Have agreed as follows,

Article 1

For purposes of this Treaty,

(1) A “vehicle” means any automobile, truck, bus, motorcycle, motor home, or trailer.

(2) A vehicle shall be considered “stolen” when possession thereof has been obtained without the consent of the owner or other person

legally authorized to use such vehicle. A vehicle shall also be considered “stolen” when,

- (a) it is unlawfully appropriated by the person who had rented it from an enterprise legally authorized for that purpose and in the normal course of business; or
- (b) it is unlawfully appropriated by a person with whom it has been deposited by official or judicial action.

(3) A vehicle shall not be presumed to have been stolen when it is exported in accordance with the Protocol to this Treaty.

(4) All references to “days” shall mean calendar days.

Article 2

Each Party agrees to return, in accordance with the terms of this Treaty, vehicles that are,

- (1) registered, titled, or otherwise documented in the territory of the other Party;
- (2) stolen in the territory of the other Party or from one of its nationals; and
- (3) found in the territory of the first Party.

Article 3

1. Whenever police, customs, or other authorities of a Party impound or seize a vehicle and they have reason to believe that such vehicle is registered, titled, or otherwise documented in the territory of the other Party, the first Party shall, within 30 days of such impoundment or seizure, notify, in writing, the Embassy of the other Party that its authorities have custody of the vehicle.

2. Such notification shall include all available identifying information about the vehicle listed in Annex 1.

Article 4

Authorities of a Party who have impounded or seized a vehicle that may be subject to return in accordance with this Treaty shall take reasonable steps regarding the safekeeping of the vehicle, including preventing the obliteration or modification of identifying information such as vehicle identification numbers. The said authorities shall not thereafter operate, auction, dismantle, or otherwise alter or dispose of the vehicle. However, this Treaty shall not preclude the said authorities from operating, auctioning, dismantling, or otherwise altering or disposing of the vehicle if,

(1) No request for the return of the vehicle is received within 60 days of receipt of a notification made pursuant to Article 3;

(2) A determination is made in accordance with Article 7(1) that a request for the return of the vehicle does not meet the requirements of this Treaty, and notification of such determination has been made in accordance with Article 7(3);

(3) The vehicle has not been retrieved, within the time period stated in Article 7 (2), by the person identified in the request for return as the owner or the owner's authorized representative after the vehicle has been made available as provided in Article 7 (2); or

(4) There is no obligation under this Treaty, pursuant to Article 8 (2) or Article 8 (3), to return the vehicle.

Article 5

1. After a Party receives a notification made pursuant to Article 3, that Party may submit a request for the return of the vehicle.

2. The request for return shall be transmitted under seal of a consular officer of the Requesting Party and shall follow the form appended in Annex.

3. The request shall be transmitted under cover of a note to the foreign ministry of the Requested Party. A request shall be made only after receipt by the consular officer of certified copies of the following documents,

- (a) The title of ownership to the vehicle, if the vehicle is subject to titling, but, if the title is not available, a certified statement from the titling authority that the vehicle is titled and specifying the person or entity to whom it is titled;
- (b) The certificate of registration of the vehicle, if the vehicle is subject to registration, but, if the registration document is not available, a certified statement from the registering authority that the vehicle is registered and specifying the person or entity to whom it is registered;
- (c) The bill of sale or other documentation that establishes ownership of the vehicle, in the event the vehicle is not titled or registered;
- (d) Documentation that establishes the transfer of ownership of the vehicle, if subsequent to the theft of the vehicle the owner at the time of the theft has transferred ownership to a third party;
- (e) The report of the theft issued by a competent authority of the Requesting Party. In the event that the theft is reported by the victim to the competent authority after the vehicle is seized or otherwise comes into possession of the Requested Party, the person seeking its return shall furnish a document justifying the reasons for the delay in reporting the theft and may provide any supporting documentation therefore; and

- (f) In cases in which the person requesting the return of a vehicle is not the owner, a power of attorney granted in the presence of a notary public by the owner or his legal representative, authorizing that person to recover the vehicle.

4. No further legalization or authentication of documents shall be required by the Requested Party.

Article 6

If a Party learns, through means other than a notification made pursuant to Article 3, that the authorities of the other Party may have impounded, seized, or otherwise taken possession of a vehicle that may be registered, titled, or otherwise documented in the territory of the first Party, that Party:

(1) may, through a note to the foreign ministry of the other Party, seek official confirmation of this and may request the other Party to provide the notification described in Article 3, in which case the other Party shall either provide the notification or explain, in writing, why notification is not required; and

(2) may also, in appropriate cases, submit a request for the return of the vehicle as described in Article 5.

Article 7

1. Except as provided in Article 8, the Requested Party shall, within 30 days of receiving a request for the return of a stolen vehicle, determine whether the request for return meets the requirements of this Treaty for the return of the vehicle and shall notify the Embassy of the Requesting Party of its determination.

2. If the Requested Party determines that the request for the return of a stolen vehicle meets the requirements of this Treaty, the Requested Party shall, within 15 days of such determination, make the vehicle available to the person identified in the request for return as the owner or

the owner's authorized representative. The vehicle shall remain available for the person identified in the request for return as the owner or the owner's authorized representative to take delivery for at least 90 days. The Requested Party shall take necessary measures to permit the owner or the owner's authorized representative to take delivery of the vehicle and return with it to the territory of the Requesting Party.

3. If the Requested Party determines that the request for return does not meet the requirements of this Treaty, it shall provide written notification to the Embassy of the Requesting Party, including grounds for its decision.

Article 8

1. If a vehicle whose return is requested is being held in connection with a criminal investigation or prosecution, its return pursuant to this Treaty shall be effected when its presence is no longer required for purposes of that investigation or prosecution. The Requested Party shall, however, take all practicable measures to assure that substitute pictorial or other evidence is used wherever possible in such investigation or prosecution so that the vehicle may be returned as soon as possible.

2. If the ownership or custody of a vehicle whose return is requested is the subject of a pending judicial action in the territory of the Requested Party, its return pursuant to this Treaty shall be effected at the conclusion of that judicial action. However, a Party shall have no obligation under this Treaty to return the vehicle if such judicial action results in a final decision that awards the vehicle to a person other than the person identified in the request for return as the owner of the vehicle or the owner's authorized representative. Such judicial action may include adjudication by an administrative panel specifically designated by the Requested Party to review the question of ownership or custody of vehicles, so long as,

(a) the Requested Party gives the Requesting Party at least 60 days written notice of such administrative proceeding; and

(b) the decision of such administrative panel may be appealed, by any person claiming ownership or custody of a vehicle, to a court of law.

3. A Party shall have no obligation under this Treaty to return a vehicle whose return is requested if the vehicle is subject to forfeiture under its laws because it was used in its territory for the commission of a crime with the consent or complicity of the owner, or represents the proceeds of such a crime. The Requested Party shall not forfeit the vehicle without giving the owner or the owner's authorized representative reasonable notice and an opportunity to contest such forfeiture in accordance with its laws.
4. A Party shall have no obligation under this Treaty to return a stolen vehicle if no request for return is received within 60 days of receipt of a notification made pursuant to Article 3.
5. If the return of a stolen vehicle whose return is requested is postponed pursuant to this Article, the Requested Party shall so notify the Embassy of the Requesting Party in writing within 30 days of receiving a request for the return of the vehicle.

Article 9

1. The Requested Party shall not impose any import or export duties, taxes, fines, or other monetary penalties or charges on vehicles returned in accordance with this Treaty, or on their owners or authorized representatives as a condition for the return of such vehicles.
2. Reasonable expenses incurred in the return of the vehicle in accordance with this Treaty, including towing costs, storage costs, maintenance costs, transportation costs, and costs of translation of documents required under this Treaty, shall be borne by the person seeking its return and shall be paid prior to the return of the vehicle.
3. In particular cases, the expenses of return may include the costs of any repairs or reconditioning of a vehicle that were necessary to permit the vehicle to be moved to a storage area or to maintain it in the condition in which it was found. The person seeking the return of a vehicle shall not be responsible for the costs of any other work performed on the vehicle while it was in the custody of the authorities of the Requested Party.

4. Provided that the Requested Party complies with the provisions of this Treaty with respect to recovery, storage, safekeeping, and, where appropriate, return of a vehicle, no person shall be entitled to compensation from the Requested Party for any damage caused to or sustained by the vehicle while it is in the custody of the Requested Party.

Article 10

The mechanisms for the recovery and return of stolen vehicles under this Treaty shall be in addition to those available under the laws of the Requested Party. Nothing in this Treaty shall impair any rights for the recovery of stolen vehicles under applicable law.

Article 11

1. Any differences regarding the interpretation or application of this Treaty shall be resolved through consultations between the Parties.
2. This Treaty shall be subject to ratification. It shall enter into force on the date of exchange of instruments of ratification.
3. The annexes and protocol attached hereto shall be considered an integral part of the Treaty.
4. This Treaty may be terminated by either Party upon a minimum of 90 days written notification.

DONE at Belmopan, this third day of October 1996, in duplicate, both texts being equally authentic.

(DEAN O. BARROW)
*for the Government of
Belize*

(GEORGE BRUNO)
*for the Government of the
United States of America*

ANNEX 1

Identifying Information to be Provided in a Notification Made Pursuant to Article 3

1. Vehicle Identification Number (VIN);
2. Name of manufacturer of vehicle;
3. Vehicle model and year of manufacture, if known;
4. Colour of vehicle;
5. Licence plate number (LPN) of vehicle and jurisdiction of issuance (if available);
6. City/other jurisdiction tag or sticker number and name of city/other jurisdiction (if available);
7. A description of the condition of the vehicle, including its operability, if known, and repairs that appear necessary;
8. The current location of the vehicle;
9. The identity of the authority with physical custody of the vehicle and a contact point, including name, address, and telephone number of the official with recovery information;
10. Any information that indicates whether the vehicle was being used in connection with the commission of a crime;
11. Whether it appears that the vehicle may be subject to forfeiture under the laws of the notifying Party.

ANNEX 2

Request for the Return of a Stolen Vehicle

The Embassy of [country name] respectfully requests that (the appropriate authority of [country name]) return the vehicle described below to (its owner/its owner's authorized representative) in accordance with the Treaty Between the Government of the United States of America and the Government of Belize for the Return of Stolen Vehicles,

Make:

Model (Year):

Type:

Vehicle Identification Number:

Licence Plates:

Registered Owner:

The Embassy of [country name] certifies that it has examined the following documents which have been presented by (identity of person submitting documents) as evidence of (his or her ownership of the vehicle/ownership of the vehicle by the person for whom he or she is acting as authorized representative) and found them to be properly certified under the laws of (appropriate jurisdiction).

- a. (document description)
- b. (document description)
- c. (document description)
- d. (document description)

Complimentary closing

Place and Date

Attachments

PROTOCOL

In considering the provisions of the Treaty between the Government of Belize and the Government of the United States of America for the Return of Stolen Vehicles, the two Governments developed certain common understandings, which will provide guidance to authorities of the two Governments concerning the Treaty's implementation.

The Government of the United States of America has informed the Government of Belize that the laws and regulations of the United States require that, in order for a vehicle to be exported legally from the United States, documentation concerning the vehicle must be presented to the appropriate U. S. Customs Office and the Customs Office will issue a validation stamp when the title of the vehicle is authenticated.

Accordingly, in implementing its obligations under the Treaty, the Government of Belize shall not presume that a vehicle has been stolen from the United States if it has been exported from the United States in accordance with U.S. legal requirements and the person claiming the vehicle in Belize presents documentation from U.S. Customs.