



BELIZE

**NUISANCES ACT
CHAPTER 118**

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CHAPTER 118**NUISANCES****ARRANGEMENT OF SECTIONS**

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Schedule — Order to Abate Nuisance

CHAPTER 118

NUISANCES

[26th October, 1917]

Ch., 35,
R.L., 1958.
CAP. 95,
R.E. 1980-1990.

Short title.

1. This Act may be cited as the Nuisances Act.

Power for summary jurisdiction courts to order abatement of nuisance.

2.-(1) Whenever a summary jurisdiction court is satisfied that any building or place or anything therein or thereon or on any public way, whether by land or water, or anything being done therein or thereon or on any such way, is a nuisance, it may, if it thinks fit, order that the nuisance be abated either immediately after service of the order or within such time as may be reasonable, according to the circumstances, and may also, if it thinks fit, prohibit the recurrence of the nuisance.

(2) The form of order given in the Schedule shall be sufficient.

(3) If the nuisance is not abated in accordance with the order, or is at any time renewed contrary to the order of prohibition, every party to the proceedings responsible for the continuance or renewal of the nuisance shall, unless he proves that he has used all reasonable diligence to carry out the order, be guilty of an offence and liable on summary conviction on the first occasion to a fine not exceeding one hundred dollars, and on every subsequent occasion to a fine not exceeding five hundred dollars.

(4) If the nuisance affects the convenience or safety of the public or is injurious to the health of any person, the court may authorise the Belize City Council or the Village or Town Council in whose district the building, place or way is situated, whether the Council is or is not the complainant, to enter on the building, place or way and abate the nuisance, and do whatever may be necessary for that purpose and for the purpose of preventing a recurrence of the nuisance,

Provided that the Council concerned, as the case may be, shall not be bound to act on such an order.

Recovery of expenses of abatement.

3.-(1) All expenses incurred by the Council, in the abatement of a nuisance or the prevention of its recurrence under the authority of an

order under this Act may be recovered summarily from the party to the proceedings responsible for the nuisance.

(2) If more parties than one are responsible for the nuisance, the court may apportion the expenses between them, and each party shall be liable only for the amount apportioned to him.

4. The court may at any time on the application of any party to the proceedings or of any person interested in the building or place or otherwise affected by the order revoke an order prohibiting the recurrence of a nuisance on the ground that owing to altered circumstances the continuance of the order would be unreasonable.

Power to revoke order prohibiting recurrence of nuisance.

5.—(1) A complaint under this Act as to a nuisance may be lodged by any person aggrieved by the nuisance or, if the nuisance affects the convenience or safety of the public, or is injurious to the health of any person, by the City, Town, or Village Council of the district in which the building, place or way is situated.

Procedure.

(2) Any person interested in the building, place or way, or otherwise affected by the proceedings, may appear and answer the complaint, although he is not a party thereto.

6.—(1) A summary jurisdiction court which prohibits the recurrence of a nuisance or revokes such a prohibition shall cause a copy of the order to be sent to the Registrar General for record in the Deeds Registry.

Recording of prohibition orders.

(2) The copy, if it purports to be certified by a magistrate or his clerk as true copy, may be recorded without proof.

(3) The fee for recording the copy, of whatever length it may be, shall be four dollars, and shall be collected by the court from the complainant or applicant before the order is made.

7. All orders made under this Act shall be included in the monthly return of cases to the Chief Justice required by the Inferior Courts Act, Cap. 94.

Monthly return of cases to Chief Justice.

8. Nothing in this Act shall affect any jurisdiction of the Supreme Court to deal with nuisances or any other jurisdiction of a summary jurisdiction court.

Saving of existing jurisdictions.

SCHEDULE

NUISANCE ACT

Order to Abate Nuisance

[Section 2 (2)]

Whereas on the complaint of (name, address and description of complainant) the court is satisfied that (state nature of nuisance, e.g., “the business of a tannery now carried on Lot No. 0 in Belize City”, or “the flow of water on to the public highway from the pipe on the front of the house on Lot No. 0 in Belize City”, or “the step erected on the public highway from the front of the house on Lot No. 0 in Belize City”) is a nuisance.

Now, therefore, in exercise of the power contained in the Nuisances Act, Cap. 118, the court orders that the said nuisance be abated immediately after service of this order (or within such time as may be reasonable, e.g., “within seven days after service of this order”).

And the court doth hereby prohibit the recurrence of the said nuisance.
(Add any order as to costs in the usual form.)