



BELIZE

**LAND ACQUISITION (PROMOTERS) ACT
CHAPTER 183**

**REVISED EDITION 2011
SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

CHAPTER 183

LAND ACQUISITION (PROMOTERS)

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Acquisition of land by a promoter.
4. Promoter may be authorised to enter and survey land.
5. Application of Act to acquisition of land by promoters.

CHAPTER 183

LAND ACQUISITION (PROMOTERS)

Ch. 113,
R.L., 1958.
CAP. 149,
R.E. 1980-1990.
38 of 1963.
40 of 1963.
S.I. 17 of 1964.

[27th November, 1948]

Short title.

1. This Act may be cited as the Land Acquisition (Promoters) Act.

Interpretation.

2. In this Act, “promoter” means any corporation, company or person desirous of acquiring land under the provisions of this Act.

Acquisition of land
by a promoter.
38 of 1963.
S.I. 17 of 1964.

3.–(1) Subject to the provisions of this Act, a promoter may acquire land compulsorily.

(2) Any promoter may make application in writing to the Minister responsible for lands for the compulsory acquisition of land in Belize and the Minister responsible for lands may require such promoter to deposit in the Treasury such sum as the Minister considers sufficient to defray the cost of the inquiry required to be made under subsection (4) of this section.

(3) Every such application shall state the full particulars of the land which the promoter desires to acquire, the purpose for which it is required and such other particulars as the Minister responsible may require.

(4) The Minister responsible for lands shall, upon the deposit being made, appoint a fit and proper person to hold an inquiry into the purpose for which the land is required by the promoter and whether that purpose is likely to prove useful to the public or to a substantial class or section of the public.

(5) The person appointed to hold the inquiry shall have all the powers which a magistrate sitting in a district court under the District Courts (Procedure) Act, Cap. 97 possesses for,

- (a) compelling the attendance of witnesses and the production of documents;
- (b) punishing a person who refuses or neglects to attend or to produce documents or to be sworn or to give evidence; and
- (c) examining witnesses on oath.

(6) The expenses of the inquiry (including a fee for the services of the person who conducts the same) shall be determined and certified by the Minister responsible for lands and shall be a debt due to the State and payable by the promoter.

(7) A record of every such inquiry shall be laid on the table of the National Assembly and, thereupon, it shall be lawful for the National Assembly by resolution to approve or decline to approve the compulsory acquisition of the whole or any part of the land described in the application:

Provided that the National Assembly shall not approve the acquisition of the whole or any part of the land unless it is satisfied from the record of the inquiry that the purpose for which the land is required by the promoter is likely to prove useful to the public or to a substantial class or section of the public.

(8) Upon the compulsory acquisition of any land being approved by the National Assembly, it shall be lawful for the Minister by notification published in the *Gazette* to declare the land to have been acquired by the promoter for the purposes stated in the application and, thereupon, the land shall vest absolutely in the promoter free from all encumbrances,

Provided that the Minister shall not publish such notification unless and until the promoter has,

- (a) given such security as the Minister may require for the due payment of the costs of the acquisition and all compensation relating thereto; and

- (b) entered into such agreement as the Minister may require as to all or any of the following matters, namely,
- (i) the terms on which the land is to be held by the promoter;
 - (ii) the time within which and the conditions on which the work is to be executed and maintained; and
 - (iii) the terms on which the public will be entitled to the use and benefit of the work.

(9) A memorandum in writing of the terms of any agreement entered into in pursuance of paragraph (b) of subsection (8) of this section, shall be published in the *Gazette* and the terms published shall be binding on the promoter.

(10) If the promoter makes default in complying with the terms of any such agreement as published in the *Gazette*, the land shall be forfeited to the State,

Provided that any land so forfeited to the State shall not vest in the State unless and until a judgment declaring the forfeiture is obtained and, on such judgment being obtained, the title of the State to the land shall relate back to and commence at the time when the forfeiture took place.

Promoter may be authorised to enter and survey land. 40 of 1963.

4. The Minister may by notification in the *Gazette* authorise a promoter to exercise in relation to land sought to be compulsorily acquired the powers conferred by section 4 of the Lands Acquisition (Public Purposes) Act, Cap. 184.

Application of Act to acquisition of land by promoters.

5. The Lands Acquisition (Public Purposes) Act, Cap. 184, shall apply *mutatis mutandis* with regard to the exercise by the promoter of the powers conferred by section 4 of that Act in relation to the compulsory acquisition of land by a promoter, but subject to the provisions of this Act and to the following specific modifications,

- (a) references in that Act to “the authorised officer”, and to “the Minister” in section 10 of that Act shall be construed as references to “the promoter”;
- (b) all sums which under that Act are payable by the authorised officer shall be paid by the promoter;
- (c) the exemption from stamp duty, registration or recording fee created by section 32 of that Act shall not apply to anything due under this Act by a promoter.