



BELIZE

**WRECKS AND SALVAGE ACT
CHAPTER 237**

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-	Page
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Amendments in force as at 31st December, 2000.	



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CHAPTER 237

WRECKS AND SALVAGE

ARRANGEMENT OF SECTIONS

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CHAPTER 237

WRECKS AND SALVAGE

[9th September, 1978]

Ch. 151.
R.L., 1958.
CAP. 196,
R.E. 1980-1990.
17 of 1978.
7 of 1990.
Short title.

1. This Act may be cited as the Wrecks and Salvage Act.

2.-(1) In this Act, unless the context otherwise requires:-

Interpretation
and application.

“Harbour Master” means the person performing the duties of Harbour Master under the Harbours and Merchant Shipping Act;

17 of 1978.
CAP. 234.

“Port Authority” means the Belize Port Authority established under the Belize Port Authority Act;

CAP. 233.

“Receiver” means a Receiver of wrecks appointed under section 3;

“ship” includes every description of vessel used in navigation not propelled by oars only;

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

(2) This Act shall not apply to any abandoned wreck as defined in the Abandoned Wreck Act.

7 of 1990.
CAP. 235.

3. The Harbour Master shall throughout Belize have the general superintendence of all matters relating to wreck, and may appoint any officer of the Port Authority, customs or inland revenue, or any other person, to be a Receiver of wrecks in any district, and to perform such duties as are hereinafter mentioned, and shall give due notice of every such appointment.

Appointment of
Receivers of
wrecks.
17 of 1978.

Duty of Receiver
where ship
stranded, etc.

4.-(1) Whenever any ship or boat is stranded or in distress at any place on or near the coasts or cayes, or within the limits of Belize, the Receiver of the district within which such place is situate shall, upon being made acquainted with such accident, forthwith proceed to such place, and upon his arrival there he shall take the command of all persons present, and assign such duties to each person and issue such directions as he may think fit with a view to the preservation of such ship or boat, and the lives of the persons belonging thereto, and the cargo and apparel thereof.

(2) Any person who wilfully disobeys the directions of any Receiver commits an offence and is liable to a fine not exceeding two hundred and fifty dollars.

(3) It shall not be lawful for a Receiver to interfere between the master of such ship or boat and his crew in matters relating to the management of the ship or boat unless he is requested so to do by such master.

Powers of
Receivers.

5.-(1) The Receiver may, with a view to the preservation of the ship or boat, persons, cargo and apparel, do the following things-

- (a) summon such number of men as he thinks necessary to assist him;
- (b) require the master or other person having the charge of any ship or boat near at hand to give such aid with his men, ship or boats as may be in his power;
- (c) demand the use of any motor vehicle, wagon, cart or van or dray, or of any horses, mules, asses or oxen, that may be near at hand.

(2) Any person who, without reasonable cause, refuses to comply with any summons, requisition or demand made by the Receiver under this section commits an offence and is liable to a fine not exceeding five hundred dollars.

(3). No person shall be liable to pay any duty or taxes in respect of any such carriages or animals by reason of the use of them under this section.

6.-(1) All cargo and other articles belonging to such ship or boat that may be washed on shore, or otherwise be lost or taken from such ship or boat, shall be delivered to the Receiver.

Articles washed on shore, etc., to be delivered to Receiver.

(2) Every person, whether he is the owner or not, who secretes or keeps possession of any cargo or article described in subsection (1), or who refuses to deliver them to the Receiver or to any person authorised by him to demand them, commits an offence and is liable to a fine not exceeding five hundred dollars.

(3) It shall be lawful for the Receiver or other person authorised by him under subsection (2) to take the cargo or article by force from the person so refusing to deliver them.

7.-(1) If, whenever any accident as mentioned in section 4 occurs, any person plunders, creates disorder or obstructs the preservation of such ship, boat, lives or cargo, it shall be lawful for the Receiver to cause such person to be apprehended, and to use force for the suppression of any such plundering, disorder or obstruction, with power to command all citizens of Belize to assist him in the use of such force.

Receiver may suppress plunder, etc., by force.

(2) If any person is killed, maimed or hurt by reason of his resisting the Receiver in the execution of the duties hereby committed to him or any person acting under his orders, the Receiver or other person shall be free and fully indemnified as well against the Government, as against all persons so killed, maimed or hurt.

8.-(1) During the absence of the Receiver from the place where any such accident as aforesaid occurs, or in places where no Receiver has been appointed under this Act, the following officers in succession, each in the absence of the other, in the order in which they are named, that is to say-

Officers to exercise powers of Receiver in his absence.

17 of 1978.

- (a) any officer of the Port Authority, any comptroller, or other principal officer of customs or inland revenue;
- (b) any magistrate of a district;
- (c) any justice of the peace;
- (d) any commissioned officer on full pay in the naval wing of the Belize Defence Force;
- (e) any commissioned officer on full pay in the Belize Defence Force;

may do all matters and things authorised to be done by a Receiver.

(2) Notwithstanding the provisions of subsection (1), with respect to any goods or articles belonging to any such ship or boat, the delivery up of which to the Receiver is required by section 6, any officer so acting shall be considered as the agent of the Receiver, and shall place them in the custody of the Receiver.

(3) No person acting as substitute for any Receiver pursuant to this section shall be entitled to any fees payable to Receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Power to pass over adjoining land to assist ship in distress.

9.-(1) Whenever any such accident occurs to any ship or boat, all persons may, for the purpose of rendering assistance to such ship or boat, or saving the lives of the persons on board it, or the cargo or apparel thereof, unless there is some public road equally convenient, pass and repass either with or without vehicles, over any adjoining lands, without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also on the like condition, deposit on such lands any cargo or other article recovered from such ship or boat.

(2) All damage sustained by any owner or occupier in consequence of any such passing or repassing or deposit as aforesaid shall be a charge on the ship, boat, cargo or articles in respect of or by which such damage was occasioned, and shall, in default of payment, be recoverable in the same manner as salvage is recoverable and the amount payable in respect thereof, if disputed, shall be determined in the same manner as the amount of salvage is determinable.

10. Where the owner or occupier of any land over which any person is hereby authorised to pass or repass for any of the purposes mentioned in section 9 does any of the following things, namely:-

Penalty on owner or occupier of land refusing to allow persons to pass over it.

- (a) impeding or hindering any such person from so passing or repassing, with or without vehicles, animals of draught or burden and servants, by locking his gates, refusing upon request to open them, or otherwise however;
- (b) impeding or hindering the deposit of any cargo or other article recovered from any such ship or boat as hereinbefore mentioned;
- (c) preventing such cargo or other article from remaining so deposited for a reasonable time until it can be removed to a safe place of public deposit;

he commits an offence and is liable to a fine not exceeding five hundred dollars.

11.-(1) Every Receiver, or in his absence any justice of the peace, shall, as soon as convenient, examine upon oath, which oath they are hereby respectively empowered to administer, any person belonging to any ship which may be or may have been in distress on or near the coasts or cayes or within the limits of Belize, or any other person who may be able to give any account thereof, or of the cargo or stores thereof, as to the following matters-

Receiver to hold examination.

- (a) the name and description of the ship;

- (b) the names of the master and of the owners;
- (c) the names of the owners of the cargo;
- (d) the ports or places from and to which the ship was bound;
- (e) the occasion of the distress of the ship;
- (f) the services rendered;
- (g) such other matters or circumstances relating to such ship, or to the cargo on board the same, as the Receiver or justice of the peace thinks necessary.

CAP. 234.
17 of 1978.

(2) The Receiver or justice of the peace shall take the examination down in writing, and for the purposes of such examination, he shall have all the powers given to the Inspector under section 31 of the Harbours and Merchant Shipping Act, and shall transmit it to the Ports Commissioner or other principal officer of the Port Authority, or other person.

Original or certified copy of examination to be evidence.

12. Any examination taken in writing pursuant to section 11 (2) or a copy thereof purporting to be certified under the hand of the Receiver or justice of the peace before whom such examination was taken, shall be admitted in evidence in any court of justice, or before any person having by law or by consent of parties authority to hear, receive and examine evidence as *prima facie* proof of all matters contained in such written examination.

Rules to be observed by person finding wreck.

13.-(1) The following rules shall be observed by any person finding or taking possession of wreck within the limits of Belize-

- (a) if the person so finding or taking possession of it is the owner, he shall as soon as possible give notice to the Receiver of the district within which the wreck is found, stating that he has so found or taken possession of it, and shall describe in such

notice the marks by which such wreck is distinguished;

- (b) if any person not being the owner finds or takes possession of any wreck, he shall, as soon as possible, deliver it to the Receiver of the district within which the wreck is found.

(2) Any person who makes default in obeying the provisions of this section commits an offence and is liable-

- (a) if he is the owner, and makes default in performing the several things, the performance of which is hereby imposed on an owner, to a fine not exceeding five hundred dollars;
- (b) if he is not the owner, and makes default in performing the several things, the performance of which is hereby imposed on any person not being an owner, to forfeiture of all claim to salvage and to pay to the owner of such wreck, if it is claimed, but if it is unclaimed, then to the person entitled to such unclaimed wreck, double the value of the wreck, such value to be recovered in the same way as a penalty of like amount, and also to a fine not exceeding five hundred dollars.

14.-(1) If any Receiver suspects or receives information that any wreck is secreted or in the possession of some person who is not the owner thereof, or otherwise improperly dealt with, he may apply to any justice of the peace for a warrant, and such justice of the peace shall have power to grant a warrant, under which it shall be lawful for the Receiver to enter into any house or other place wherever situate, and also into any ship or boat, and to search for, and to seize and detain the wreck there found.

Power to seize concealed wreck.

(2) If any such seizure is made in consequence of information that may have been given by any person to the Receiver, the informer shall be entitled by way of salvage to such sum not exceeding in any case fifty dollars as the Receiver may allow.

- Notice to be given by Receiver.
17 of 1978.
15. Every Receiver shall, within forty-eight hours after taking possession of any wreck, cause to be posted up at the office of the Port Authority and if there is no such office in that area then in the Customs House of the Port nearest to the place where such wreck was found or seized, a description of it, and of any marks by which it is distinguished.
- Sale of wreck of small value or perishable.
16. Where any wreck in the custody of any Receiver is under the value of fifty dollars, or is of so perishable a nature or so much damaged that it cannot, in his opinion, be advantageously kept, or if the value thereof is not sufficient to defray the charge of warehousing, the Receiver may sell it before the expiration of the period mentioned in section 23, and the money raised by such sale, after defraying the expenses thereof, shall be held by the Receiver for the same purposes and subject to the same claims for and to which the article sold would have been held and liable if it had remained unsold.
- Payments to be made to Receivers.
- 17.-(1) There shall be paid to all Receivers appointed under this Act the expenses properly incurred by them in the performance of their duties, and also in respect of services rendered by them such fees, as the Minister may from time to time by Order prescribe.
- (2) The Receiver shall have the same lien and be entitled to the same remedies for the recovery of such expenses and fees as a salvager has or is entitled to in respect of salvage due to him, but except as provided in subsection (1), no Receiver appointed under this Act shall as such be entitled to any remuneration whatever.
- Disputes to be determined by Harbour Master.
18. Whenever any dispute arises in any part of Belize as to the amount payable to any Receiver in respect of expenses or fees, such dispute shall be determined by the Harbour Master whose decision shall be final.
- Application of fees.
19. All fees received by any Receiver appointed under this Act in respect of any services performed by him as Receiver, shall be carried to and form part of the wreck and casualty funds, and a separate account thereof shall be kept, and the moneys arising therefrom shall be applied in defraying any expenses

duly incurred in carrying into effect the provisions of this Act in such manner as the Harbour Master may direct.

20.-(1) There shall be paid by the owner of any ship or boat, cargo, apparel or wreck to the person by whom services of the kind described in subsection (2) were rendered or by whom a wreck was saved, a reasonable amount of salvage, together with all expenses properly incurred by him in the performance of such services or the saving of such wreck. Salvage, etc.

(2) Such salvage and expenses shall be paid-

- (a) whenever any ship or boat is stranded or otherwise in distress on or near the coast or cayes or shore within the limits of Belize, and services are rendered by any person in assisting such ship or boat, or in saving the lives of the persons belonging to such ship or boat or in saving the cargo or apparel of such ship or boat, or any portion thereof;
- (b) whenever any wreck is saved by any person other than a Receiver within Belize.

21.-(1) Salvage in respect of the preservation of the life or lives of any person or persons belonging to any such ship or boat as aforesaid shall be payable by the owners of the ship or boat in priority to all other claims for salvage. Salvage for life may be paid out of wreck and casualty fund.

(2) Where such ship or boat is destroyed, or where the value thereof is insufficient after payment of the actual expenses incurred to pay the amount of salvage due in respect of any life or lives, the Harbour Master may, in his discretion, award to the salvagers of such life or lives out of the wreck and casualty fund, such sum or sums as he deems fit, in whole or part satisfaction of any amount of salvage so left unpaid in respect of such life or lives.

Wreck to be delivered to owner subject to payment of salvage, etc.

22. Subject to the payment of all incidental expenses, fees and salvage as aforesaid, the owner of any wreck who establishes his claim thereto to the satisfaction of the Receiver within one year from the date at which such wreck has come into the possession of the Receiver, shall be entitled to have it delivered up to him.

Unclaimed wreck.

23. If no owner establishes his claim to wreck found at any place before the expiration of a year from the date at which it has come into the hands of the Receiver, and no person other than the Government is proved to be entitled to such wreck, the Receiver shall forthwith sell it, and after payment of all expenses attending the sale, and deducting therefrom his fees, and all expenses, if any, incurred by him, and paying to the salvagers such amount of salvage as the Harbour Master may in each case or by any general rule determine, pay it into the Consolidated Revenue Fund.

Offences in respect of wreck.

24.-(1) Every person who-

- (a) wrongfully carries away or removes any part of any ship or boat stranded, or in danger of being stranded or otherwise in distress on or near the shore of any sea or tidal water, or any part of the cargo or apparel thereof, or any wreck; or
- (b) endeavours in any way to impede or hinder the saving of such ship, boat, cargo, apparel or wreck; or
- (c) secretes any wreck, or obliterates or defaces any marks thereon,

shall, in addition to any other penalty or punishment he may be subject to under this Act or any other Act or law, be liable to a fine not exceeding two hundred and fifty dollars.

(2) Any person not being a Receiver or a person authorised under section 8 to take the command in cases of ships being stranded or in distress, or not acting under the orders of such Receiver or person, who without the leave of the master endeavours to board any such ship or boat which is stranded or in distress, commits an offence and is liable to a fine not exceeding two hundred and fifty dollars.

(3) The master of any ship or boat may repel by force any person attempting to board it in contravention of subsection (2).

25. All fines, penalties and forfeitures, as well as the costs of any investigation, may be recovered on summary conviction.

Procedure for recovery of penalties, etc.

26.-(1) All wreck, being goods brought or coming into Belize, shall be subject to the same duties as if they were imported into Belize.

Import duty.

(2) If any question arises as to the origin of such goods, they shall be deemed to be the produce of such country as the Harbour Master may upon investigation determine.

27. Whenever any articles belonging to, or forming part of, any foreign ship which has been wrecked on or near the coast of Belize, or belonging to or forming part of the cargo thereof, are found on or near such coasts, or are brought into any port of Belize, the consul of the country to which such ship, or, in the case of cargo, to which the owners of such cargo belong, or any consular officer of such country authorised in that behalf by any treaty or agreement with such country, shall in the absence of the owner of such ship or articles, and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of such articles.

Consuls and foreign ships.

28.-(1) The Harbour Master may permit all goods, wares and merchandise saved from any ship stranded or wrecked on its homeward voyage to be forwarded to the port of its original destination, and all goods, wares and merchandise saved from any ship stranded or wrecked on its outward voyage

Forwarding wrecked goods.

to be returned to the port at which they were shipped.

(2) The Harbour Master shall take security for the due protection of the revenue in respect of such goods, wares and merchandise.