



CARIBBEAN COURT OF JUSTICE

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CCJ ALLOWS APPEAL IN LAND DISPUTE OVER RIPARIAN RIGHTS IN BELIZE

Port of Spain, Trinidad and Tobago. On Thursday, 6 March 2025, the Caribbean Court of Justice (CCJ) allowed the appeal of New Deal Limited ('New Deal'), set aside the decision of the Court of Appeal of Belize, and restored the decision of the Supreme Court of Belize in a case concerning riparian rights in respect of land along the Belize River. Riparian rights are the rights of waterfront property owners with regards to water, such as the right of access to the water.

The case involved a dispute over whether Arturo Matus, the owner of Parcel 4105, had riparian rights despite a portion of a separate parcel of land, Parcel 5031, owned by New Deal lying between his property and the Belize River. The Supreme Court found that Mr Matus had no riparian rights because his land does not abut, or border, the river and dismissed his claim. However, the Court of Appeal overturned that decision, holding that Mr Matus had riparian rights over the intervening strip of land owned by New Deal and that the creation of Parcel 5031 was a mistake and *ultra vires*, that is, outside of the powers of the Registrar of Lands. The Court of Appeal ordered rectification of the Land Register to amend the size of Parcel 5031, a permanent injunction, and payment of damages to Mr Matus for trespass and breach of his constitutional rights.

In its judgment, the CCJ ruled that the Court of Appeal erred in finding that Mr Matus had riparian rights. The Court reaffirmed the principle that riparian rights are derived from ownership or lawful possession of land that abuts a natural watercourse and thereby, makes actual daily contact with the water. Since Parcel 4105 did not meet this requirement, Mr Matus could not claim riparian rights.

The Court also found no legal basis to declare that the creation and issue of Parcel 5031 were made by mistake. As Mr Matus did not own the portion of Parcel 5031 that adjoins Parcel 4105 and had no riparian rights, the inclusion of that portion of land in Parcel 5031 was not a mistake warranting rectification of the Land Register. Similarly, there was no legal basis for finding

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that the creation of Parcel 5031 and its transfer to New Deal were void or ultra vires, or for the award of damages for trespass and breach of constitutional rights.

Additionally, the CCJ observed that there was no basis for implying an easement of necessity through Parcel 5031 to allow Parcel 4105 access to the Belize River, since Parcel 4105 was accessible from a public road via other parcels of land that Mr Matus owned.

The members of the CCJ panel were CCJ President, the Honourable Mr Justice Adrian Saunders and Honourable Justices Anderson, Rajnauth-Lee, Burgess, and Ononaiwu. Ms Naima Barrow appeared for the Appellant, New Deal. Mr Darrell S. Bradley and Ms Kimberley Wallace appeared for Arturo Matus, the First Respondent, and Mr Jhawn Graham and Ms Samantha Matute appeared for the Registrar of Lands and the Attorney General of Belize, the Second and Third Respondents.

The full CCJ judgment is available on its website at www.ccj.org.

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About the Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Adrian Saunders. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its Original Jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court's Original Jurisdiction to protect their rights under the RTC. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, five states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica, Guyana, and Saint Lucia. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.

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