



BELIZE

BELIZE CONSTITUTION ACT CHAPTER 4

REVISED EDITION 2000 SHOWING THE LAW AS AT 28TH OCTOBER, 2002

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 Substantive Laws of Belize, Revised Edition 2000.

This edition contains a consolidation of the following laws-

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ARRANGEMENT OF SECTIONS

3

BELIZE CONSTITUTION ACT

13

Amendments in force as at 28th October, 2002.



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CHAPTER 4

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CHAPTER 4

BELIZE CONSTITUTION

[21st September, 1981]

WHEREAS the people of Belize-

- (a) *affirm* that the Nation of Belize shall be founded upon principles which acknowledge the supremacy of God, faith in human rights and fundamental freedoms, the position of the family in a society of free men and free institutions, the dignity of the human person and the equal and inalienable rights with which all members of the human family are endowed by their Creator;
- (b) *respect* the principles of social justice and therefore believe that the operation of the economic system must result in the material resources of the community being so distributed as to subserve the common good, that there should be adequate means of livelihood for all, that labour should not be exploited or forced by economic necessity to operate in inhumane conditions but that there should be opportunity for advancement on the basis of recognition of merit, ability and integrity, that equal protection should be given to children regardless of their social status, and that a just system should be ensured to provide for education and health on the basis of equality;
- (c) *believe* that the will of the people shall form the basis of government in a democratic society in which the government is freely elected by universal adult suffrage and in which all persons may, to the extent of their capacity, play some part in the institutions of national life and thus develop and maintain due respect for lawfully constituted authority;
- (d) *recognise* that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and upon the rule of law;

- (e) *require* policies of state which protect and safeguard the unity, freedom, sovereignty and territorial integrity of Belize; which eliminate economic and social privilege and disparity among the citizens of Belize whether by race, ethnicity, colour, creed, disability or sex; which ensures gender equality; which protect the rights of the individual to life, liberty, basic education, basic health, the right to vote in elections, the right to work and the pursuit of happiness; which protect the identity, dignity and social and cultural values of Belizeans, including Belize's indigenous peoples; which preserve the right of the individual to the ownership of private property and the right to operate private businesses; which prohibit the exploitation of man by man or by the state; which ensure a just system of social security and welfare; which protect the environment; which promote international peace, security and co-operation among nations, the establishment of a just and equitable international economic and social order in the world with respect for international law and treaty obligations in the dealings among nations;
- (f) *desire* that their society shall reflect and enjoy the above mentioned principles, beliefs and needs and that their Constitution should therefore enshrine and make provisions for ensuring the achievement of the same in Belize;

2 of 2001.

2 of 2001.

39 of 2001.

NOW, THEREFORE, the following provisions shall have effect as the Constitution of Belize:

PART I

The State and The Constitution

- 1.-(1) Belize shall be a sovereign democratic State of Central America in the Caribbean region. The State.
- (2) Belize comprises the land and sea areas defined in Schedule 1 to this Constitution, which immediately before Independence Day constituted the colony of Belize. Schedule 1.
2. This Constitution is the supreme law of Belize and if any other law is Constitution is supreme law.

inconsistent with this Constitution that other law shall, to the extent of the inconsistency, be void.

PART II

Protection of Fundamental Rights and Freedoms

Fundamental rights and freedoms.

3. Whereas every person in Belize is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely-

- (a) life, liberty, security of the person, and the protection of the law;
- (b) freedom of conscience, of expression and of assembly and association;
- (c) protection for his family life, his personal privacy, the privacy of his home and other property and recognition of his human dignity; and
- (d) protection from arbitrary deprivation of property,

the provisions of this Part shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any person does not prejudice the rights and freedoms of others or the public interest.

Protection of right to life.

4.-(1) A person shall not be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence under any law of which he has been convicted.

(2) A person shall not be regarded as having been deprived of his life in contravention of this section if he dies as the result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably justifiable-

-
- (a) for the defence of any person from violence or for the defence of property;
 - (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
 - (c) for the purpose of suppressing a riot, insurrection or mutiny; or
 - (d) in order to prevent the commission by that person of a criminal offence,

or if he dies as the result of a lawful act of war.

5.-(1) A person shall not be deprived of his personal liberty save as may be authorised by law in any of the following cases, that is to say: -

Protection of
right
to personal
liberty.

- (a) in consequence of his unfitness to plead to a criminal charge or in execution of the sentence or order of a court, whether established for Belize or some other country, in respect of a criminal offence of which he has been convicted;
- (b) in execution of the order of the Supreme Court or the Court of Appeal punishing him for contempt of the Supreme Court or the Court of Appeal or of another court or tribunal;
- (c) in execution of the order of a court made to secure the fulfilment of any obligation imposed on him by law;
- (d) for the purpose of bringing him before a court in execution of the order of a court;
- (e) upon a reasonable suspicion of his having committed, or being about to commit, a criminal offence under any law;
- (f) under the order of a court or with the consent of his parent or guardian, for his education or welfare during any period ending not later than the date when he attains the age of eighteen years;

- (g) for the purpose of preventing the spread of an infectious or contagious disease;
- (h) in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care or treatment or the protection of the community;
- (i) for the purpose of preventing his unlawful entry into Belize, or for the purpose of effecting his expulsion, extradition or other lawful removal from Belize or for the purpose of restraining him while he is being conveyed through Belize in the course of his extradition or removal as a convicted prisoner from one country to another; or
- (j) to such extent as may be necessary in the execution of a lawful order requiring him to remain within a specified area within Belize, or prohibiting him from being within such an area, or to such extent as may be reasonably justifiable for the taking of proceedings against him with a view to the making of any such order or relating to such an order after it has been made, or to such extent as may be reasonably justifiable for restraining him during any visit that he is permitted to make to any part of Belize in which, in consequence of any such order, his presence would otherwise be unlawful.

(2) Any person who is arrested or detained shall be entitled-

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- (a) to be informed promptly, and in any case no later than twenty-four hours after such arrest or detention, in a language he understands, of the reasons for his arrest or detention;
- (b) to communicate without delay and in private with a legal practitioner of his choice and, in the case of a minor, with his parents or guardian, and to have adequate opportunity to give instructions to a legal practitioner of his choice;
- (c) to be informed immediately upon his arrest of his rights under paragraph (b) of this subsection; and

- (d) to the remedy by way of *habeas corpus* for determining the validity of his detention.
- (3) Any person who is arrested or detained-
 - (a) for the purpose of bringing him before a court in execution of the order of a court; or
 - (b) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence under any law,

and who is not released, shall be brought before a court without undue delay and in any case not later than forty-eight hours after such arrest or detention.

2 of 2001

(4) Where any person is brought before a court in execution of the order of a court in any proceedings or upon suspicion of his having committed or being about to commit an offence, he shall not be thereafter further held in custody in connection with those proceedings or that offence save upon the order of a court.

(5) If any person arrested or detained as mentioned in subsection (3) (b) of this section is not tried within a reasonable time, then without prejudice to any further proceedings that may be brought against him, he shall, unless he is released, be entitled to bail on reasonable conditions.

(6) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefor from that other person or from any other person or authority on whose behalf that other person was acting:

Provided that no person shall be liable for any act done in the performance of a judicial function for which he would not be liable apart from this subsection.

(7) For the purposes of subsection (1) (a) of this section, a person charged before a court with a criminal offence in respect of whom a special verdict has been returned that he was guilty of the act or omission charged but was insane when he did the act or made the omission shall be regarded as a person who has been convicted of a criminal offence and the detention of a

person in consequence of such a verdict shall be regarded as detention in execution of the order of a court.

Protection
of law.

6.-(1) All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.

(2) If any person is charged with a criminal offence, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.

(3) Every person who is charged with a criminal offence-

(a) shall be presumed to be innocent until he is proved or has pleaded guilty;

(b) shall be informed as soon as reasonably practicable, in a language that he understands, of the nature and particulars of the offence charged;

(c) shall be given adequate time and facilities for the preparation of his defence;

(d) shall be permitted to defend himself before the court in person or, at his own expense, by a legal practitioner of his own choice;

(e) shall be afforded facilities to examine in person or by his legal representative the witnesses called by the prosecution before the court, and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same conditions as those applying to witnesses called by the prosecution; and

(f) shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial,

and except with his own consent the trial shall not take place in his absence unless he so conducts himself as to render the continuance of the proceedings in his presence impracticable and the court has ordered him to be removed

and the trial to proceed in his absence:

Provided that the trial may take place in his absence in any case in which it is so provided by a law under which he is entitled to adequate notice of the charge and the date, time and place of the trial and to a reasonable opportunity of appearing before the court.

(4) A person shall not be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence that is severer in degree or description than the maximum penalty that might have been imposed for that offence at the time when it was committed.

(5) A person who shows that he has been tried by a competent court for a criminal offence and either convicted or acquitted shall not again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial for that offence, save upon the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal.

(6) A person who is tried for a criminal offence shall not be compelled to give evidence at the trial.

(7) Any court or other authority prescribed by law for the determination of the existence or extent of any civil right or obligation shall be established by law and shall be independent and impartial; and where proceedings for such a determination are instituted by any person before such a court or other authority, the case shall be given a fair hearing within a reasonable time.

(8) Except with the agreement of all the parties thereto, all proceedings of every court and proceedings for the determination of the existence or extent of any civil right or obligation before any other authority, including the announcement of the decision of the court or other authority, shall be held in public.

(9) Nothing in subsection (8) of this section shall prevent the court or other adjudicating authority from excluding from the proceedings persons other than the parties thereto and the legal practitioners representing them to such extent as the court or other authority-

- (a) may by law be empowered to do and may consider necessary or expedient in circumstances where publicity would prejudice the interests of justice or in interlocutory proceedings or in the interests of public morality, the welfare of persons under the age of eighteen years or the protection of the private lives of persons concerned in the proceedings; or
- (b) may by law be empowered or required to do in the interests of defence, public safety or public order.

(10) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of-

- (a) subsection (3) (a) of this section to the extent that the law in question imposes upon any person charged with a criminal offence the burden of proving particular facts;
- (b) subsection (3) (e) of this section to the extent that the law in question imposes reasonable conditions that must be satisfied if witnesses called to testify on behalf of an accused person are to be paid their expenses out of public funds; or
- (c) subsection (5) of this section to the extent that the law in question authorises a court to try a member of a disciplined force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of that force, so, however, that any court so trying such a member and convicting him shall in sentencing him to any punishment take into account any punishment awarded him under that disciplinary law.

(11) In the case of any person who is held in lawful detention the provisions of subsection (2) and paragraphs (d) and (e) of subsection (3) of this section shall not apply in relation to his trial for a criminal offence under the law regulating the discipline of persons held in such detention.

(12) In this section, “criminal offence” means a criminal offence under a law.

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| <p>7. No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.</p> | <p>Protection from inhuman treatment.</p> |
| <p>8.-(1) No person shall be held in slavery or servitude.</p> <p>(2) No person shall be required to perform forced labour.</p> <p>(3) For the purposes of this section, the expression “forced labour” does not include-</p> <p>(a) any labour required in consequence of the sentence or order of a court;</p> <p>(b) labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;</p> <p>(c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service; or</p> <p>(d) any labour required during any period of public emergency or in the event of any accident or natural calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that accident or natural calamity, for the purpose of dealing with that situation.</p> | <p>Protection from slavery and forced labour.</p> |
| <p>9.-(1) Except with his own consent, a person shall not be subjected to the search of his person or his property or the entry by others on his premises.</p> <p>(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the</p> | <p>Protection from arbitrary search or entry.</p> |

extent that the law in question makes reasonable provision-

- (a) that is required in the interests of defence, public safety, public order, public morality, public health, town and country planning, the development and utilisation of mineral resources or the development or utilisation of any property for a purpose beneficial to the community;
- (b) that is required for the purpose of protecting the rights or freedoms of other persons;
- (c) that authorises an officer or agent of the Government, a local government authority or a body corporate established by law for public purposes to enter on the premises of any person in order to inspect those premises or anything thereon for the purpose of any tax, rate or due or in order to carry out work connected with any property that is lawfully on those premises and that belongs to the Government or to that authority or body corporate, as the case may be; or
- (d) that authorises, for the purpose of enforcing the judgment or order of the court in any civil proceedings, the search of any person or property by order of a court or entry upon any premises by such order.

Protection of
freedom of
movement.

10.-(1) A person shall not be deprived of his freedom of movement, that is to say, the right to move freely throughout Belize, the right to reside in any part of Belize, the right to enter Belize, the right to leave Belize and immunity from expulsion from Belize.

(2) Any restriction on a person's freedom of movement that is involved in his lawful detention shall not be held to be inconsistent with or in contravention of this section.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes reasonable provision-

- (a) for the imposition of restrictions on the movement or

residence within Belize of any person or on any person's right to leave Belize that are required in the interests of defence, public safety or public order;

- (b) for the imposition of restrictions on the movement or residence within Belize or on the right to leave Belize of persons generally or any class of persons in the interests of defence, public safety, public order, public morality or public health or, in respect of the right to leave Belize, of securing compliance with any international obligation of the Government;
- (c) for the imposition of restrictions, by order of a court, on the movement or residence within Belize of any person or on any person's right to leave Belize either in consequence of his having been found guilty of a criminal offence under a law or for the purpose of ensuring that he appears before a court at a later date for trial of such a criminal offence or for proceedings preliminary to trial or for proceedings relating to his extradition or lawful removal from Belize;
- (d) for the imposition of restrictions on the freedom of movement of any person who is not a citizen of Belize;
- (e) for the imposition of restrictions on the acquisition or use by any person of land or other property in Belize;
- (f) for the imposition of restrictions on the movement or residence within Belize or on the right to leave Belize of any officer in the public service that are required for the proper performance of his functions;
- (g) for the removal of a person from Belize to be tried or punished in some other country for a criminal offence under the law of that other country or to undergo imprisonment in some other country in execution of the sentence of a court in respect of a criminal offence under a law of which he has been convicted;
or
- (h) for the imposition of restrictions on the right of any person to

leave Belize that are required in order to secure the fulfilment of any obligation imposed on that person by law.

(4) If any person whose freedom of movement has been restricted by virtue of such a provision as is referred to in subsection (3) (a) of this section so requests at any time during the period of that restriction not earlier than twenty-one days after the order was made or three months after he last made such a request, as the case may be, his case shall be reviewed by an independent and impartial tribunal presided over by a person appointed by the Chief Justice from among persons who are legal practitioners.

(5) On any review by a tribunal in pursuance of subsection (4) of this section of the case of any person whose freedom of movement has been restricted, the tribunal may make recommendations concerning the necessity or expediency of the continuation of that restriction to the authority by whom it was ordered and, unless it is otherwise provided by law, that authority shall be obliged to act in accordance with any such recommendations.

Protection of
freedom of
conscience.

11.-(1) Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of conscience, including freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) Except with his own consent (or, if he is a person under the age of eighteen years, the consent of his parent or guardian) a person attending any place of education, detained in any prison or corrective institution or serving in a naval, military or air force shall not be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion which is not his own.

(3) Every recognised religious community shall be entitled, at its own expense, to establish and maintain places of education and to manage any place of education which it maintains; and no such community shall be prevented from providing religious instruction for persons of that community in the course of any education provided by that community whether or not it is in receipt of a government subsidy or other form of financial assistance designed to meet in whole or in part the cost of such course of education.

(4) A person shall not be compelled to take any oath which is contrary to his religion or belief or to take any oath in a manner which is contrary to his religion or belief.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision which is reasonably required-

- (a) in the interests of defence, public safety, public order, public morality or public health;
- (b) for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practise any religion without the unsolicited intervention of members of any other religion; or
- (c) for the purpose of regulating educational institutions in the interest of the persons who receive or may receive instruction in them.

(6) References in this section to a religion shall be construed as including references to a religious denomination, and cognate expressions shall be construed accordingly.

12.-(1) Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of expression, including freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence.

Protection of freedom of expression.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes reasonable provision-

- (a) that is required in the interests of defence, public safety, public order, public morality or public health;
- (b) that is required for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of

persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts or regulating the administration or the technical operation of telephone, telegraphy, posts, wireless broadcasting, television or other means of communication, public exhibitions or public entertainments; or

- (c) that imposes restrictions on officers in the public service that are required for the proper performance of their functions.

Protection of freedom of assembly and association.

13.-(1) Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the protection of his interests or to form or belong to political parties or other political associations.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes reasonable provision-

- (a) that is required in the interests of defence, public safety, public order, public morality or public health;
- (b) that is required for the purpose of protecting the rights or freedoms of other persons;
- (c) that imposes restrictions on officers in the public service that are required for the proper performance of their functions; or
- (d) that is required to prohibit any association the membership of which is restricted on grounds of race or colour.

Protection of right to privacy.

14.-(1) A person shall not be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. The private and family life, the home and the personal correspondence of every person shall be respected.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the

extent that the law in question makes provision of the kind specified in subsection (2) of section 9 of this Constitution.

15.-(1) No person shall be denied the opportunity to gain his living by work which he freely chooses or accepts, whether by pursuing a profession or occupation or by engaging in a trade or business, or otherwise.

Protection of right to work.

(2) It shall not be inconsistent with subsection (1) of this section to require, as a condition for embarking upon or continuing work, the payment of professional fees, trade or business licence fees, or similar charges, or the possession of appropriate licences or qualifications.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes reasonable provision-

- (a) that is required in the interests of defence, public safety, public order, public morality or public health;
- (b) that is required for the purpose of protecting the rights or freedoms of other persons; or
- (c) for the imposition of restrictions on the right to work of any person who is not a citizen of Belize.

16.-(1) Subject to the provisions of subsections (4), (5) and (7) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

Protection from discrimination on the grounds of race, etc.

(2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person or authority.

(3) In this section, the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by sex, race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(4) Subsection (1) of this section shall not apply to any law so far as that law makes provision-

- (a) for the appropriation of public revenues or other public funds;
- (b) with respect to persons who are not citizens of Belize;
- (c) for the application, in the case of persons of any such description as is mentioned in subsection (3) of this section (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters which is the personal law of persons of that description; or
- (d) whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any disability or restriction or may be accorded any privilege or advantage that, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable.

(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes provision with respect to standards or qualifications (not being standards or qualifications specifically relating to sex, race, place of origin, political opinions, colour or creed) to be required of any person who is appointed to or to act in any office or employment.

(6) Subsection (2) of this section shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provision of law as is referred to in subsection (4) or subsection (5) of this section.

(7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any restriction on the rights and freedoms guaranteed by sections 9, 10, 11, 12 and 13 of this Constitution, being such a restriction as is authorised by section 9(2), paragraph (a), (b) or (h) of section 10(3), section 11(5), section

12(2) or section 13(2), as the case may be.

(8) Nothing contained in subsection (2) of this section shall affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Constitution or any other law.

17.-(1) No property of any description shall be compulsorily taken possession of and no interest in or right over property of any description shall be compulsorily acquired except by or under a law that-

Protection from deprivation of property.

- (a) prescribes the principles on which and the manner in which reasonable compensation therefor is to be determined and given within a reasonable time; and
- (b) secures to any person claiming an interest in or right over the property a right of access to the courts for the purpose of-
 - (i) establishing his interest or right (if any);
 - (ii) determining whether that taking of possession or acquisition was duly carried out for a public purpose in accordance with the law authorising the taking of possession or acquisition;
 - (iii) determining the amount of the compensation to which he may be entitled; and
 - (iv) enforcing his right to any such compensation.

(2) Nothing in this section shall invalidate any law by reason only that it provides for the taking possession of any property or the acquisition of any interest in or right over property-

- (a) in satisfaction of any tax, rate or due;
- (b) by way of penalty for breach of the law or forfeiture in consequence of a breach of the law;
- (c) by way of taking a sample for the purposes of any law;

- (d) as an incident of any deposit required to be made with the Government of a reasonable number of copies of every book, magazine, newspaper or other printed work published in Belize;
- (e) where the property consists of an animal, upon its being found trespassing or straying;
- (f) as an incident of a lease, tenancy, mortgage, charge, bill of sale or any other right or obligation arising under a contract;
- (g) by way of requiring persons carrying on business in Belize to deposit money with the Government or an agency of the Government for the purpose of controlling credit or investment in Belize;
- (h) by way of the vesting and administration of trust property, enemy property, the property of deceased persons, persons of unsound mind or persons adjudged or otherwise declared bankrupt or the property of companies or other societies (whether incorporated or not) in the course of being wound up;
- (i) in the execution of judgments or orders of courts;
- (j) in consequence of any law with respect to the limitation of actions;
- (k) by reason of its being in a dangerous state or injurious to the health of human beings, animals or plants;
- (l) for the purpose of marketing property of that description in the common interests of the various persons otherwise entitled to dispose of that property; or
- (m) for so long only as may be necessary for the purpose of an examination, investigation, trial or enquiry or, in the case of land, the carrying out on the land-

- (i) of work of soil conservation or the conservation of other natural resources; or
- (ii) of agricultural development or improvement which the owner or occupier of the land has been required and has without reasonable and lawful excuse refused or failed to carry out.

18.-(1) In this Part, “period of public emergency” means any period during which -

Provisions for periods of public emergency.

- (a) Belize is engaged in any war; or
- (b) there is in force a proclamation by the Governor-General declaring that a state of public emergency exists; or
- (c) there is in force a resolution of the National Assembly declaring that democratic institutions in Belize are threatened by subversion.

(2) The Governor-General may, by proclamation which shall be published in the *Gazette*, declare that a state of public emergency exists for the purposes of this Part.

(3) A proclamation made by the Governor-General under subsection (2) of this section shall not be effective unless it contains a declaration that the Governor-General is satisfied-

- (a) that a state of war between Belize and another State is imminent or that a public emergency has arisen as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence, outbreak of infectious disease, or other similar calamity; or
- (b) that action has been taken or is immediately threatened by any person or body of persons of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community, or any substantial portion of the community, of supplies or services essential to life.

(4) A proclamation made under subsection (2) of this section may be made so as to apply only to such part of Belize as may be specified in the proclamation (in this subsection called “the emergency area”), in which case regulations made under subsection (9) of this section shall except as otherwise expressly provided in such regulations have effect only in the emergency area.

(5) A proclamation made by the Governor-General for the purposes of and in accordance with this section-

(a) shall, unless previously revoked, remain in force for a period not exceeding one month;

(b) may be extended from time to time by a resolution passed by the National Assembly for further periods, not exceeding in respect of each such extension a period of twelve months; and

(c) may be revoked at any time by a resolution of the National Assembly.

(6) A resolution of the National Assembly passed for the purposes of subsection (1)(c) of this section shall remain in force for two months or such shorter period as may be specified therein:

Provided that any such resolution may be extended from time to time by a further such resolution, each extension not exceeding two months from the date of the resolution effecting the extension; and any such resolution may be revoked at any time by a further resolution.

(7) A resolution of the National Assembly for the purposes of subsection (1)(c) of this section, and a resolution of the National Assembly extending or revoking any such resolution, shall not be passed unless it is supported by the votes of two-thirds of the members of the House of Representatives present and voting.

(8) Any provision of this section that a proclamation or resolution shall lapse or cease to be in force at any particular time is without prejudice to the making of a further such proclamation or resolution whether before or after that time.

(9) During any period of public emergency, the following provisions shall have effect-

- (a) the Governor-General may make such regulations as are necessary or expedient for securing public safety, the defence of Belize, the maintenance of public order and the suppression of mutiny, rebellion and riot, and for maintaining supplies and services essential to the life of the community;
- (b) any such regulations may empower such authorities or persons as may be specified in the regulations to make orders and rules for any of the purposes for which such regulations are authorised by this subsection to be made and may contain such incidental and supplementary provisions as are necessary or expedient for the purposes of the regulations;
- (c) any such regulations or any order or rule made in pursuance of such regulations may amend or suspend the operation of any law and shall have effect notwithstanding anything inconsistent therewith contained in any law;
- (d) in this subsection, “law” does not include this Constitution or any provision thereof or any law that alters this Constitution or any provision thereof.

(10) Nothing contained in or done under the authority of any law (including any regulations made under subsection (9) of this section) shall be held to be inconsistent with or in contravention of section 5, 6, 8, 9, 10, 12, 13, 14, 15, 16, or 17 of this Constitution to the extent that the law in question makes in relation to any period of public emergency provision, or authorises the doing during any such period of anything, that is reasonably justifiable in the circumstances of any situation arising or existing during the period for the purpose of dealing with that situation.

19.-(1) When a person is detained by virtue of a law that authorises the taking during a period of public emergency of measures that are reasonably justifiable for the purpose of dealing with the situation that exists in Belize during that period, the following provisions shall apply, that is to say-

Protection of persons detained under emergency laws.

- (a) he shall, with reasonable promptitude and in any case not more than seven days after the commencement of his detention, be informed in a language that he understands of the grounds upon which he is detained and furnished with a written statement in English specifying the particulars of those grounds;
- (b) not more than fourteen days after the commencement of his detention, a notification shall be published in the *Gazette* stating that he has been detained and giving particulars of the provision of law under which his detention is authorised;
- (c) not more than one month after the commencement of his detention and thereafter during his detention at intervals of not more than three months, his case shall be reviewed by an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice from among persons who are legal practitioners;
- (d) he shall be afforded reasonable facilities for private communication and consultation with a legal practitioner of his own choice who shall be permitted to make representations to the tribunal appointed for the review of the case of the detained person; and
- (e) at the hearing of his case by the tribunal appointed for the review of his case he shall be permitted to appear in person or to be represented by a legal practitioner of his own choice.

(2) On any review by a tribunal in pursuance of this section of the case of a detained person, the tribunal may make recommendations concerning the necessity or expediency of continuing his detention to the authority by which it was ordered but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations.

(3) Nothing contained in subsection (1) (d) or subsection (1) (e) of this section shall be construed as entitling a person to legal representation at public expense.

20.-(1) If any person alleges that any of the provisions of sections 3 to 19 inclusive of this Constitution has been, is being or is likely to be contravened in relation to him (or, in the case of a person who is detained, if any other person alleges such a contravention in relation to the detained person), then, without prejudice to any other action with respect to the same matter which is lawfully available, that person (or that other person) may apply to the Supreme Court for redress.

Enforcement
of protective
provisions.

- (2) The Supreme Court shall have original jurisdiction-
- (a) to hear and determine any application made by any person in pursuance of subsection (1) of this section; and
- (b) to determine any question arising in the case of any person which is referred to it in pursuance of subsection (3) of this section,

and may make such declarations and orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of sections 3 to 19 inclusive of this Constitution.

(3) If in any proceedings in any court (other than the Court of Appeal or the Supreme Court or a court-martial) any question arises as to the contravention of any of the provisions of sections 3 to 19 inclusive of this Constitution, the person presiding in that court may, and shall, if any party to the proceedings so requests, refer the question to the Supreme Court unless, in his opinion, the raising of this question is merely frivolous or vexatious.

(4) Any person aggrieved by any determination of the Supreme Court under this section may appeal therefrom to the Court of Appeal.

(5) Where any question is referred to the Supreme Court in pursuance of subsection (3) of this section, the Supreme Court shall give its decision upon the question and the court in which the question arose shall dispose of the case in accordance with that decision or, if that decision is the subject of an appeal to the Court of Appeal or to Her Majesty in Council, in accordance with the decision of the Court of Appeal or, as the case may be, of Her Majesty in Council.

(6) Notwithstanding the validity of any law under section 9 (2), 10 (3), 11 (5), 12 (2), 13 (2) or 16 (4) (d) of this Constitution, any act or thing done under the authority of such law shall be unlawful if such act or thing is shown not to be reasonably required in the actual circumstances in which it is done.

(7) The Supreme Court shall have such powers in addition to those conferred by this section as may be conferred on it by the National Assembly for the purpose of enabling it more effectively to exercise the jurisdiction conferred on it by this section.

(8) The Chief Justice may make rules with respect to the practice and procedure of the Supreme Court in relation to the jurisdiction and powers conferred on it by or under this section (including rules with respect to the time within which applications may be brought and references shall be made to the Supreme Court).

Protection of
existing laws.

21. Nothing contained in any law in force immediately before Independence Day nor anything done under the authority of any such law shall, for a period of five years after Independence Day, be held to be inconsistent with or done in contravention of any of the provisions of this Part.

Interpretation
and savings.

22.-(1) In this Part, unless the context otherwise requires-

“contravention”, in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

“court” means any court of law having jurisdiction in Belize other than a court established by a disciplinary law, and includes Her Majesty in Council and in sections 4 and 8 of this Constitution a court established by a disciplinary law;

“disciplinary law” means a law regulating the discipline of any disciplined force;

“disciplined force” means-

(a) a naval, military or air force;

- (b) the Belize Police Department; 42 of 1999.
- (c) a prison service; or
- (d) any such other force or service as may be prescribed by the National Assembly;

“legal practitioner” means a person admitted and enrolled as an attorney-at-law under the laws of Belize;

“member”, in relation to a disciplined force, includes any person who, under the law regulating the discipline of that force, is subject to that discipline.

(2) In relation to any person who is a member of a disciplined force of Belize, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Part other than sections 4, 7 and 8 of this Constitution.

(3) In relation to any person who is a member of a disciplined force of a country other than Belize that is lawfully present in Belize, nothing contained or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Part.

PART III

Citizenship

- 23.-(1) Every person born in Belize, immediately before Independence Day, shall become a citizen of Belize on Independence Day. Persons who become citizens on Independence Day. 14 of 1985
- (2) Every person who, immediately before Independence Day, is a citizen of the United Kingdom and Colonies-
- (a) having become such a citizen under the British Nationality Act 1948 by virtue of his having been naturalised in Belize as a British subject before that Act came into force; or 1948. c. 56 (U.K.)

- (b) having while resident in Belize become such a citizen by virtue of his having been naturalised or registered under that Act,

shall become a citizen of Belize on Independence Day.

(3) Every person born outside Belize, before Independence Day, shall become a citizen of Belize on Independence Day if his father or mother becomes, or would but for his death or the renunciation of his citizenship have become, a citizen of Belize by virtue of subsection (1) or (2) of this section.

(4) Every person born outside Belize before Independence Day shall become a citizen of Belize on Independence Day if one of his grand-parents becomes, or would but for his death or renunciation of his citizenship have become, a citizen of Belize by virtue of subsection (1) or (2) of this section.

(5) Every woman shall become a citizen of Belize on Independence Day if immediately before Independence Day, she is married to a person who becomes or, but for his death or the renunciation of his citizenship, would have become a citizen of Belize by virtue of subsection (1), (2), (3) or (4) of this section.

1948. c. 56
(U.K.)

(6) In this section, "the British Nationality Act 1948" includes any Act of the Parliament of the United Kingdom amending that Act.

Persons born in
Belize on or after
Independence
Day.

24. Every person born in Belize on or after Independence Day shall become a citizen of Belize at the date of his birth:

Provided that a person shall not become a citizen of Belize by virtue of this section if at the time of his birth-

- (a) neither of his parents is a citizen of Belize and his father or mother possesses such immunity from suit and legal process as is accorded to the envoy of a foreign sovereign power accredited to Belize; or
- (b) his father or mother is a citizen of a country with which Belize is at war and the birth occurs in a place then under

occupation by that country.

25. A person born outside Belize on or after Independence Day shall become a citizen of Belize at the date of his birth if, at that date, his father or mother is a citizen of Belize. Persons born outside Belize on or after Independence Day. 14 of 1985.
- 26.-(1) The following persons may, upon making application at any time after Independence Day, be registered as citizens of Belize - Registration. 14 of 1985.
- (a) any person who is married to a citizen of Belize;
 - (b) any person who has been resident continuously in Belize for a period of five years immediately before the date of his application.
- (2) The National Assembly shall prescribe by law the procedure for making and determining applications, and the conditions to be fulfilled by persons making applications, for registration under this section.
- (3) A person registered as a citizen of Belize under this section shall become a citizen of Belize on the date on which he is so registered.
27. A citizen of Belize by birth or descent who acquires the citizenship of any other country may, if the laws of the other country so permit and at his option, retain his citizenship of Belize. Dual nationality 14 of 1985.
- 28.(1) The National Assembly may make provision, not inconsistent with this Part, in respect of citizenship, including provision for-
- (a) the acquisition of citizenship of Belize by persons who are not eligible or who are no longer eligible to become citizens of Belize under this Part; Citizenship legislation. 39 of 2001.
 - (b) revoking the citizenship of any person referred to in section 26 (1) of this Constitution; 39 of 2001.

(c) the renunciation by any person of his citizenship of Belize.

39 of 2001

(2) Paragraph (a) of subsection (1) of this section shall not be construed as allowing the National Assembly to make legislation for the acquisition of citizenship of Belize by any person who makes a substantial contribution to the economy and/or well-being of Belize or who has rendered distinguished service to Belize.

Interpretation.

39 of 2001.

29.-(1) For the purposes of this Part, subject to sections 24 and 25, a person born aboard a ship or aircraft registered in Belize, or aboard an unregistered ship or aircraft of the Government of Belize, shall not be deemed to have been born in Belize.

(2) Any reference in this Part to the national status of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the national status of the father at the time of the father's death; and where that death occurred before Independence Day and the birth occurred on or after Independence Day the national status that the father would have had if he had died on Independence Day shall be deemed to be his national status at the time of his death.

14 of 1985.

(3) No person shall be entitled under the provisions of this Part to be a citizen of Belize or be granted citizenship of Belize if such person shows any allegiance to or is a citizen of a country which does not recognise the independence, sovereignty or territorial integrity of Belize:

Provided that the Minister may in his discretion grant Belizean citizenship to persons falling under this subsection who would otherwise be entitled to such citizenship under the provisions of sections 23 and 25 of this Constitution.

(4) Where a person born outside Belize is entitled to be a citizen of Belize under the provisions of this Part, the right to Belizean citizenship shall not be deemed to accrue upon the conditions giving rise to such entitlement arising but the citizenship shall be sought for by the person entitled to or on his behalf and obtained by the grant by the Minister of proper certification affirming his citizenship.

(5) Where a person claiming citizenship by birth, descent or reg-

istration makes an application or request for the grant of citizenship the stay of such person in Belize shall not be considered illegal under the provisions of any law for so long and only for so long as such stay is necessary for the disposal of his application. His right of abode, or that of his wife or dependents if any under the age of eighteen years, shall not be affected pending the disposal of his application.

PART IV

The Governor-General

30. There shall be a Governor-General of Belize who shall be a citizen of Belize appointed by Her Majesty and shall hold office during Her Majesty's pleasure and who shall be Her Majesty's representative in Belize. Establishment of office.
- 31.-(1) During any period when the office of Governor-General is vacant or the holder of the office of Governor-General is absent from Belize or is for any other reason unable to perform the functions of his office those functions shall be performed by such person as Her Majesty may appoint. Acting Governor-General.
- (2) Any such person as aforesaid shall not continue to perform the functions of the office of Governor-General if the holder of the office of Governor-General or some other person having a prior right to perform the functions of that office has notified him that he is about to assume or resume those functions.
- (3) The holder of the office of Governor-General shall not, for the purposes of this section, be regarded as absent from Belize or as unable to perform the functions of his office-
- (a) by reason that he is in passage from one part of Belize to another; or
 - (b) at any time when there is a subsisting appointment of a deputy under section 33 of this Constitution.
32. A person appointed to hold the office of Governor-General shall, before entering upon the duties of that office, take and subscribe the oath of allegiance and office. Oath to be taken by Governor-General.

Deputy to
Governor-
General.

33.-(1) Whenever the Governor-General-

- (a) has occasion to be absent from the seat of government but not from Belize;
- (b) has occasion to be absent from Belize for a period which he considers, acting in his own deliberate judgment, will be of short duration; or
- (c) is suffering from an illness which he considers, acting in his own deliberate judgment, will be of short duration,

he may, acting in accordance with the advice of the Prime Minister, appoint any person in Belize to be his deputy during such absence or illness and in that capacity to perform on his behalf such of the functions of the office of Governor-General as may be specified in the instrument by which he is appointed.

(2) The power and authority of the Governor-General shall not be abridged, altered or in any way affected by the appointment of a deputy under this section, and, subject to the provisions of this Constitution, a deputy shall conform to and observe all instructions that the Governor-General, acting in his own deliberate judgment, may from time to time address to him:

Provided that the question whether or not a deputy has conformed to and observed any such instructions shall not be enquired into by any court of law.

(3) A person appointed as deputy under this section shall hold that appointment for such period as may be specified in the instrument by which he is appointed, and his appointment may be revoked at any time by the Governor-General, acting in accordance with the advice of the Prime Minister.

Exercise of
Governor-
General's
functions.

34.-(1) In the exercise of his functions the Governor-General shall act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet except in cases where he is required by this Constitution or any other law to act in accordance with the advice of, or after consultation with, any person or authority other than the Cabinet or in his own

deliberate judgment.

(2) Any reference in this Constitution to the functions of the Governor-General shall be construed as a reference to his powers and duties in the exercise of the executive authority of Belize and to any other powers and duties conferred or imposed on him as Governor-General by or under this Constitution or any other law.

(3) Where by this Constitution the Governor-General is required to perform any function after consultation with any person or authority he shall not be obliged to exercise that function in accordance with the advice of that person or authority.

(4) Where by this Constitution the Governor-General is required to perform any function in accordance with the advice of, or after consultation with, any person or authority, the question whether the Governor-General has so exercised that function shall not be enquired into by any court of law.

35. The Prime Minister shall keep the Governor-General fully informed concerning the general conduct of the government of Belize and shall furnish the Governor-General with such information as he may request with respect to any particular matter relating to the government of Belize.

Governor-General to be informed concerning matters of government.

PART V

The Executive

36.-(1) The executive authority of Belize is vested in Her Majesty.

Executive authority.

(2) Subject to the provisions of this Constitution, the executive authority of Belize may be exercised on behalf of Her Majesty by the Governor-General either directly or through officers subordinate to him.

(3) Nothing in this section shall prevent the National Assembly from conferring functions on persons or authorities other than the Governor-General.

Prime Minister.

37.-(1) There shall be a Prime Minister of Belize who shall be appointed by the Governor-General.

(2) Whenever the Governor-General has occasion to appoint a Prime Minister he shall appoint a member of the House of Representatives who is the leader of the political party which commands the support of the majority of the members of that House; and if no political party has an overall majority, he shall appoint a member of that House who appears to him likely to command the support of the majority of the members of that House.

(3) If occasion arises for making an appointment to the office of Prime Minister while the National Assembly is dissolved, then, notwithstanding the provisions of subsection (2) of this section, a person who was a member of the House of Representatives immediately before the dissolution may be appointed as Prime Minister.

(4) The Governor-General shall remove the Prime Minister from office if a resolution of no confidence in the Government is passed by the House of Representatives and the Prime Minister does not within seven days either resign from his office or advise the Governor-General to dissolve the National Assembly.

(5) The office of Prime Minister shall also become vacant-

(a) if the holder of the office ceases to be a member of the House of Representatives otherwise than by reason of the dissolution of the National Assembly;

(b) if, by virtue of section 59(3) of this Constitution, he is required to cease to perform his functions as a member of the House; or

(c) if he is informed by the Governor-General that the Governor-General is, in accordance with subsection (2) or (3) of this section, about to reappoint him as Prime Minister or to appoint another person as Prime Minister.

(6) In exercise of the powers conferred on him by this section, the Governor-General shall act in his own deliberate judgment.

38. The Governor-General shall, acting in accordance with the advice of the Prime Minister, designate a Minister as Deputy Prime Minister to whom the Prime Minister may from time to time depute such of his functions as he may specify.

Deputy Prime Minister.

39.-(1) Whenever the Prime Minister is absent from Belize or is by reason of illness unable to perform the functions conferred on him in accordance with this Constitution, those functions (other than the functions conferred by this section) shall be performed-

Performance of functions of Prime Minister during absence or illness.

(a) by the Deputy Prime Minister; or

(b) in the absence of the Deputy Prime Minister or if he too is likewise unable to perform those functions, by such other Minister as the Governor-General may authorise for that purpose.

(2) The Deputy Prime Minister shall cease to perform the functions of the Prime Minister when he is informed by the Governor-General that the Prime Minister is about to resume those functions.

(3) A Minister authorised to perform the functions of the Prime Minister under subsection (1) (b) of this section shall cease to perform those functions when he is informed by the Governor-General that the Deputy Prime Minister is about to assume, or that the Prime Minister is about to resume, those functions.

(4) The powers of the Governor-General under this section shall be exercised by him in accordance with the advice of the Prime Minister:

Provided that if the Governor-General, acting in his own deliberate judgment, considers that it is impracticable to obtain the advice of the Prime Minister owing to the absence or illness of the Prime Minister he may exercise those powers-

(a) in accordance with the advice of the Deputy Prime Minister; or

(b) if he likewise considers it impracticable to obtain the advice of the Deputy Prime Minister, in his own deliberate judgment.

Ministers of
Government.

40.-(1) There shall be, in addition to the office of Prime Minister, such other offices of Minister of the Government as may be established by the National Assembly or, subject to the provisions of any law enacted by the National Assembly, by the Governor-General, acting in accordance with the advice of the Prime Minister.

(2) Appointments to the office of Minister shall be made by the Governor-General, acting in accordance with the advice of the Prime Minister, from among members of the House of Representatives and of the Senate:

Provided that persons holding the office of Speaker of the House of Representatives or President of the Senate may not be appointed to the office of Minister:

39 of 2001.

Provided further that the Cabinet shall be comprised of -

(a) not more than two-thirds of the elected Members of the party that obtains the majority seats in the House of Representatives following the holding of a general election; and

(b) not more than four Senators.

(3) If occasion arises for making an appointment to the office of Minister while the National Assembly is dissolved, then, notwithstanding the provisions of subsection (2) of this section, a person who was a member of the House of Representatives or of the Senate immediately before the dissolution may be appointed as Minister.

(4) The office of any Minister shall become vacant-

(a) if the holder of the office ceases to be a member of the House of Representatives or of the Senate otherwise than by reason of the dissolution of the National Assembly;

(b) if, by virtue of section 59 (3) or 64 (3) of this Constitution, he is required to cease to perform his functions as a member of the House of Representatives or of the Senate;

- (c) if the Governor-General, acting in accordance with the advice of the Prime Minister, so directs;
- (d) if the Prime Minister resigns from office within seven days after a resolution of no confidence in the Government has been passed by the House of Representatives or is removed from office under section 37 (4) of this Constitution; or
- (e) on the appointment of any person to the office of Prime Minister.

(5) In this section, “Minister” means a Minister of the Government other than the Prime Minister.

41.-(1) The Governor-General, acting in accordance with the advice of the Prime Minister, may, by directions in writing, assign to the Prime Minister or any other Minister responsibility for any business of the Government, including the administration of any department of Government:

Allocation of portfolios to Ministers.

Provided that responsibility for finance shall be assigned to a Minister who is a member of the House of Representatives.

(2) Where a Minister has been charged with responsibility for any department of government, he shall exercise general direction and control over that department of government.

42.-(1) The Attorney-General shall be the principal legal adviser to the Government.

Attorney-General.

(2) The office of Attorney-General shall be the office of a Minister, with responsibility for the administration of legal affairs in Belize.

(3) No person shall be qualified to hold the office of Attorney-General unless he is a person who has for at least five years been entitled to practise as an advocate in a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland or a court having jurisdiction in appeals from any such court.

(4) If a person holding the office of Attorney-General is for any

reason unable to perform the functions conferred on him by or under any law, those functions may be performed by such other person, being a person qualified as aforesaid (whether or not that person is a member of either House of the National Assembly), as the Governor-General, acting in accordance with the advice of the Prime Minister, may direct.

(5) Legal proceedings for or against the State shall be taken, in the case of civil proceedings, in the name of the Attorney-General and, in the case of criminal proceedings, in the name of the Crown.

Performance of
functions of
Ministers during
absence or illness.

43.-(1) Whenever a Minister other than the Prime Minister is absent from Belize or is within Belize but by leave of the Governor-General is not performing the functions of his office or by reason of illness is unable to perform those functions, the Governor-General may authorize some other Minister to perform those functions or may appoint a member of the House of Representatives or of the Senate to be a temporary Minister in order to perform those functions; and that Minister may perform those functions until his authority or, as the case may be, his appointment is revoked by the Governor-General or he vacates office as a Minister under section 40(4) of this Constitution.

(2) The powers of the Governor-General under this section shall be exercised by him in accordance with the advice of the Prime Minister:

Provided that if the Governor-General, acting in his own deliberate judgment, considers that it is impracticable to obtain the advice of the Prime Minister owing to his absence or illness he may exercise those powers in accordance with the advice of the Deputy Prime Minister.

Cabinet.
26 of 1988.

44.-(1) There shall be a Cabinet of Ministers for Belize which shall consist of the Prime Minister and the other Ministers:

2 of 2001.

Provided that a Minister of State appointed under section 45 shall not be a member of Cabinet but may attend Cabinet meetings upon the invitation of the Prime Minister.

(2) The Cabinet shall be the principal executive instrument of policy with general direction and control of the Government and shall be collectively responsible to the National Assembly for any advice given to the Governor-General by or under the general authority of the Cabinet and for all things done

by or under the authority of any Minister in the execution of his office.

(3) The provisions of subsection (2) of this section shall not apply in relation to -

- (a) the appointment and removal from office of Ministers and Ministers of State, the assignment of responsibility to any Minister under section 41 of this Constitution, or the authorisation of another Minister to perform the functions of the Prime Minister during absence or illness; or
- (b) the dissolution of the National Assembly.

(4) Whenever practicable the Prime Minister shall attend and preside at all Cabinet meetings; at a meeting of the Cabinet from which the Prime Minister is absent, any other Minister appointed by him for the purpose shall preside.

45.-(1) The Governor-General, acting in accordance with the advice of the Prime Minister, may appoint Ministers of State from among the members of the House of Representatives or of the Senate to assist Ministers in the performance of their duties. Ministers of State.
26 of 1988.

- (2) The office of a Minister of State shall become vacant- 26 of 1988
 - (a) if the holder of the office ceases to be a member of the House of Representatives or of the Senate otherwise than by reason of the dissolution of the National Assembly;
 - (b) if, by virtue of section 59 (3) or 64 (3) of this Constitution, he is required to cease to perform his functions as a member of the House of Representatives or of the Senate;
 - (c) if the Governor-General, acting in accordance with the advice of the Prime Minister, so directs;
 - (d) if the Prime Minister resigns from office within seven days after a resolution of no confidence in the Government has been passed by the House of Representatives or is removed from office under section 37 (4) of this Constitution; or

- (e) on the appointment of any person to the office of Prime Minister.

Oath to be taken by Minister, etc. 26 of 1988.

46. A Minister or a Minister of State shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and office.

Leader of the Opposition.

47.-(1) There shall (except at times when there are no members of the House of Representatives who do not support the Government) be a Leader of the Opposition who shall be appointed by the Governor-General.

(2) Whenever there is occasion for the appointment of a Leader of the Opposition the Governor-General shall appoint the member of the House of Representatives who appears to him most likely to command the support of a majority of the members of the House who do not support the Government; or, if no member of the House appears to him to command such support, the member of the House who appears to him to command the support of the largest single group of members of the House who do not support the Government.

(3) If occasion arises to appoint a Leader of the Opposition during the period between a dissolution of the National Assembly and the day on which the ensuing election of members of the House of Representatives is held, an appointment may be made as if the National Assembly had not been dissolved.

(4) The office of Leader of the Opposition shall become vacant-

(a) if the holder of the office ceases to be a member of the House of Representatives otherwise than by reason of a dissolution of the National Assembly;

(b) if by virtue of section 59 (3) of this Constitution, he is required to cease to perform his functions as a member of the House; or

(c) if he is removed from office by the Governor-General under the provisions of subsection (5) of this section.

(5) If it appears to the Governor-General that the Leader of the Opposition is no longer able to command the support of a majority of the members of the House of Representatives who do not support the Government or (if no member of the House appears to him to be able to command such support) the support of the largest single group of members of the House who do not support the Government, he shall remove the Leader of the Opposition from office.

(6) Subject to the provisions of section 61 (3) (b) of this Constitution, during any period in which there is a vacancy in the office of Leader of the Opposition, the provisions of this Constitution containing the requirement that action shall be taken in accordance with the advice of, or after consultation with, or with the concurrence of, the Leader of the Opposition shall have effect as if there were no such requirement.

(7) The powers of the Governor-General under this section shall be exercised by him in his own deliberate judgment.

48. Subject to the direction and control of the Minister pursuant to section 41(2) of this Constitution, every department of government shall be under the supervision of a public officer whose office is referred to in this Constitution as the office of a Chief Executive Officer:

Chief Executive Officers.

2 of 2001.

Provided that two or more government departments may be placed under the supervision of one Chief Executive Officer.

2 of 2001.

49.-(1) There shall be a Secretary to the Cabinet whose office shall be a public office.

Secretary to the Cabinet.

(2) The Secretary to the Cabinet, who shall have charge of the Cabinet Office, shall be responsible, in accordance with such instructions as may be given to him by the Prime Minister, for arranging the business for, and keeping the minutes of, the Cabinet and for conveying the decisions of the Cabinet to the appropriate person or authority and shall have such other functions as the Prime Minister may direct.

50.-(1) There shall be a Director of Public Prosecutions whose office shall be a public office.

Control of public prosecution.

(2) The Director of Public Prosecutions shall have power with good

2 of 2001.

and sufficient reason-

- (a) to institute, and undertake criminal proceedings against any person before any court of law (other than a court-martial) in respect of any offence alleged to have been committed by that person;
- (b) to take over and continue any such criminal proceedings that have been instituted or undertaken by any other person or authority; and
- (c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

(3) The powers of the Director of Public Prosecutions under subsection (2) of this section may be exercised by him in person or through other persons acting under and in accordance with his general or special instructions.

(4) The powers conferred on the Director of Public Prosecutions by paragraphs (b) and (c) of subsection (2) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority and with the leave of the court.

(5) For the purposes of this section, any appeal from a judgment in criminal proceedings before any court, or any case stated or question of law reserved for the purpose of any such proceedings, to any other court (including Her Majesty in Council) shall be deemed to be part of those proceedings:

Provided that the power conferred on the Director of Public Prosecutions by subsection (2) (c) of this section shall not be exercised in relation to any appeal by a person convicted in any criminal proceedings or to any case stated or question of law reserved at the instance of such a person.

(6) Subject to the powers of the Attorney-General under section

42(2) of this Constitution, in the exercise of the powers vested in him by subsection (2) of this section the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority.

51. Subject to the provisions of this Constitution and of any other law, the Governor-General may constitute offices for Belize, make appointments to any such office and terminate any such appointment.

Constitution of offices, etc.

52.-(1) The Governor-General may-

Prerogative of mercy.

- (a) grant a pardon, either free or subject to lawful conditions, to any person convicted of any offence;
- (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any offence;
- (c) substitute a less severe form of punishment for any punishment imposed on any person for any offence; or
- (d) remit the whole or any part of any punishment imposed on any person for any offence or of any penalty or forfeiture otherwise due to the Crown on account of any offence.

(2) The powers of the Governor-General under subsection (1) of this section shall be exercised by him in accordance with the advice of the Belize Advisory Council.

53. Where any person has been sentenced to death (otherwise than by a court-martial) for an offence, the Attorney-General shall cause a written report of the case from the trial judge (or the Chief Justice, if a report from the trial judge cannot be obtained), together with such other information derived from the record of the case or elsewhere as he may require, to be taken into consideration at a meeting of the Belize Advisory Council, so that the Council may advise the Governor-General whether to exercise any of his powers under section 52 (1) of this Constitution.

Procedure in capital cases.

54.-(1) There shall be a Belize Advisory Council (hereinafter referred to as "the Council") which shall consist of the members specified in subsection (2).

Belize Advisory Council.
39 of 2001.

39 of 2001.

- (2) The Council shall consist of:-
- (a) two senior members, who shall be persons of integrity and high national standing, appointed by the Governor-General, acting in accordance with the advice of the Prime Minister; and
 - (b) two senior members, who shall be persons of integrity and high national standing, appointed by the Governor-General, acting in accordance with the advice of the Leader of the Opposition; and
 - (c) three other members, who shall be persons of integrity and high national standing, appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition.

39 of 2001.

(3) Subject to the proviso to this subsection, a senior member of the Council shall hold office until he reaches the age of seventy-five years, unless he earlier resigns his office by writing under his own hand addressed to the Governor-General, or if by a resolution of the House of Representatives supported by two-thirds of the members of that House he is declared unable to discharge the functions of his office by reason of persistent absence or infirmity of body or mind, or to be in breach of the provisions of section 121 of this Constitution:

Provided that:-

- (a) a senior member who has attained the age of seventy-five years may be appointed to continue in office until he attains any later age as may be specified in his instrument of appointment;
- (b) any person of integrity and high national standing who at the commencement of this section is at least seventy-five years of age may be appointed a senior member and may continue in office until he attains any later age as may be specified in his instrument of appointment.

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- (4) A member of the Council referred to in subsection (2)(c) of this section shall hold office for three years from the date of his appointment, unless he earlier resigns his office by writing under his own hand addressed to the Governor-General, or if by resolution of the House of Representatives supported by two-thirds of the members of that House he is declared unable to discharge the functions of his office by reason of persistent absence or infirmity of body or mind, or to be in breach of the provisions of section 121 of this Constitution. 39 of 2001.
- (5) No person shall be appointed a member or senior member of the Council unless he is a citizen of Belize, except that a member of the Council who holds or has held office as a judge of a superior court of record need not be a citizen of Belize if he is a citizen of a Commonwealth country. 39 of 2001.
- (6) The Governor-General shall in each year appoint a different senior member of the Council to be Chairman of the Council, and in making such appointment the Governor-General shall ensure that in any period of four years, no senior member shall be Chairman twice. 39 of 2001.
- (7) A member of the Council, including a senior member, shall not enter upon the duties of his office unless he has taken and subscribed the oath or affirmation of allegiance and office set out in Schedule 3 of this Constitution. 39 of 2001. Schedule 3.
- (8) The functions of the Council shall be:- 39 of 2001.
- (a) to advise the Governor-General in the exercise of his powers under section 52 of this Constitution;
 - (b) to perform such other tasks and duties as are conferred or imposed on it by this Constitution or any other law.
- (9) In the exercise of its functions, the Council shall not be subject to the direction or control of any other person or authority. 39 of 2001.
- (10) The Chairman or in his absence, a senior member appointed for that purpose by the Governor-General, shall convene all meetings of the Council for consideration of matters which in accordance with this Constitution or any other law the Council is called upon to consider. 39 of 2001.

- 39 of 2001. (11) The Chairman or in his absence, the senior member appointed for that purpose by the Governor-General under subsection (10), shall preside at all meetings of the Council.
- 39 of 2001. (12) Notwithstanding subsections (10) and (11), in any case where the Council is convened to discharge its duties under section 88, 98, 102, 105, 108 or 109 of this Constitution, or where the Council is convened to hear an appeal from an officer to whom section 106, 107, 110D or 110F of this Constitution applies, the Chairman shall preside at that meeting.
- 39 of 2001. (13) Where the Council is convened to remove the Chairman, some other person who holds or has held office as a Judge of a superior court of record shall be appointed by the Governor-General on the advice of the Prime Minister given after consultation with the Leader of the Opposition to act as Chairman for that purpose.
- 39 of 2001. (14) At all meetings of the Council:-
- (a) the quorum shall be five members;
 - (b) decisions shall be by a majority of the votes of those members of the Council present and voting; and
 - (c) in the event that votes are equally divided on any matter, the Chairman or senior member presiding shall have a second vote in addition to his original vote.
- 39 of 2001. (15) The Council may make regulations for regulating and facilitating the performance of its function under this Constitution or any other law.
- 39 of 2001. (16) Subject to the provisions of this section, the Council may regulate its own procedure.
- 39 of 2001. (17) The Council may, subject to the provisions of this section and to its rules of procedure, act notwithstanding any vacancy in its membership or the absence of any member.
- 39 of 2001. (18) The question whether or not the Council has validly performed any functions conferred or imposed on it by this Constitution or any

other law shall not be enquired into in any court of law.

(19) Within four months after the end of each year, the Council shall prepare and submit to the Prime Minister, a report dealing generally with its proceedings and activities in the preceding year, and the Prime Minister shall, within three months of receiving the report, cause a copy of the report to be tabled in the National Assembly.

39 of 2001.

(20) The Council which was in existence prior to the 15th day of January, 2002:-

39 of 2001.
S.I. No. 1 of
2002.

(a) shall stand dissolved by the 31st December, 2001;

(b) may be allowed by the Governor-General, acting on the advice of the Prime Minister, notwithstanding paragraph (a) of this subsection, to continue in office after 31st December, 2001, only for the purpose of enabling it to discharge its duties or perform its function in relation to matters that were pending or proceedings that were commenced before it, prior to the 15th day of January, 2002.

39 of 2001.
S.I. No. 1 of
2002.

PART VI

The Legislature

55. There shall be in and for Belize a Legislature which shall consist of a National Assembly comprising two Houses, that is to say, a House of Representatives and a Senate.

Establishment
of Legislature.

The House of Representatives

56.-(1) Subject to the provisions of this section, the House of Representatives shall consist of twenty-nine members who shall be elected in the manner provided by law.

Composition of
House of
Representatives.
CAP. 9.

(2) If any person who is not a member of the House of Representatives is elected to be Speaker of the House he shall, by virtue of holding

First Schedule.

CAP. 9, First Schedule.	<p>the office of Speaker, be a member of the House in addition to the twenty-nine members aforesaid.</p> <p style="text-align: center;">(3) The National Assembly, in accordance with the provisions of section 90 of this Constitution, may by law increase the number of members of the House of Representatives.</p>
Qualifications for election as member.	<p>57. Subject to the provisions of section 58 of this Constitution, a person shall be qualified to be elected as a member of the House of Representatives if, and shall not be qualified to be so elected unless, he-</p> <p style="margin-left: 40px;">(a) is a citizen of Belize of the age of eighteen years or upwards; and</p> <p style="margin-left: 40px;">(b) has resided in Belize for a period of at least one year immediately before the date of his nomination for election.</p>
Disqualifications for election as member.	<p>58.-(1) No person shall be qualified to be elected as a member of the House of Representatives who-</p> <p style="margin-left: 40px;">(a) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or State;</p> <p style="margin-left: 40px;">(b) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth;</p> <p style="margin-left: 40px;">(c) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law;</p> <p style="margin-left: 40px;">(d) is under sentence of death imposed on him by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;</p>

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- (e) is disqualified for membership of the House of Representatives by any law by reason of his holding, or acting in, any office the functions of which involve-
- (i) any responsibility for, or in connection with, the conduct of any election; or
 - (ii) any responsibility for the compilation or revision of any electoral register;
- (f) is disqualified for membership of the House of Representatives by virtue of any law by reason of his having been convicted of any offence relating to elections;
- (g) is disqualified for membership of the House of Representatives under any law by virtue of-
- (i) his holding or acting in any office or appointment specified (either individually or by reference to a class of office or appointment) by such law;
 - (ii) his belonging to any of the armed forces of Belize or to any class of person that is comprised in any such force; or
 - (iii) his belonging to any police force or to any class of persons that is comprised in any such force; or
- (h) is a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government for or on account of the public service and has not, within one month before the day of election, declared publicly and in a newspaper circulating in the electoral division for which he is a candidate a notice setting out the nature of the contract and his interest, or the interest of any such firm or company therein:

Provided that if it appears to the Governor-General, acting in his own deliberate judgment, that it is proper so to do, he may by order direct that any such disqualification shall be disregarded for the purposes of this section, but no such order shall be made if proceedings have been commenced calling in question the right of that member to be a member of the House of Representatives on the ground that he is disqualified under this paragraph.

(2) For the purposes of paragraph (d) of subsection (1) of this section-

- (a) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds twelve months, but if any one of such sentences exceeds that term they shall be regarded as one sentence; and
- (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

Tenure of office
of members.

59.-(1) Every member of the House of Representatives shall vacate his seat in the House at the next dissolution of the National Assembly after his election.

(2) A member of the House of Representatives shall also vacate his seat in the House -

- (a) if he is absent from the sittings of the House for such period and in such circumstances as may be prescribed in the Standing Orders of the House;
- (b) if he ceases to be a citizen of Belize;
- (c) subject to the provisions of subsection (3) of the section, if any circumstances arise that, if he were not a member of the House of Representatives, would cause him to be disqualified for election thereto by virtue of section 58 (1) of this Constitution; or

- (d) if he shall become a party to any contract with the government for or on account of the public service, or if any firm in which he is a partner or any company of which he is a director or manager shall become a party to any such contract, or if he shall become a partner in a firm or a director or manager of a company which is a party to any such contract:

Provided that if in the circumstances it shall appear to them just so to do, the House of Representatives by resolution may exempt any member thereof from vacating his seat under the provisions of this paragraph if such member shall, before becoming a party to such contract as aforesaid or before or as soon as practicable after becoming otherwise interested in such contract (whether as partner in a firm or director or manager of a company), disclose to the House the nature of such contract and his interest or the interest of any such firm or company therein;

- (e) if, having been a candidate of a political party and elected to the House of Representatives as a candidate of that political party, he resigns from that political party or crosses the floor.

2 of 2001.

- (3) (a) If circumstances such as are referred to in paragraph (c) of subsection (2) of this section arise because any member of the House of Representatives is under sentence of death or imprisonment, or adjudged to be insane or otherwise of unsound mind, or declared bankrupt and undischarged, or convicted of an offence relating to elections, and if it is open to the member to appeal against the decision (either with the leave of a court or other authority or without such leave), he shall forthwith cease to perform his functions as a member of the House but, subject to the provisions of this subsection, he shall not vacate his seat until the expiration of a period of thirty days thereafter:

Provided that the Speaker may from time to time extend that period for further periods of thirty days to enable the member to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the House.

- (b) If, on the determination of any appeal, such circumstances continue to exist and no further appeal is open to the member, or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the member to appeal, he shall forthwith vacate his seat.
- (c) If at any time before the member of the House vacates his seat such circumstances as aforesaid cease to exist, his seat shall not become vacant on the expiration of the period referred to in paragraph (a) of this subsection and he may resume the performance of his functions as a member of the House.

Procedure where a member vacates seat due to resignation or crossing the floor. 2 of 2001.

59A.(1) Where a person resigns from being a member of a political party under the circumstances referred to in section 59(2)(e), that person shall, within seven days of so resigning, inform the leader in the House of Representatives of the political party as a candidate of which that person was elected, and the leader of the political party shall so notify the Speaker in writing of such resignation.

2 of 2001.

(2) Where a person crosses the floor under the circumstances referred to in section 59(2)(e), the leader in the House of Representatives of the political party as a candidate of which that person was elected shall, within seven days of such crossing of the floor, so notify the Speaker in writing of such member having crossed the floor.

(3) Upon receipt of the written notice referred to in subsection (1) or (2), the Speaker shall, if satisfied that the circumstances referred to in section 59(2)(e) exist, make a declaration at the next sitting of the House of Representatives next after receiving the notice that the member has ceased to be a member of the House of Representatives by reason of resignation or crossing the floor, as the case may be. 2 of 2001.

(4) Where the person subject to disqualification under section 59(2)(e) is the Speaker, the leader of the political party in the House of Representatives as a candidate of which the Speaker was elected as a member of the House shall, when acting in accordance with subsection (1) or (2), notify a person elected by the House in that behalf, and such person may make a declaration in accordance with subsection (3) that the Speaker has ceased to be a member of the House of Representatives by reason of resignation or crossing the floor, as the case may be. 2 of 2001.

(5) Where a declaration has been made under subsection (3) that a person has ceased to be a member of the House of Representatives by reason of resignation or crossing the floor, that person:- 2 of 2001.

- (a) may, within twenty-one days of the making of the declaration, appeal against the declaration to the Supreme Court, whose decision on the matter shall be final;
- (b) shall cease to perform his functions as a member of the House but, subject to subsection (6), shall not vacate his seat until after the determination of his appeal by the Supreme Court.

(6) If, on the determination of any appeal made under subsection (5)(a), the Supreme Court determines that the person resigned from the political party or crossed the floor, as the case may be, or if the period for entering 2 of 2001.

an appeal under subsection (5)(a) expires before the person enters an appeal, he shall forthwith vacate his seat.

2 of 2001.

(7) Section 59(2)(e) and this section shall apply to all members of the House of Representatives who were such members on or after the 23rd day of February, 2001.

Speaker and
Deputy Speaker.

60.-(1) When the House of Representatives first meets after any general election and before it proceeds to the despatch of any other business it shall elect a person to be Speaker of the House; and, if the office of Speaker falls vacant at any time before the next dissolution of the National Assembly, the House shall, as soon as practicable, elect another person to that office.

(2) The Speaker shall be above the age of thirty years and may be elected either from among the members of the House of Representatives who are not Ministers or from among persons who are not members of either House:

Provided that a person who is not a member of either House shall not be elected as Speaker if-

- (a) he is not a citizen of Belize; or
- (b) he is a person disqualified for election as a member of the House of Representatives by virtue of section 58 (1) of this Constitution.

(3) When the House of Representatives first meets after any general election and before it proceeds to the despatch of any other business except the election of the Speaker, the House shall elect a member of the House, who is not a Minister, to be Deputy Speaker of the House; and if the office of Deputy Speaker falls vacant at any time before the next dissolution of the National Assembly, the House shall, as soon as practicable, elect another such member to that office.

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- (4) Speaker- A person shall vacate the office of Speaker or Deputy Speaker-
- (a) in the case of a Speaker elected from among members of the House of Representatives or in the case of the Deputy Speaker-
 - (i) if he ceases to be a member of the House; or
 - (ii) if he is appointed to be a Minister;
 - (b) in the case of a Speaker elected from among persons who are not members of either House-
 - (i) upon any dissolution of the National Assembly;
 - (ii) if he ceases to be a citizen of Belize; or
 - (iii) if any circumstances arise which would cause him to be disqualified for election as a member of the House by virtue of section 58 (1) of this Constitution;
 - (c) in the case of the Deputy Speaker, if he is elected to be Speaker.
- (5) (a) If, by virtue of section 59 (3) of this Constitution, the Speaker or Deputy Speaker is required to cease to perform his functions as a member of the House of Representatives, he shall also cease to perform his functions as Speaker or Deputy Speaker, as the case may be, and those functions shall, until he vacates his seat in the House or resumes the performance of the functions of his office, be performed-
- (i) in the case of the Speaker, by the Deputy Speaker or, if the office of Deputy Speaker is vacant, by such

member of the House (not being a Minister) as the House may elect for the purpose;

- (ii) in the case of the Deputy Speaker, by such member of the House (not being a Minister) as the House may elect for the purpose.

- (b) If the Speaker or Deputy Speaker resumes the performance of his functions as a member of the House, in accordance with the provisions of section 59(3) of this Constitution, he shall also resume the performance of his functions as Speaker or Deputy Speaker, as the case may be.

The Senate

Composition
of Senate.
39 of 2001.

61.-(1) Subject to subsection (2), the Senate shall consist of twelve members (in this Constitution referred to as "Senators") who shall be appointed by the Governor-General in accordance with the provisions of this section.

39 of 2001.

(2) If any person who is not a Senator is selected to be President of the Senate he shall, by virtue of holding the office of President, be a Senator in addition to the twelve Senators referred to in subsection (1).

39 of 2001.

(3) The President of the Senate shall have a casting vote in the event of an equality of votes in respect of any business at a meeting of the Senate.

39 of 2001.

(4) Of the twelve Senators-

- (a) six shall be appointed by the Governor-General acting in accordance with the advice of the Prime Minister; and

- (b) three shall be appointed by the Governor-General acting in accordance with the advice of the Leader of the Opposition; and
- (c) one shall be appointed by the Governor-General acting in accordance with the advice of the Belize Council of Churches and Evangelical Association of Churches; and
- (d) one shall be appointed by the Governor-General acting in accordance with the advice of the Belize Chamber of Commerce and Industry and the Belize Business Bureau; and
- (e) one shall be appointed by the Governor-General acting in accordance with the advice of the National Trade Union Congress and the Civil Society Steering Committee.

(5) Where an organisation referred to in paragraphs (c) to (e) of subsection (3) of this section fails to advise the Governor-General, within fourteen days of receiving a written invitation from the Governor-General to give written advice to him of its candidate as Senator, as required by that subsection, the Governor-General shall appoint that Senator in accordance with the advice of the Belize Advisory Council. 39 of 2001.

(6) Notwithstanding sections 64 and 84 of this Constitution, the Senate which was in existence prior to the 15th day of January, 2002, shall stand dissolved from the 15th day of January, 2002. 39 of 2001.
39 of 2001.
S.I. No. 1 of 2002

(7) When the Senate first meets after the 15th day of January, 2002, before it proceeds to despatch any business, it shall elect a person to be President of the Senate, and another Senator who is not a Minister to be Vice President of the Senate. 39 of 2001.
S.I. No. 1 of 2002

- 39 of 2001. (8) If there is an equality of votes at a meeting to elect a President pursuant to subsection (7) of this section, the Leader of Government Business in the Senate shall have a second vote.
- 39 of 2001. (9) The Governor-General may make rules governing the nomination of candidates as Senators by the organisations specified in paragraphs (c) to (e) of subsection (3) of this section.
- Powers and functions of the Senate.
39 of 2001. 61A.(1) Without prejudice to any other powers vested in the Senate by this Constitution or any other law, the Senate shall have the powers and perform the functions set out in the subsection (2).
- 39 of 2001. (2) The powers and functions of the Senate referred to in section (1) are:-
- (a) approving any Bill to alter any provision of Part II of this Constitution in accordance with subsection (5A) of section 69 of this Constitution;
 - (b) authorising the ratification of any treaty by the Government of Belize, including any treaty for the final settlement of the territorial dispute between Belize and the Republic of Guatemala;
 - (c) approving the establishment in Belize of any new military base of operations for any foreign military forces after the 15th day of January, 2002;
 - (d) approving the appointment of an Ambassador, a High Commissioner, the Chief Justice, a Justice of the Supreme Court, a Justice of the Court of Appeal, the Contractor General, and the Ombudsman.
- S.I. No. 1 of 2002.

(3) Where any law, including this Constitution, provides a procedure for making any appointment referred to in subsection (2)(d), and such procedure of appointment is inconsistent with the powers of the Senate under this section, then such appointment shall only be validly done if the prior approval of the Senate as required by this section is obtained. 39 of 2001.

(4) The Senate shall exercise its powers and perform its functions under this section through a resolution supported by a simple majority of its members. 39 of 2001.

62. Subject to the provisions of section 63 of this Constitution, a person shall be qualified to be appointed as a Senator if, and shall not be qualified to be so appointed unless, he- Qualifications for appointment as Senator.

(a) is a citizen of Belize of the age of eighteen years or upwards; and

(b) has resided in Belize for a period of at least one year immediately before the date of his appointment.

63.-(1) No person shall be qualified to be appointed as a Senator who- Disqualifications for appointment as Senator.

(a) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or State;

(b) is a member of the House of Representatives;

(c) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth;

(d) is a person certified to be insane or otherwise to be of unsound mind under any law;

- (e) is under sentence of death imposed upon him by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;
- (f) is disqualified for membership of the House of Representatives by any law by reason of his holding, or acting in, any office the functions of which involve-
 - (i) any responsibility for, or in connection with, the conduct of any election; or
 - (ii) any responsibility for the compilation or revision of any electoral register;
- (g) is disqualified for membership of the House of Representatives by virtue of any law by reason of his having been convicted of any offence relating to elections;
- (h) is disqualified for membership of the Senate under any law by virtue of-
 - (i) his holding or acting in any office or appointment specified (either individually or by reference to a class of office or appointment) by such law;
 - (ii) his belonging to any of the armed forces of Belize or to any class of person that is comprised in any such force; or

- (iii) his belonging to any police force or to any class of person that is comprised in any such force; or
- (i) is a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government for or on account of the public service, and has not disclosed to the Governor-General the nature of such contract and his interest, or the interest of any such firm or company, therein:

Provided that if it appears to the Governor-General, acting in his own deliberate judgment, that it is proper so to do, he may by order direct that any such disqualification shall be disregarded for the purposes of this section.

(2) For the purposes of paragraph (e) of subsection (1) of this section-

- (a) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds twelve months, but if any one of such sentences exceeds that term they shall be regarded as one sentence; and
- (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

64.-(1) Every Senator shall vacate his seat in the Senate at the next dissolution of the National Assembly after his appointment.

Tenure of office
of Senator.

- (2) A Senator shall also vacate his seat in the Senate-

- (a) if he is absent from the sittings of the Senate for such period and in such circumstances as may be prescribed in the Standing Orders of the Senate;
- (b) if, with his consent, he is nominated as a candidate for election to the House of Representatives;
- (c) if he ceases to be a citizen of Belize;
- (d) subject to the provisions of subsection (3) of this section, if any circumstances arise that, if he were not a Senator, would cause him to be disqualified for appointment as such by virtue of section 63 (1) of this Constitution;
- (e) if the Governor-General, acting in accordance with the advice of the Prime Minister in the case of a Senator appointed in accordance with that advice, or acting in accordance with the advice of the Leader of the Opposition in the case of a Senator appointed in accordance with that advice, or acting in accordance with the advice of any organization referred to in paragraph (c), (d) or (e) of subsection (4) of section 61 of this Constitution in the case of a Senator appointed in accordance with that advice, declares the seat of that Senator to be vacant;
- (f) if he shall become a party to any contract with the Government for or on account of the public service, or if any firm in which he is a partner or any company of which he is a director or manager shall become a party to any such contract, or if he shall become a partner in a firm or a director or manager of a company which is a party to any such contract:

39 of 2001.

Provided that if in the circumstances it shall appear to him to be just so to do, the Governor-General, acting in his own deliberate judgment, may exempt any Senator from vacating his seat under the provisions of this paragraph if such Senator shall, before becoming a party to such contract as aforesaid or before or as soon as practicable after becoming otherwise interested in such contract (whether as partner in a firm or director or manager of a company), disclose to the Governor-General the nature of such contract and his interest or the interest of any such firm or company therein.

- (3) (a) If circumstances such as are referred to in paragraph (d) of subsection (2) of this section arise because a Senator is under sentence of death or imprisonment, or adjudged to be insane or otherwise of unsound mind, or declared bankrupt and is undischarged, or convicted of an offence relating to elections, and it is open to the Senator to appeal against the decision (either with the leave of a court or other authority or without such leave), he shall forthwith cease to perform his functions as a Senator but, subject to the provisions of this subsection, he shall not vacate his seat until the expiration of a period of thirty days thereafter:

Provided that the President of the Senate may from time to time extend that period for further periods of thirty days to enable the Senator to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the Senate.

- (b) If, on the determination of an appeal, such circumstances continue to exist and no further appeal is open to the Senator, or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the Senator to appeal, he shall forthwith vacate his seat.

- (c) If at any time before the Senator vacates his seat such circumstances as aforesaid cease to exist, his seat shall not become vacant on the expiration of the period referred to in paragraph (a) of this subsection and he may resume the performance of his functions as Senator.

Appointment
of temporary
Senators.

65.-(1) The Governor-General may declare a Senator to be, by reason of illness, temporarily incapable of performing his functions as a Senator and thereupon such Senator shall not perform his said functions until he is declared by the Governor-General again to be capable of performing them.

(2) Whenever a Senator is incapable of performing his functions as a Senator by reason of his absence from Belize or by virtue of the provisions of section 64 of this Constitution or by reason of a declaration made under the last foregoing subsection, the Governor-General may appoint a person qualified for appointment as a Senator to be temporarily a member of the Senate.

(3) Subsections (1) and (2) of section 64 of this Constitution shall apply in relation to a person appointed as a Senator under this section as they apply in relation to a Senator appointed under section 61 (except that paragraph (d) of the said subsection (2) shall apply as if it were not expressed to be subject to subsection (3) of the said section 64) and an appointment made under this section shall in any case cease to have effect when the person appointed is notified by the Governor-General that the circumstances giving rise to his appointment have ceased to exist.

(4) In the exercise of the powers conferred on him by this section the Governor-General shall act-

- (a) in accordance with the advice of the Prime Minister in relation to an appointment to be temporarily a member of the Senate in place of a Senator appointed in pursuance of paragraph (a) of subsection (2) of section 61 of this Constitution;

- (b) in accordance with the advice of the Leader of the Opposition in relation to an appointment to be temporarily a member of the Senate in place of a Senator appointed in pursuance of paragraph (b) of subsection (2) of the said section;
- (c) after consultation with the Belize Advisory Council in any other case.

66.-(1) When the Senate first meets after any general election and before it proceeds to the despatch of any other business, it shall elect a person to be President of the Senate; and, if the office of President falls vacant at any time before the next dissolution of the National Assembly, the Senate shall, as soon as practicable, elect another person to that office.

President and
Vice-President.

(2) When the Senate first meets after any general election and before it proceeds to the despatch of any other business except the election of the President, it shall elect a Senator, who is not a Minister, to be Vice-President of the Senate; and if the office of Vice-President falls vacant at any time before the next dissolution of the National Assembly, the Senate shall, as soon as practicable, elect another Senator to that office.

(3) The President and the Vice-President shall be above the age of thirty years and the President may be elected either from among the Senators who are not Ministers or from among persons who are not members of either House:

Provided that a person who is not a member of either House shall not be elected as President if-

- (a) he is not a citizen of Belize; or
- (b) he is a person disqualified for election as a member of the House

of Representatives by virtue of section 58 (1) of this Constitution.

(4) A person shall vacate the office of President or Vice President of the Senate-

(a) in the case of a President elected from among members of the Senate or in the case of the Vice-President-

(i) if he ceases to be a Senator; or

(ii) if he is appointed to be a Minister;

(b) in the case of a President elected from among persons who are not members of either House-

(i) upon any dissolution of the National Assembly;

(ii) if he ceases to be a citizen of Belize; or

(iii) if any circumstances arise which would cause him to be disqualified for election as a member of the House of Representatives by virtue of section 58 (1) of this Constitution;

(c) in the case of the Vice-President, if he is elected to be President.

(5) (a) If, by virtue of section 64 (3) of this Constitution, the President or the Vice-President is required to cease to perform his functions as a Senator he shall also cease to perform his functions as President or Vice-President, as the case may be, and those functions shall, until he vacates his seat in the Senate or resumes the performance of the functions of his office, be performed-

- (i) in the case of the President, by the Vice-President or, if the office of Vice-President is vacant, by such Senator (not being a Minister) as the Senate may elect for the purpose;
 - (ii) in the case of the Vice-President, by such Senator (not being a Minister) as the Senate may elect for the purpose.
- (b) If the President or Vice-President resumes the performance of his functions as Senator, in accordance with the provisions of section 64 (3) of this Constitution, he shall also resume the performance of his functions as President or Vice-President, as the case may be.

67.-(1) There shall be a Clerk to the National Assembly (who shall be the Clerk of both Houses) and a Deputy Clerk and such other assistants as may be necessary.

Clerks to Houses of National Assembly.

(2) The National Assembly may by law regulate the recruitment and the conditions of service of persons referred to in subsection (1).

26 of 1988.

Powers and Procedure

68. Subject to the provisions of this Constitution, the National Assembly may make laws for the peace, order and good government of Belize.

Power to make laws.

69.-(1) The National Assembly may alter any of the provisions of this Constitution in the manner specified in the following provisions of this section.

Alteration of Constitution.

(2) Until after the first general election held after Independence Day a Bill to alter any of the provisions of this Constitution shall not be regarded as being passed by the National Assembly unless on its final reading in each House the Bill is supported by the unanimous vote of all

members of that House.

Schedule 2.

(3) A Bill to alter this section, Schedule 2 to this Constitution or any of the provisions of this Constitution specified in that Schedule shall not be regarded as being passed by the House of Representatives unless on its final reading in the House the Bill is supported by the votes of not less than three-quarters of all the members of the House.

(4) A Bill to alter any of the provisions of this Constitution other than those referred to in subsection (3) of this section shall not be regarded as being passed by the House of Representatives unless on its final reading in the House the Bill is supported by the votes of not less than two-thirds of all the members of the House.

(5) A Bill to alter any of the provisions of this Constitution referred to in subsection (3) of this section shall not be submitted to the Governor-General for his assent unless there has been an interval of not less than ninety days between the introduction of the Bill in the House of Representatives and the beginning of the proceedings in the House on the second reading of the Bill.

39 of 2001.

(5A) A Bill to alter any provisions of Part II of this Constitution shall not be regarded as being passed by the National Assembly unless it is supported by a simple majority of the Senate.

(6) (a) A Bill to alter any of the provisions of this Constitution shall not be submitted to the Governor-General for assent unless it is accompanied by a certificate of the Speaker signed by him that the provisions of subsection (2), (3) or (4) of this section, as the case may be, have been complied with.

(b) The certificate of the Speaker under this subsection shall be conclusive that the provisions of subsection (2), (3) or (4) of this section, as the case may be, have been complied with and shall not be enquired into

by any court of law.

(c) In this subsection, references to the Speaker shall, if the person holding the office of Speaker is for any reason unable to perform the functions of his office and no other person is performing them, include references to the Deputy Speaker.

(7) In this section and Schedule 2 to this Constitution, references to any of the provisions of this Constitution include references to any law that alters that provision.

Schedule 2.

(8) In this section, references to altering this Constitution or any provision thereof include references-

- (a) to revoking it, with or without re-enactment thereof or the making of different provision *in lieu* thereof;
- (b) to modifying it, whether by omitting or amending any of its provisions or inserting additional provisions in it or otherwise; and
- (c) to suspending its operations for any period or terminating any such suspension.

70.-(1) Subject to the provisions of this Constitution, each House may make, amend or revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, and the passing, intituling and numbering of Bills and the presentation of the same to the Governor-General for assent.

Regulation of procedure in National Assembly, etc.

(2) A Minister shall be permitted to address the House of which he is not a member but shall have no vote in that House.

Oath to be taken
by members of
National
Assembly.

71.-(1) Except for the purposes of enabling this section to be complied with, no member of either House shall sit or vote therein, or be entitled to receive any salary or emoluments in respect of his office until he has made and subscribed before that House the oath of allegiance and office:

Provided that the election of a Speaker and Deputy Speaker of the House of Representatives and the election of a President and Vice-President of the Senate may take place before the members of the House of Representatives or of the Senate, as the case may be, have made and subscribed such oath.

(2) If between the time when a person becomes a member of the House of Representatives and the time when that House first meets thereafter, a meeting takes place of any committee of that House of which that person is a member, that person may, in order to enable him to attend the meeting and take part in the proceedings of the committee, make and subscribe the oath before the Speaker or, if the Speaker is absent from Belize or the office of Speaker is vacant, before the Deputy Speaker; and the making and subscribing of the oath in such manner shall suffice for all the purposes of this section.

(3) The provisions of subsection (2) of this section shall apply in relation to a person who becomes a member of the Senate as they apply in relation to a person who becomes a member of the House of Representatives but as if references to the Speaker and the Deputy Speaker were references to the President and the Vice-President.

Presiding in
House of
Representatives
and Senate.

72.-(1) The Speaker, or in his absence, the Deputy Speaker, or, if they are both absent, a member of the House of Representatives (not being a Minister) elected by the House for that sitting shall preside at each sitting of the House.

(2) The President, or in his absence, the Vice-President, or, if they are both absent, a Senator (not being a Minister) elected by the Senate for that sitting shall preside at each sitting of the Senate.

(3) References in this section to circumstances in which the Speaker, Deputy Speaker, President or Vice-President is absent include references to circumstances in which the office of Speaker, Deputy Speaker, President or Vice-President is vacant.

73.-(1) Save as otherwise provided in this Constitution, all questions proposed for decision in either House shall be determined by a majority of the votes of the members thereof present and voting.

Voting.

(2) A Speaker elected from among persons who are members of the House of Representatives or a President elected from among persons who are Senators or a member of either House presiding in that House shall have an original but not a casting vote.

(3) A Speaker elected from among persons who are not members of the House of Representatives or a President elected from among persons who are not Senators shall have no vote.

(4) If upon any question before either House the votes of the members are equally divided the motion shall be lost.

74. Without prejudice to any provision made by the National Assembly relating to the powers, privileges and immunities of the Senate or the House of Representatives and the committees thereof, or the privileges and immunities of the members and officers of either House and of other persons concerned in the business of either House or the committees thereof, no civil or criminal proceedings may be instituted against any member of either House for words spoken before, or written in a report to, either House or a committee thereof or by reason of any matter or thing brought by him therein by petition, Bill, resolution, motion or otherwise.

Freedom of speech.

75. A House shall not be disqualified for the transaction of business by reason of any vacancy in the membership thereof (including any vacancy not filled when the House is first constituted or is reconstituted at any time) and

Validity of proceedings.

any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat and voted in the House or otherwise took part in the proceedings.

Quorum.

76.-(1) If at any sitting of either House any member of the House who is present draws the attention of the person presiding at the sitting to the absence of a quorum and, after such interval as may be prescribed in the Standing Orders of the House, the person presiding at the sitting ascertains that a quorum of the House is still not present, the House shall be adjourned.

(2) For the purposes of this section-

- (a) a quorum of the House of Representatives shall consist of seven members of the House;
- (b) a quorum of the Senate shall consist of three Senators;
- (c) the person presiding at the sitting of either House shall not be included in reckoning whether there is a quorum of that House present.

Introduction of Bills, etc.

77.-(1) A Bill other than a money Bill may be introduced in either House. A money Bill shall not be introduced in the Senate.

(2) Except on the recommendation or with the consent of the Cabinet, signified by a Minister, neither House shall-

- (a) proceed with any Bill (including any amendment to a Bill) which, in the opinion of the person presiding, makes provision for any of the following purposes-
 - (i) for imposing or increasing or reducing or abolishing any tax;

- (ii) for imposing or increasing any charge on the revenues or other funds of Belize or for altering any such charge otherwise than by reducing it; or
 - (iii) for compounding or remitting any debt due to Belize;
- (b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of the purposes aforesaid; or
- (c) receive any petition which, in the opinion of the person presiding, requests that provision be made for any of the purposes aforesaid.

78.-(1) If a money Bill, having been passed by the House of Representatives and sent to the Senate at least one month before the end of the session, is not passed by the Senate without amendment within one month after it is sent to that House, the Bill shall, unless the House of Representatives otherwise resolves, be presented to the Governor-General for assent notwithstanding that the Senate has not consented to the Bill.

Restriction on powers of Senate as to money Bills.

(2) There shall be endorsed on every money Bill when it is sent to the Senate the certificate of the Speaker signed by him that it is a money Bill; and there shall be endorsed on any money Bill that is presented to the Governor-General for assent in pursuance of subsection (1) of this section the certificate of the Speaker signed by him that it is a money Bill and that the provisions of that subsection have been complied with.

79.-(1) If any Bill other than a money Bill is passed by the House of Representatives in two successive sessions (whether or not the National Assembly is dissolved between those sessions) and, having been sent to the Senate in each of those sessions at least one month before the end of the session, is rejected by the Senate in each of those sessions, that Bill shall, on its

Restriction on powers of Senate as to Bills other than money Bills.

rejection for the second time by the Senate, unless the House of Representatives otherwise resolves, be presented to the Governor-General for assent notwithstanding that the Senate has not consented to the Bill:

Provided that the foregoing provisions of this subsection shall not have effect unless at least six months have elapsed between the date on which the Bill is passed by the House of Representatives in the first session and the date on which it is passed by the House in the second session.

(2) For the purposes of this section a Bill that is sent to the Senate from the House of Representatives in any session shall be deemed to be the same Bill as a former Bill sent to the Senate in the preceding session if, when it is sent to the Senate, it is identical with the former Bill or contains only such amendments as are certified by the Speaker to be necessary owing to the time that has elapsed since the date of the former Bill or to represent any amendments which have been made by the Senate in the former Bill in the preceding session.

(3) The House of Representatives may, if it thinks fit, on the passage through that House of a Bill that is deemed to be the same Bill as a former Bill sent to the Senate in the preceding session, suggest any amendments without inserting the amendments in the Bill, and if agreed to by the Senate the said amendments shall be treated as amendments made by the Senate and agreed to by the House of Representatives; but the exercise of this power by the House of Representatives shall not affect the operation of this section in the event of the rejection of the Bill in the Senate.

(4) There shall be inserted in any Bill that is presented to the Governor-General for assent in pursuance of this section any amendments that are certified by the Speaker to have been made in the Bill by the Senate in the second session and agreed to by the House of Representatives.

(5) There shall be endorsed on any Bill that is presented to the Governor-General for assent in pursuance of this section the certificate of the

Speaker signed by him that the provisions of this section have been complied with.

(6) This section is subject to subsection (5A) of section 69 of this Constitution.

39 of 2001.

80.-(1) In sections 77, 78 and 79 of this Constitution, “money Bill” means a public Bill, which, in the opinion of the Speaker, contains only provisions dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition, for the payment of debt or other financial purposes, of charges on public money, or the variation or repeal of any such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, investment, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof, or the establishment, alteration, administration or abolition of any sinking fund provided in connection with any such loan; or subordinate matters incidental to any of the matters aforesaid; and in this subsection the expressions “taxation”, “debt”, “public money” and “loan” do not include any taxation imposed, debt incurred or money provided or loan raised by any local authority or body for local purposes.

Provisions relating to sections 77, 78 and 79.

(2) For the purposes of section 79 of this Constitution, a Bill shall be deemed to be rejected by the Senate if-

- (a) it is not passed by the Senate without amendment; or
- (b) it is passed by the Senate with any amendment which is not agreed to by the House of Representatives.

(3) Whenever the office of Speaker is vacant or the Speaker is for any reason unable to perform any functions conferred on him by section 78 or 79 of this Constitution or subsection (1) of this section, that function may be performed by the Deputy Speaker.

(4) A certificate of the Speaker or the Deputy Speaker under section 78

or 79 of this Constitution shall be conclusive for all purposes and shall not be questioned in any court of law.

(5) Before giving any certificate under section 78 or 79 of this Constitution the Speaker or the Deputy Speaker, as the case may be, shall consult the Attorney-General or, if the Attorney-General is absent from the seat of Government, such member of the Attorney-General's staff as the Attorney-General may designate for that purpose.

Mode of exercise
of legislative
power.

81.-(1) The power of the National Assembly to make laws shall be exercised by Bills passed by the Senate and the House of Representatives (or in the cases mentioned in sections 78 and 79 of this Constitution by the House of Representatives) and assented to by the Governor-General.

(2) When a Bill is submitted to the Governor-General for assent in accordance with the provisions of this Constitution he shall signify that he assents or that he withholds assent thereto.

(3) When the Governor-General assents to a Bill that has been submitted to him in accordance with the provisions of this Constitution the Bill shall become law and the Governor-General shall thereupon cause it to be published in the *Gazette* as law.

(4) No law made by the National Assembly shall come into operation until it has been assented to by the Governor-General but the National Assembly may postpone the coming into operation of any such law and may make laws with retrospective effect.

(5) All laws made by the National Assembly shall be styled "Acts".

Words of
enactment.

82.-(1) In every Bill presented to the Governor-General for assent, other than a Bill presented under section 78 or 79 of this Constitution, the words of enactment shall be as follows:-

“Be it enacted, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:-”

(2) In every Bill presented to the Governor-General for assent under section 78 or 79 of this Constitution, the words of enactment shall be as follows:-

“Be it enacted, by and with the advice and consent of the House of Representatives of Belize in accordance with the provisions of section 78 (or section 79, as the case may be) of the Constitution and by the authority of the same, as follows:-”.

(3) Any alteration of the words of enactment of a Bill made in consequence of the provisions of the preceding subsection shall not be deemed to be an amendment of the Bill.

83.-(1) There shall be a session of the National Assembly at least once in every year, and each session shall be held at such place within Belize and shall begin at such time (not being later than six months from the end of the preceding session if the National Assembly has been prorogued or four months from the end of the session if the National Assembly has been dissolved) as the Governor-General shall appoint by proclamation published in the *Gazette*.

Sessions of
Legislature, etc.

(2) Subject to the provisions of subsection (1) of this section, the sittings of each House shall be held at such time and place as that House may, by its Standing Orders or otherwise, determine:

Provided that the first sitting of each House after the National Assembly has at any time been prorogued or dissolved shall begin at the same time.

84.-(1) The Governor-General may at any time prorogue or dissolve the National Assembly.

Prorogation and
dissolution of
Legislature.