

(2) Subject to the provisions of subsection (3) of this section the National Assembly, unless sooner dissolved, shall continue for five years from the date of the first sitting of the House of Representatives after any dissolution and shall then stand dissolved.

(3) At any time when Belize is at war, the National Assembly may by law extend the period of five years specified in subsection (2) of this section for not more than twelve months at a time:

Provided that the life of the National Assembly shall not be extended under this subsection for more than two years.

(4) In the exercise of his powers to dissolve the National Assembly, the Governor-General shall act in accordance with the advice of the Prime Minister:

Provided that-

- (a) if the Prime Minister advises a dissolution and the Governor-General, acting in his own deliberate judgment, considers that the Government of Belize can be carried on without a dissolution and that a dissolution would not be in the interests of Belize, he may, acting in his own deliberate judgment, refuse to dissolve the National Assembly;
- (b) 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 or advise a dissolution, the Governor-General, acting in his own deliberate judgment, may dissolve the National Assembly; and
- (c) if the office of the Prime Minister is vacant and the Governor-General, acting in his own deliberate judgment, considers that there is no prospect of his being able within a reasonable time to make an appointment to that office, the Governor-General shall dissolve the National Assembly.

(5) If, between a dissolution of the National Assembly and the next ensuing general election of members of the House of Representatives, an emergency arises of such a nature that, in the opinion of the Prime Minister, it is necessary for the two Houses or either of them to be summoned before that general election can be held, the Governor-General may, by proclamation published in the *Gazette*, summon the two Houses of the preceding National Assembly and that National Assembly shall thereupon be deemed (except for the purposes of section 85 of this Constitution) not to have been dissolved but shall be deemed (except as aforesaid) to be dissolved on the date on which the polls are held in the next ensuing general election.

(6) During the period between the dissolution of the National Assembly and the

appointment of a Prime Minister after a general election, the government of Belize shall continue to be administered by the Prime Minister and the other Ministers and Deputy Ministers of the Government.

85.-(1) A general election of members of the House of Representatives shall be held at such time within three months after every dissolution of the National Assembly as the Governor-General, acting in accordance with the advice of the Prime Minister, shall appoint.

General elections and appointment of Senators.

(2) As soon as practicable after every general election, the Governor-General shall proceed under section 61 of this Constitution to the appointment of Senators.

(3) Where the seat of a member of the House of Representatives or a Senator falls vacant otherwise than by reason of a dissolution of the National Assembly-

- (a) if the vacant seat is that of a member of the House, a by-election shall be held; or
- (b) if the vacant seat is that of a Senator, an appointment shall be made,

to fill the vacancy within three months of the occurrence of the vacancy unless the National Assembly is sooner dissolved.

86.-(1) Any question whether-

- (a) any person has been validly elected as a member of the House of Representatives or validly appointed as a Senator;
- (b) any member of the House of Representatives or Senator has vacated his seat or is required, under the provisions of section 59 (3) or section 64 (3) of this Constitution, to cease to exercise any of his functions as a member of the House of Representatives or as a Senator; or
- (c) any person has been validly elected as Speaker of the House of Representatives or President of the Senate from among persons who are not members of the House of Representatives or Senators, or, having been so elected, has vacated the office of Speaker or of President,

Determination of questions as to membership of National Assembly.

shall be determined by the Supreme Court in accordance with the provisions of any law.

(2) Proceedings for the determination of any question referred to in the preceding subsection shall not be instituted except with the leave of a justice of the Supreme Court.

(3) No appeal shall lie from the decision of a justice of the Supreme Court granting or refusing leave to institute proceedings in accordance with the preceding subsection.

87.(1) Any person who sits or votes in either House knowing or having reasonable cause for knowing that he is not entitled to do so shall be liable to a penalty not exceeding five hundred dollars or such other sum as may hereafter be prescribed by the Speaker and the President, for every day he so sits or votes in that House.

(2) The penalty referred to in subsection (1) shall be recoverable by action in the Supreme Court at the suit of the Attorney-General.

Unqualified persons sitting or voting. 2 of 2001.

88.-(1) There shall be an Elections and Boundaries Commission which shall consist of a Chairman and four other members who shall be persons of integrity and high national standing.

Elections and Boundaries Commission. 26 of 1988.

(2) The chairman and two other members of the Elections and Boundaries Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition, and the remaining two members shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given with the concurrence of the Leader of the Opposition:

Provided that in the process of consultation with the Leader of the Opposition for the appointment of the Chairman, the Prime Minister shall use his best endeavours to secure the agreement of the Leader of the Opposition.

(3) No person shall be qualified to be appointed as a member of the Commission if he is a member of the National Assembly or if he holds or is acting in any public office.

(4) If any member of the Commission dies or resigns, the Governor-General shall appoint another person in his place in the same manner in which such member was appointed.

(5) Subject to the provisions of this section, the office of a member of the Commission shall become vacant-

(a) at the expiration of five years from the date of his appointment;  
or

(b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for

appointment as such.

(6) A member of the Commission may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or from any other cause) or for misbehavior, and shall not be so removed except in accordance with the provisions of this section.

(7) A member of the Commission shall be removed from office by the Governor-General if the question of the removal of that member from office has been referred to the Belize Advisory Council in accordance with the next following subsection and the Belize Advisory Council has advised the Governor-General that the member ought to be removed from office for inability as aforesaid or for misbehavior.

(8) If the Prime Minister represents to the Governor-General that the question of removing a member of the Commission under this section ought to be investigated, then-

(a) the Governor-General shall refer the matter to the Belize Advisory Council which shall sit as a tribunal in the manner provided in section 54 of this Constitution; and

(b) the Belize Advisory Council shall enquire into the matter and report on the facts thereof to the Governor-General and advise the Governor-General whether that member of the Commission should be removed under this section.

(9) If the question of removing a member of the Commission from office has been referred to the Belize Advisory Council under the preceding subsection, the Governor-General may suspend the member from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect if the Belize Advisory Council advises the Governor-General that the member should not be removed from office.

(10) If the office of a member of the Commission is vacant or a member is for any reason unable to perform the functions of his office, the Governor-General may appoint another person in the same manner in which such member was appointed, to act as a member of the Commission, and any person so appointed shall, subject to the provisions of subsections (6), (7), (8) and (9) of this section, continue to act until he is notified by the Governor-General that the circumstances giving rise to the appointment have ceased to exist.

(11) A member of the Commission shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and office.

(12) The Commission may regulate its own procedure and, with the approval of the Governor-General given in accordance with the advice of the Prime Minister, confer

powers or impose duties on any public officer or authority of the Government for the purpose of the discharge of its functions.

(13) The Commission shall be responsible for the direction and supervision of the registration of voters and the conduct of elections, referenda and all matters connected therewith.

(14) In the exercise of its functions, the Commission shall not be subject to the direction or control of any other person or authority and shall, subject to the provisions of this Constitution, act in accordance with the Representation of the People Act or any other law, rule or regulation relating to elections.

89.-(1) For the purposes of the election of members of the House of Representatives, Belize shall be divided into twenty-nine electoral divisions, the names and boundaries of which are set out in Schedule 1 to the Representation of the People Act.

CAP. 9. (2) Each electoral division shall be represented in the House of Representatives by one elected member.

Electoral divisions.  
2 of 1978.  
CAP. 9.  
First  
Schedule.

90.-(1) The Elections and Boundaries Commission shall, after considering the distribution of the population throughout Belize, make proposals from time to time for dividing Belize into electoral divisions in such a way that-

(a) each electoral division shall have as nearly as may be an equal number of persons eligible to vote;

(b) the total number of electoral divisions shall be not less than twenty-eight.

Increase of  
electoral  
divisions.  
26 of 1988.

(2) In fixing the boundaries of electoral divisions the Commission shall have regard to the transport and other facilities of the division, and to its physical features.

(3) The proposals of the Commission made pursuant to this section shall be laid before the National Assembly by the Chairman of the Commission, and the electoral divisions specified in those proposals shall be the electoral divisions of Belize for the purposes of any law for the time being in force relating to the election of members of the House of Representatives when, and shall not be such electoral divisions until, enacted as law by the National Assembly.

(4) When the Elections and Boundaries Commission considers it necessary to increase the number of electoral divisions as specified in subsection (1), it shall make proposals to the National Assembly, and the National Assembly may enact a law to give effect to such proposals, with such amendments and modifications as may seem appropriate to the National Assembly.

91. Any redivision of electoral divisions effected in accordance with section 90 of this Constitution shall, in respect of the election of members of the House of Representatives, come into operation at the next general election held after such redivision and not earlier.

92. At any general election-

(a) every citizen of Belize or a citizen of any Commonwealth Country who has attained the age of eighteen years and who satisfies the requirements of the Representation of the People Act shall have the right to vote;

(b) no person shall be entitled to more than one vote; and

(c) votes shall be cast in a secret ballot.

Redivision of electoral divisions.

93. Subject to the provisions of sections 88 to 92 inclusive of this Constitution, the provisions of the Representation of the People Act shall apply to the franchise, registration of voters, the administration of the electoral system, offences relating to the electoral system, the conduct of elections, and all matters connected therewith.

Conduct of voting.  
26 of 1988.

2 of 1978.  
CAP. 9.

PART VII

*The Judiciary*

Conduct of elections, etc.

94. There shall be for Belize a Supreme Court of Judicature and Court of Appeal.

2 of 1978.  
CAP. 9.

95.-(1) The Supreme Court shall have unlimited original jurisdiction to hear and determine any civil or criminal proceedings under any law and such jurisdiction and powers as may be conferred on it by this Constitution or any other law:

Provided that the Supreme Court shall not have jurisdiction to hear and determine any application made by a person sentenced to death under any law after the expiration of one year from the passing of the sentence.

Establishment of Supreme Court and Court of Appeal.

(2) The justices of the Supreme Court shall be the Chief Justice and such number of other justices as may from time to time be prescribed by the National Assembly:

Provided that the office of a justice shall not be abolished while there is a substantive holder thereof.

The Supreme Court.

(3) The Supreme Court shall be a superior court of record and, save as otherwise provided by any law, shall have all the powers of such a court.

2 of 2001.

(4) The Supreme Court shall sit in such places as the Chief Justice may appoint.

96.-(1) Subject to the provisions of sections 33 (2), 34 (4), 54 (15), 69 (6), 80 (4) and 123 (3) of this Constitution, where any question as to the interpretation of this Constitution arises in any court of law established for Belize (other than the Court of Appeal, the Supreme Court or a court martial) and the court is of the opinion that the question involves a substantial question of law, the court shall refer the question to the Supreme Court.

(2) Where any question is referred to the Supreme Court in pursuance 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 the decision is the subject of an appeal to the Court of Appeal or Her Majesty in Council, in accordance with the decision of the Court of Appeal or, as the case may be, Her Majesty in Council.

Reference of constitutional questions to Supreme Court. 2 of 2001.

97.-(1) The Chief Justice shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition.

(2) Justices of the Supreme Court other than the Chief Justice shall be appointed by the Governor-General, acting in accordance with the advice of the Judicial and Legal Services Commission and with the concurrence of the Prime Minister given after consultation with the Leader of the Opposition.

(3) A person shall not be qualified to be appointed as a justice of the Supreme Court unless-

(a) he is qualified to practise as an attorney-at-law in a court in Belize or as an advocate in a court in any other part of the Commonwealth having unlimited jurisdiction either in civil or criminal causes or matters; and

(b) he has been qualified for not less than five years so to practise in such a court.

Appointment of Justices of Supreme Court.

(4) If the office of Chief Justice is vacant or the Chief Justice is for any reason including his absence from Belize unable to exercise the functions of his office, then, until a person has been appointed to and has assumed the functions of

that office or until the person holding that office has resumed those functions, as the case may be, they shall be exercised by the justice other than the Chief Justice, or if there be more than one then by such one of the justices as may for the time being be designated in that behalf by the Governor-General, acting in the manner prescribed in subsection (1) of this section.

(5) If the office of any justice other than the Chief Justice is vacant or if any such justice is appointed to act as Chief Justice or is for any reason unable to perform the functions of his office or if the Chief Justice advises the Governor-General that the state of business in the Supreme Court so requires, the Governor-General, acting in the manner prescribed in subsection (2) of this section, may appoint a person who is qualified to be appointed as a justice of the Supreme Court to act as a justice of that court:

Provided that a person may act as a justice notwithstanding that he has attained the age of sixty-five years.

(6) Any person appointed under subsection (5) of this section to act as a justice shall, subject to the provisions of subsections (4) and (6) of section 98 of this Constitution, continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the Governor-General:

Provided that, notwithstanding the expiration of the period of his appointment or the revocation of his appointment, he may thereafter continue to act as a justice for so long as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him previously thereto.

98.-(1) Subject to the following provisions of this section, a justice of the Supreme Court shall hold office until he attains the age of sixty-five years:

Provided that-

2 of 2001.

(a) he may at any time resign his office; and

(b) the Governor-General-

(i) in the case of the Chief Justice, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition; and

(ii) in the case of a Justice of the Supreme Court other than the Chief Justice, acting in accordance with the advice of the Judicial and Legal Services Commission and with the concurrence of the Prime Minister given after consultation with the Leader of the Opposition,

Tenure of  
office of  
Justices of  
Supreme  
Court.

may appoint a person over the age of sixty-five years as Chief Justice of the Supreme Court, or may permit a Justice who attains the age of sixty-five years to continue in office, until, in either case, such person has attained any later age not exceeding seventy-five years.

26 of 1988.  
2 of 2001.

(2) Notwithstanding that he has attained the age at which he is required by or under this section to vacate his office, a person holding the office of a justice of the Supreme Court may continue in office for so long after attaining that age as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

(3) A justice of the Supreme Court may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(4) A justice of the Supreme Court may be removed from office if the question of his removal from office for inability to perform the functions of his office or for misbehavior has been referred to the Judicial and Legal Services Commission in writing and the Judicial and Legal Services Commission, after considering the matter, recommends in writing to the Belize Advisory Council that the question of removal ought to be investigated.

2 of 2001.

(5) For the purpose of investigating the question of the removal of a Justice of the Supreme Court referred to it under subsection (4), the Belize Advisory Council shall: -

(a) sit as a tribunal in the manner provided in section 54 of this Constitution; and

(b) enquire into the matter and report on the facts thereof to the Governor-General and advise the Governor-General whether the Justice of the Supreme Court should be removed from office in accordance with this section.

39 of 2001. (6) If the question of removing a justice of the Supreme Court from office has been referred to the Belize Advisory Council under the preceding subsection, the Governor-General may suspend the justice from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect if the Belize Advisory Council advises the Governor-General that the justice should not be removed from office.

39 of 2001. (7) If the Belize Advisory Council advises the Governor-General that the Justice of the Supreme Court ought to be or not to be removed from office, the Governor-General shall not notify the Justice in writing accordingly.

(8) The power to remove a Justice of the Supreme Court from office for inability to perform the functions of his office or for misbehaviour vest in the Governor-General, acting in accordance with this section.

99. A justice of the Supreme Court shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and office.

100.-(1) The Court of Appeal shall have such jurisdiction and powers to hear and determine appeals in civil and criminal matters as may be conferred on it by this Constitution or any other law.

39 of 2001. (2) The Judges of the Court of Appeal (hereinafter referred to as "Justices of Appeal") shall be a President and such number of other Justices as may be prescribed by the National Assembly:

39 of 2001. Provided that the office of Justice of Appeal shall not be abolished while there is a substantive holder of that office.

(3) The Court of Appeal shall be a superior court of record and, save as otherwise provided by any law, shall have all the powers of such a court.

Oath to be taken by Justices of Supreme Court.

(4) The Court of Appeal shall sit in such places as the President may appoint.

Appeals to Courts of Appeal.

101.-(1) The Justices of Appeal shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition, for such period as may be specified in the instrument of appointment.

(2) A person shall not be qualified to be appointed as a Justice of Appeal unless either-

(a) he holds or has held office as judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Common-

wealth or a court having jurisdiction in appeals from any such court; or

- (b) he is qualified to practise as an attorney-at-law in a court in Belize or as an advocate in a court in any other part of the Commonwealth having unlimited jurisdiction in either civil or criminal causes or matters and has been so qualified for not less than fifteen years.

(3) Any power exercisable by a single Justice of Appeal may, at any time when there is no such Justice present in Belize and able to perform the functions of his office, be exercised by a justice of the Supreme Court as if that justice were a Justice of Appeal.

(4) If the office of the President is vacant or he is for any reason unable to perform the functions of his office, then until some other person has been appointed to or has been appointed to act in, and has assumed the functions of that office, or until the President has resumed those functions, as the case may be, those functions shall be performed by such one of the other Justices of Appeal as the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition, may appoint for that purpose.

Appointment  
of Justices  
of Appeal.

(5) If the office of a Justice of Appeal other than the President is vacant, or if any such Justice is appointed to act as the President, or is for any reason unable to perform the functions of his office, the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition, may appoint a person possessing such legal qualifications and experience as he, after consultation with the President, may deem appropriate to be temporarily a Justice of Appeal.

(6) Any person appointed under subsection (5) of this section to be temporarily a Justice of Appeal shall hold office until his appointment is revoked by the Governor-General.

102.-(1) Subject to the following provisions of this section, the office of a Justice of Appeal shall become vacant upon the expiration of the period of his appointment to that office or if he resigns his office.

(2) A Justice of Appeal may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(3) A Justice of the Court of Appeal may be removed from office if the question of his removal from office for inability to perform the functions of his office or for misbehaviour has been referred to the Judicial and Legal Services Commission in writing and the Judicial and Legal Services Commission, after considering the matter, recommends in writing to the Belize Advisory Council that the question of removal ought to be investigated.

(4) For the purpose of investigating the question of the removal of a Justice of the Court of Appeal referred to it under subsection (3), the Belize Advisory Council shall:-

- (a) sit as a tribunal in the manner provided in section 54 of this Constitution; and

Tenure of  
office of  
Justices of  
Appeal.

(b) enquire into the matter and report on the facts thereof to the Governor-General and advise the Governor-General whether the Justice of the Court of Appeal should be removed from office in accordance with this section.

39 of 2001. (5) If the question of removing a Justice of Appeal from office has been referred to the Belize Advisory Council under the preceding subsection, the Governor-General may suspend the Justice from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect if the Belize Advisory Council advises the Governor-General that the Justice should not be removed from office.

39 of 2001. (6) If the Belize Advisory Council advises the Governor-General that the justice of the Court of Appeal ought to be or not to be removed from office, the Governor-General shall notify the Justice in writing accordingly.

(7) The power to remove a Justice of the Court of Appeal from office for inability to perform the functions of his office or for misbehaviour vest in the Governor-General, acting in accordance with this section.

103. A Justice of Appeal shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and office.

104.-(1) An appeal shall lie from decisions of the Court of Appeal to Her Majesty in Council as of right in the following cases-

(a) final decisions in any civil, criminal, or other proceedings which involve a question as to the interpretation of this Constitution;

and

(b) such other cases as may be prescribed by the National Assembly.

39 of 2001.

(2) An appeal shall lie from decisions of the Court of Appeal to Her Majesty in Council with the leave of the Court of Appeal in the following cases-

39 of 2001.

(a) decisions in any civil proceedings where in the opinion of the Court of Appeal the question involved in the appeal is one which by reason of its general or public importance or otherwise ought to be submitted to Her Majesty in Council; and

Oath to be taken by Justices of Appeal.

(b) such other cases as may be prescribed by the National Assembly.

(3) An appeal shall lie to Her Majesty in Council with the special leave of Her Majesty from any decision of the Court of Appeal in any civil, criminal or other matter.

Appeals to Her Majesty in Council.

## PART VIII

### SUB-PART I

#### *The Public Services Commission*

105.-(1) There shall be established for Belize a Public Services Commission which shall consist of a Chairman and five other members.

(2) The Chairman and other members of the Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition.

(3) No person shall be qualified to be appointed as a member of the Commission if he is a member of the National Assembly or, save in respect of the *ex officio* members, if he holds or is acting in any public office.

(4) A person shall not, while he holds or is acting in the office of a member of the Commission or within a period of two years commencing from the date on which he last held or acted in that office, be eligible for appointment to any public office.

(5) Subject to the provisions of this section, the office of a member of the Commission shall become vacant-

(a) at the expiration of three years from the date of his appointment or such earlier time, being not less than two years, as may be specified in the instrument by which he was appointed; or

(b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

Public Services Commission.  
26 of 1988  
2 of 2001.

2 of 2001.

(6) A member of the Commission may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(7) A member of the Commission shall be removed from office by the Governor-General if the question of the removal of that member from office has been referred to the Belize Advisory Council in accordance with the next following subsection

2 of 2001.

and the Belize Advisory Council has advised the Governor-General that that member ought to be removed from office for inability as aforesaid or for misbehaviour.

(8) If the Prime Minister represents to the Governor-General that the question of removing a member of the Commission under this section ought to be investigated, then-

(a) the Governor-General shall refer the matter to the Belize Advisory Council which shall sit as a tribunal in the manner provided in section 54 of this Constitution; and

(b) the Belize Advisory Council shall enquire into the matter and report on the facts thereof to the Governor-General and advise the Governor-General whether that member of the Commission should be removed under this section.

(9) If the question of removing a member of the Commission from office has been referred to the Belize Advisory Council under the preceding subsection, the Governor-General may suspend the member from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect if the Belize Advisory Council advises the Governor-General that the member should not be removed from office.

(10) If the office of a member of the Commission is vacant or a member is for any reason unable to perform the functions of his office, the Governor-General may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission, and any person so appointed shall, subject to the provisions of subsections (6), (7), (8) and (9) of this section, continue to act until he is notified by the Governor-General that the circumstances giving rise to the appointment have ceased to exist.

(11) A member of the Commission shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and office.

(12) The Commission shall, in the exercise of its functions under this Constitution, not be subject to the direction or control of any other person or authority.

(13) The Commission may by regulation make provision for regulating and facilitating the performance of its functions under this Constitution.

(14) Subject to the provisions of this section, the Commission may regulate its own procedure.

(15) Any decision of the Commission shall require the concurrence of a majority of all the members thereof and, subject to its rules of procedure, the Commission may act

notwithstanding the absence of any member other than the Chairman:

Provided that in any matter before the Commission, where the votes are equally divided, the Chairman shall have a casting vote in addition to his original vote.

106.-(1) The power to appoint persons to hold or act in offices in the public service, other than the offices in the judicial and legal services and the security services, including the power to transfer or confirm appointments, and, subject to the provisions of section 111 of this Constitution, the power to exercise disciplinary control over such persons and the power to remove such persons from office, shall vest in the Public Services Commission established in accordance with section 105(1) of this Constitution.

2 of 2001.

(2) *Repealed.*

2 of 2001.

(3) Subject to the provisions of this Constitution, the Governor-General, acting in accordance with the advice of the Minister or Ministers responsible for the public service given after consultation with the recognised representatives of the employees or other persons or groups within the public service as may be considered appropriate, may make regulations on any matter relating to-

2 of 2001.

(a) the formulation of schemes for recruitment to the public service;

2 of 2001.

(b) the determination of a code of conduct for public officers;

2 of 2001.

(c) the fixing of salaries and privileges;

(d) the principles governing the promotion and transfer of public officers;

2 of 2001.

(e) measures to ensure discipline, and to govern the dismissal and retirement of public officers, including the procedures to be followed;

Appointment,  
etc., of  
public  
officers.  
26 of 1988.  
2 of 2001.

(f) the procedure for delegation of authority by and to public officers;  
and

(g) generally for the management and control of the public service.

(4) The Public Services Commission shall, in the exercise of its functions under this section, be governed by regulations made under subsection (3) of this section.

2 of 2001.

(5) The Public Services Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its powers under subsection (1) of this section to any one or more members of the Commission or, with the consent of the Prime

Minister, to any public officer.

(6) The provisions of subsection (1) of this section shall not apply in relation to the following offices, that is to say-

- (a) any office to which section 107 of this Constitution applies;
- (b) the offices of justice of the Supreme Court and Justice of Appeal;
- (c) the office of Auditor-General;
- (d) the office of Director of Public Prosecutions; or
- (e) any office to which section 110B of this Constitution applies.

(7) No person shall be appointed under this section to or to act in any office on the Governor-General's personal staff except with the concurrence of the Governor-General, acting in his own deliberate judgment.

(8) *Repealed.*

107.-(1) This section applies to the offices of Solicitor General, Secretary to the Cabinet, Financial Secretary, Chief Executive Officer, Commissioner of Police, Commandant, Belize Defence Force, Superintendent of Prisons, Ambassador, High Commissioner or principal representative of Belize in any other country or accredited to any international organisation, and, subject to the provisions of this Constitution, any other office designated by the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Public Services Commission.

(2) The power to appoint persons to hold or to act in offices to which this section applies (including the power to transfer or to confirm appointments) and, subject to the provisions of section 111 of this Constitution, the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall vest in the Governor-General, acting in accordance with the advice of the Prime Minister.

(3) *Repealed.*

108.-(1) The Director of Public Prosecutions shall be appointed by the Governor-General, acting in accordance with the advice of the Judicial and Legal Services Commission and with the concurrence of the Prime Minister given after consultation with the Leader of the Opposition.

2 of 2001.

(2) A person shall not be qualified for appointment to hold or act in the office of Director of Public Prosecutions unless he is qualified to be appointed as a justice of the

Supreme Court.

(3) If the office of Director of Public Prosecutions is vacant or if the holder of that office is for any reason unable to exercise the functions of his office, the Governor-General, acting in accordance with the advice of the Judicial and Legal Services Commission and with the concurrence of the Prime Minister given after consultation with the Leader of the Opposition, may appoint a person to act as Director.

2 of 2001.

Appointment, etc., of Chief Executive Officers and certain other officers.  
2 of 2001.

(4) A person appointed to act in the office of Director of Public Prosecutions shall, subject to the provisions of subsections (5), (7), (8) and (9) of this section, cease so to act-

- (a) when a person is appointed to hold that office and has assumed the functions thereof or, as the case may be, when the person in whose place he is acting resumes the functions of that office; or
- (b) at such earlier time as may be prescribed by the terms of his appointment.

(5) Subject to the provisions of subsection (6) of this section, the Director of Public Prosecutions shall vacate his office when he attains the age of sixty years or such other age as may be prescribed by the National Assembly:

2 of 2001.

Provided that any law enacted by the National Assembly, to the extent to which it alters the prescribed age after a person has been appointed to be or to act as Director of Public Prosecutions, shall not have effect in relation to that person unless he consents that it should have effect.

Director of Public Prosecutions.  
2 of 2001.  
26 of 1988.

(6) The Director of Public Prosecutions may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(7) The Director of Public Prosecutions shall be removed from office by the Governor-General if the question of his removal from office has been referred to the Belize Advisory Council in accordance with the next following subsection and the Belize Advisory Council has advised the Governor-General that he ought to be removed from office for inability as aforesaid or for misbehaviour.

2 of 2001.

(8) If the Prime Minister represents to the Governor-General that the question of removing the Director of Public Prosecutions under this section ought to be investigated, then-

- (a) the Governor-General shall refer the matter to the Belize Advisory Council which shall sit as a tribunal in the manner provided in

section 54 of this Constitution; and

(b) the Belize Advisory Council shall enquire into the matter and report on the facts thereof to the Governor-General and advise the Governor-General whether he should be removed under this section.

(9) If the question of removing the Director of Public Prosecutions from office has been referred to the Belize Advisory Council under the preceding subsection, the Governor-General may suspend him from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect if the Belize Advisory Council advises the Governor-General that he should not be removed from office.

109.-(1) With effect from the 15th day of January, 2002, the Auditor-General shall be appointed by the Governor-General, acting on the recommendations of both Houses of the National Assembly contained in resolutions passed in that behalf.

(2) If, after the 15th day of January, 2002, the office of Auditor-General is vacant or if the holder of that office is for any reason unable to exercise the functions of his office, the Governor-General, acting on the recommendations of both Houses of National Assembly contained in resolutions passed in that behalf, may appoint a person to act as Auditor-General.

(3) A person appointed to act in the office of Auditor-General shall, subject to the provisions of subsections (4), (6), (7) and (8) of this section, cease so to act-

(a) after a person is appointed to hold that office and has assumed the functions thereof or, as the case may be, when the person in whose place he is acting resumes the functions of that office; or

(b) at such earlier time as may be prescribed by the terms of his appointment.

(4) Subject to the provisions of subsection (5) of this section, the Auditor-General shall vacate his office when he attains the age of sixty years or such other age as may be prescribed by the National Assembly:

Provided that any law enacted by the National Assembly, to the extent to which it alters the prescribed age after a person has been appointed to be or to act as Auditor-General, shall not have effect in relation to that person unless he consents that it should have effect.

(5) The Auditor-General may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or from

any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(6) The Auditor-General shall be removed from office by the Governor-General if the question of his removal from office has been referred to the Belize Advisory Council in accordance with the next following subsection and the Belize Advisory Council has advised the Governor-General that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(7) If the Prime Minister represents to the Governor-General that the question of removing the Auditor-General under this section ought to be investigated, then-

(a) the Governor-General shall refer the matter to the Belize Advisory Council which shall sit as a tribunal in the manner provided in section 54 of this Constitution; and

(b) the Belize Advisory Council shall enquire into the matter and report on the facts thereof to the Governor-General and advise the Governor-General whether he should be removed under this section.

(8) If the question of removing the Auditor-General from office has been referred to the Belize Advisory Council under the preceding subsection, the Governor-General may suspend him from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect if the Belize Advisory Council advises the Governor-General that he should not be removed from office.

110. *Repealed.*

110A. *Repealed.*

110B.-(1) The Power to appoint persons to hold or act in any office in the Prison Service (including power to confirm appointments) below the rank of Principal Officer, and to transfer or exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office, shall vest in the Superintendent of Prisons.

(2) The Superintendent of Prisons may, subject to such conditions as he thinks fit, delegate any of his powers under this section, by directions in writing, to any other senior officer of the Prison Service.

## SUB-PART II

### *The Security Services Commission*

110.C. (1) There shall be established for Belize a Security Services Commission.

Auditor-General  
39 of 2001.  
S.I. No. 1 of  
2002.  
39 of 2001.  
S.I. No. 1 of  
2002.

26 of 1988.

(2) The members of the Security Services Commission shall be appointed by the Governor-General, on the recommendation of the Prime Minister given after consultation with the Leader of the Opposition, and shall consist of -

- (a) the Chairman of the Public Services Commission, who shall be a member and Chairman;
- (b) a former senior officer of the Belize Police Department;
- (c) a former senior officer of the Belize Defence Force;
- (d) one person nominated by the Leader of the Opposition;
- (e) one person from the private sector.

2 of 2001.

2 of 2001.

Appointment,  
etc., of junior  
officers of  
Prison  
Service.  
2 of 2001.

110.D. (1) Subject to the provisions of this section, the power to appoint persons to hold or act in offices in the security services, including the power to make appointments, and to deal with all matters relating to the conditions of service of such officers and, subject to the provisions of section 111 of this Constitution, the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons shall vest in the Security Services Commission established under section 110C of this Constitution.

(2) In this section “security services” means service in the Belize Police Department and in the military service as defined in subsection (3) of this section:

Provided that the provisions of this Part shall not apply to the Commissioner of Police or the Commandant, Belize Defence Force.

2 of 2001.

(3) For the purposes of this section, “military service” means service in the Belize Defence Force or in any other military, naval or air force established for Belize.

Security  
Services  
Commission.  
2 of 2001.

(4) Subject to this Sub-Part, any officer holding or acting in an office in the security services immediately before the commencement of this section shall continue to hold or act in that office and to be subject to the same terms and conditions of services as obtained immediately prior to the commencement of this section.

2 of 2001.

(5) The Security Services Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its powers under subsection (1) of this section to any one or more members of the Security Services Commission or, with the consent of the Prime Minister, to the Commissioner of Police or the Commandant, Belize Defence Force.

(6) The Security Services Commission may, in accordance with subsection (5), authorise the Commissioner of Police to subdelegate the powers delegated to him under that subsection to a member of the Belize Police Department of the rank of Inspector and above, in respect of matters affecting members of the Belize Police Department of the rank of Assistant Inspector and below.

(7) The Security Services Commission may, in accordance with subsection (5), authorise the Commandant, Belize Defence Force, to subdelegate the powers delegated to him under that subsection to a member of the Belize Defence Force of the rank of Captain and above, in respect of matters affecting members of the Belize Defence Force of the rank of Lieutenant and below.

Appointment of police officers, members of the Belize Defence Force, etc.  
2 of 2001.

(8) Subsection (3) to (15) of section 110E of this Constitution shall apply, with such modifications as may be necessary, to members of the Security Services Commission.

2 of 2001.

### SUB-PART III

#### *The Judicial and Legal Services Commission*

110.E (1) There shall be established for Belize a Judicial and Legal Services Commission.

2 of 2001.

(2) The members of the Judicial and Legal Services Commission shall be appointed by the Governor-General and shall consist of:-

2 of 2001.

(a) the Chairman of the Public Services Commission, who shall be a member and Chairman;

(b) the Chief Justice;

2 of 2001.

(c) the Solicitor General;

(d) the President of the Bar Association of Belize.

(3) Subject to subsection (2), no person shall be qualified to be appointed as a member of the Judicial and Legal Services Commission if he is a member of the National Assembly, or if he holds or is acting in any public office.

39 of 2001.

(4) Subject to subsection (2), a person shall not, while he holds or is acting in the office of a member of the Judicial and Legal Services Commission or within a period of two years commencing from the date on which he last held or acted in that office, be eligible for appointment to any public office.

39 of 2001.

(5) Subject to the provisions of this section, the office of a member of the Judicial and Legal Services Commission shall become vacant:-

39 of 2001. (a) at the expiration of three years from the date of his appointment or such earlier time, being not less than one year, as may be specified in the instrument by which he was appointed; or

2 of 2001. (b) if any circumstances arise that, if he were not a member of the Judicial and Legal Services Commission, would cause him to be disqualified for appointment as such.

Judicial and  
Legal Services  
Commission.  
2 of 2001. (6) A member of the Judicial and Legal Services Commission may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

2 of 2001. (7) A member of the Judicial and Legal Services Commission shall be removed from office by the Governor-General if the question of the removal of that member from office has been referred to the Belize Advisory Council in accordance with the next following subsection and the Belize Advisory Council has advised the Governor-General that that member ought to be removed from office for inability as aforesaid or for misbehaviour.

(8) If the Prime Minister represents to the Governor-General that the question of removing a member of the Judicial and Legal Services Commission under this section ought to be investigated, then-

2 of 2001. (a) the Governor-General shall refer the matter to the Belize Advisory Council which shall sit as a tribunal in the manner provided in section 54 of this Constitution; and

2 of 2001. (b) the Belize Advisory Council shall enquire into the matter and report on the facts thereof to the Governor-General whether that member of the Judicial and Legal Services Commission should be removed under this section.

2 of 2001. (9) If the question of removing a member of the Judicial and Legal Services Commission from office has been referred to the Belize Advisory Council under the preceding subsection, the Governor-General may suspend the member from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect if the Belize Advisory Council advises the Governor-General that the member should not be removed from office.

(10) If the office of a member of the Judicial and Legal Services Commission is vacant or a member is for any reason unable to perform the functions of his

office, the Governor-General may appoint a person who is qualified for appointment as a member of that Commission to act as a member of the Commission, and any person so appointed shall, subject to the provisions of subsections (6), (7), (8) and (9) of this section, continue to act until he is notified by the Governor-General that the circumstances giving rise to the appointment have ceased to exist. 2 of 2001.

(11) A member of the Judicial and Legal Services Commission shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and office. 2 of 2001.

(12) The Judicial and Legal Services Commission shall, in the exercise of its functions under this Constitution, not be subject to the direction or control of any other person or authority.

(13) The Judicial and Legal Services Commission may by regulations make provision for regulating and facilitating the performance of its functions under this Constitution. 2 of 2001.

(14) Subject to the provisions of this section, the Judicial and Legal Services Commission may regulate its own procedure.

(15) Any decision of the Judicial and Legal Services Commission shall require the concurrence of a majority of all the members thereof and, subject to its rules of procedure, the Judicial and Legal Services Commission may act notwithstanding the absence of any member other than the Chairman:

Provided that in any matter before the Judicial and Legal Services Commission, where the votes are equally divided, the Chairman shall have a casting vote in addition to his original vote. 2 of 2001.

110F.(1) Subject to the provisions of this section, the power to review the suitability of applicants, and to appoint persons to hold or act in offices in the judicial and legal services, including the power to make appointments, promotions, transfers, to confirm appointments, and to deal with all matters relating to the conditions of service of such judicial and legal officers and, subject to the provisions of section 111 of this Constitution, the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall vest in the Judicial and Legal Services Commission established under section 110E of this Constitution. 2 of 2001.

(2) In this section, “judicial and legal services” means service in the Departments or Offices of the General Registry of the Supreme Court and Court of Appeal, Magistracy, Chief Parliamentary Counsel, Law Revision, Family Courts, Director of Public Prosecutions and Solicitor General:

Provided that the provisions of this Sub-Part shall not apply to the Director of Public

2 of 2001. Prosecutions and the Solicitor General.

(3) Any officer holding or acting in an office in the judicial and legal services immediately before the commencement of this section shall continue to hold or act in that office and to be subject to the same terms and conditions of service as obtained immediately prior to the commencement of this section.

(4) The Judicial and Legal Services Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its powers under subsection (1) of this section to any one or more members of the Judicial and Legal Services Commission or, with the consent of the Prime Minister, to any public officer who is a judicial or legal officer.

2 of 2001.

#### SUB-PART IV

2 of 2001.

#### *Appeals in Discipline Cases*

111 -(1) This section applies to-

Appointment  
of judicial  
and legal  
officers, etc.  
2 of 2001.

(a) any decision of the Governor-General, acting in accordance with the advice of the Prime Minister or the Public Services Commission or the Judicial and Legal Services Commission or the Security Services Commission, as the case may be, in relation to the public service, judicial and legal service or security service, or any decision of the Public Services Commission or the Judicial and Legal Services Commission or the Security Services Commission to remove a public officer from office or to exercise disciplinary control over a public officer (including a decision made on appeal from or confirming a decision of any person to whom powers are delegated under section 110F(4) or section 106(5) or section 110D(5) of this Constitution);

2 of 2001.

(b) any decision of any person to whom powers are delegated under section 110F(4) or section 106(5) or section 110D(5) of this Constitution to remove a public officer from office or to exercise disciplinary control over a public officer (not being a decision which is subject to appeal to or confirmation by the Judicial and Legal Services Commission or the Public Services Commission or the Security Services Commission).

2 of 2001.

(2) Subject to the provisions of this section, an appeal shall lie to the Belize Advisory Council from any decision to which this section applies at the instance of the

public officer in respect of whom the decision is made.

(3) Upon an appeal under this section the Belize Advisory Council may affirm or set aside the decision appealed against or may make any other decision which the authority or person from whom the appeal lies could have made. 2 of 2001.

(4) Subject to the provisions of section 54 of this Constitution, the Belize Advisory Council may by regulation make provision for-

(a) the procedure in appeals under this section; or

(b) excepting from the provisions of subsection (2) of this section decisions in respect of public officers holding offices whose emoluments do not exceed such sum as may be prescribed by the regulations or such decisions to exercise disciplinary control, other than decisions to remove from office, as may be prescribed.

2 of 2001.

Appeals in discipline cases.  
26 of 1988.  
2 of 2001.

(5) Regulations made under this section may, with the consent of the Prime Minister, confer powers or impose duties on any public officer or any authority of the Government for the purpose of the exercise of the functions of the Belize Advisory Council.

(6) In this section, "public officer" includes any person holding or acting in an office in the military service as defined in section 110D(3) of this Constitution.

## SUB-PART V

### *Pension Laws and Pension Rights of Public Officers*

112.-(1) The law to be applied with respect to any pensions benefits that were granted to any person before Independence Day shall be the law that was in force at the date on which those benefits were granted or any law in force at a later date that is not less favourable to that person. 2 of 2001.

(2) The law to be applied with respect to any pensions benefits (not being benefits to which subsection (1) of this section applies) shall-

(a) in so far as those benefits are wholly in respect of a period of service as a public officer that commenced before Independence Day, be the law that was in force immediately before that date; and

(b) in so far as those benefits are wholly or partly in respect of a period of service as a public officer that commenced after

Independence Day, be the law in force on the date on which that period of service commenced, or any law in force at a later date not less favourable to that person.

(3) Where a person is entitled to exercise an option as to which of two or more laws shall apply in his case, the law for which he opts shall, for the purposes of this section, be deemed to be more favourable to him than the other law or laws.

(4) All pensions benefits shall (except to the extent to which, in the case of benefits under the Widows' and Orphans' Pensions Act or under any law amending or replacing that Act, they are a charge on a fund established by that Act or by any such law and have been duly paid out of that fund to the person or authority to whom payment is due) be a charge on the general revenues of Belize.

(5) In this section, "pensions benefits" means any pensions, compensation, gratuities or other like allowances for persons in respect of their service as public officers or for the widows, children, dependents or personal representatives of such persons in respect of such service.

2 of 2001.

(6) References in this section to the law with respect to pensions benefits include (without prejudice to their generality) references to the law regulating the circumstances in which such benefits may be granted or in which the grant of such benefits may be refused, the law regulating the circumstances in which any such benefits that have been granted may be withheld, reduced in amount or suspended and the law regulating the amount of any such benefits.

2 of 2001.

Pension laws and protection of pension rights.  
33 of 1923.

113.-(1) The power to grant any award under any pensions law for the time being in force in Belize (other than an award to which, under that law, the person to whom it is payable is entitled as of right) and, in accordance with any provisions in that behalf contained in any such law, to withhold, reduce in amount or suspend any award payable under any such law, shall vest in the Governor-General.

(2) The power vested in the Governor-General by the preceding subsection shall be exercised by him-

(a) in the case of officers to whom section 107 of this Constitution applies, acting in accordance with the advice of the Prime Minister;

(b) in the case of public officers in the judicial and legal services to whom section 110F(1) of this Constitution applies, acting in accordance with the advice of the Judicial and Legal Services Commission;

(c) in the case of public officers in the security services to whom

section 110D of this Constitution applies, acting in accordance with the advice of the Security Services Commission;

(d) in the case of all other officers, acting in accordance with the advice of the Public Services Commission.

CAP. 32.

(3) In this section, “pensions law” means any law relating to the grant to any person, or to the widow, children, dependents or personal representatives of that person, of an award in respect of the services of that person in a public office, and includes any instrument made under any such law.

## PART IX

### *Finance*

114.-(1) All revenues or other moneys raised or received by Belize (not being revenues or other moneys payable under this Constitution or any other law into some other public fund established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund.

(2) No moneys shall be withdrawn from the Consolidated Revenue Fund except to meet expenditure that is charged upon the Fund by this Constitution or any other law enacted by the National Assembly or where the issue of those moneys has been authorised by an appropriation law or by a law made in pursuance of section 116 of this Constitution.

Grant and  
withholding  
of pensions,  
etc.  
26 of 1988.

(3) No moneys shall be withdrawn from any public fund other than the Consolidated Revenue Fund unless the issue of those moneys has been authorised by a law enacted by the National Assembly.

(4) No moneys shall be withdrawn from the Consolidated Revenue Fund or any other public fund except in the manner prescribed by law.

115.-(1) The Minister responsible for finance shall prepare and lay before the House of Representatives in each financial year estimates of the revenues and expenditures of Belize for the next following financial year.

2 of 2001.

(2) The heads of expenditure contained in the estimates (other than expenditure charged upon the Consolidated Revenue Fund by this Constitution or any other law) shall be included in a Bill, to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

2 of 2001.

(3) If in respect of any financial year it is found-

2 of 2001.

- (a) that the amount appropriated by the appropriation law for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by that law; or
- (b) that any moneys have been expended for any purpose in excess of the amount appropriated for the purpose by the appropriation law or for a purpose for which no amount has been appropriated by that law,

Establishment  
of Consoli-  
dated  
Revenue  
Fund.

a supplementary estimate showing the sums required or spent shall be laid before the House of Representatives and the heads of any such expenditure shall be included in a Supplementary Appropriation Bill.

116. Any law enacted by the National Assembly may make provision under which, if the appropriation law in respect of any financial year has not come into operation by the beginning of that financial year, the Minister responsible for finance may authorise the withdrawal of moneys from the Consolidated Revenue Fund for the purpose of meeting expenditure necessary to carry on the services of the Government until the expiration of four months from the beginning of that financial year or the coming into operation of the appropriation law, whichever is the earlier.

117.-(1) Any law enacted by the National Assembly may provide for the establishment of a Contingencies Fund and for authorising the Minister responsible for finance, if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from the Fund to meet that need.

Authorisation  
of expenditure  
from Conso-  
lidated  
Revenue Fund.

(2) Where any advance is made in accordance with subsection (1) of this section, a supplementary estimate shall be presented and a Supplementary Appropriation Bill shall be introduced as soon as possible for the purpose of replacing the amount so advanced.

118.-(1) There shall be paid to the holders of the offices to which this section applies such salaries and such allowances as may be prescribed by or under a law enacted by the National Assembly.

(2) The salaries and allowances prescribed in pursuance of this section in respect of the holders of the offices to which this section applies shall be a charge on the Consolidated Revenue Fund.

(3) The salary prescribed in pursuance of this section in respect of the holder of any office to which this section applies and his other terms of service (other than allowances that are not taken into account in computing, under any law in that behalf, any pension payable in respect of his service in that office) shall not be altered to his disadvantage

after his appointment.

(4) When a person's salary or other terms of service depend upon his option, the salary or terms for which he opts shall, for the purposes of subsection (3) of this section, be deemed to be more advantageous to him than any others for which he might have opted.

(5) This section applies to the offices of the Governor-General, the Chief Justice, Justice of the Court of Appeal, Justice of the Supreme Court, member of the Belize Advisory Council, member of the Judicial and Legal Services Commission or the Security Services Commission or the Public Services Commission, member of the Elections and Boundaries Commission, the Director of Public Prosecutions and the Auditor-General.

Authorisation of expenditure in advance of appropriation.

(6) Nothing in this section shall be construed as prejudicing the provisions of section 112 of this Constitution.

119.-(1) There shall be charged on the Consolidated Revenue Fund all debt charges for which Belize is liable.

(2) For the purposes of this section debt charges include interest, sinking fund charges, the repayment or amortization of debt, and all expenditure in connection with the raising of loans on the security of the Consolidated Revenue Fund and the service and redemption of debt created thereby.

Contingencies Fund.

120.-(1) There shall be an Auditor-General whose office shall be a public office.

(2) The Auditor-General shall-

(a) satisfy himself that all moneys that have been appropriated by the National Assembly and disbursed have been applied to the purposes to which they were so appropriated and that the expenditure conforms to the authority that governs it; and

Remuneration of certain officers.

(b) at least once in every year audit and report on the public accounts of Belize, the accounts of all officers and authorities of the Government, the accounts of all courts of law in Belize, the accounts of the Belize Advisory Council and every Commission established by this Constitution and the accounts of the Clerk to the National Assembly.

(3) The Auditor-General and any officer authorised by him shall have access to all books, records, returns, reports and other documents which in his opinion relate to any of the accounts referred to in subsection (2) of this section.

(4) The Auditor-General shall submit every report made by him in pursu-

ance of subsection (2) of this section to the Minister responsible for finance who shall, not later than seven days after the House of Representatives first meets after he has received the report, lay it before the House.

(5) If the Minister fails to lay a report before the House in accordance with the provisions of subsection (4) of this section the Auditor-General shall transmit copies of that report to the Speaker who shall, as soon as practicable, present them to the House.

2 of 2001.

(6) The Auditor-General shall exercise such other functions in relation to the accounts of the Government or the accounts of other authorities or bodies established by law for public purposes as may be prescribed by or under any law enacted by the National Assembly.

(7) In the exercise of his functions under subsections (2), (3), (4) and (5) of this section, the Auditor-General shall not be subject to the direction or control of any other person or authority.

Public debt.

## PART X

### *Miscellaneous*

Audit of public accounts, etc.

121.-(1) The persons to whom this section applies shall conduct themselves in such a way as not-

- (a) to place themselves in positions in which they have or could have a conflict of interest;
- (b) to compromise the fair exercise of their public or official functions and duties;
- (c) to use their office for private gain;
- (d) to demean their office or position;
- (e) to allow their integrity to be called into question; or
- (f) to endanger or diminish respect for, or confidence in, the integrity of the Government.

(2) This section applies to the Governor-General, members of the National Assembly, members of the Belize Advisory Council, members of the Judicial and Legal Services Commission, the Security Services Commission or the Public Services Commission, members of the Elections and Boundaries Commission, public

officers of statutory corporations and government agencies, and such other officers as may be prescribed by law enacted by the National Assembly.

122. The national symbols of Belize shall be those prescribed by the National Assembly.

123.-(1) Any reference in this Constitution to power to make appointments to any public office shall be construed as including a reference to the power to make appointments on promotion and transfer to that office and to the power to appoint a person to act in that office during any period during which it is vacant or the holder thereof is unable to perform the functions of that office.

(2) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the term designating his office shall be construed as including a reference to any person who is for the time being lawfully acting in or performing the functions of that office.

(3) Where by this Constitution any person is directed, or power is conferred on any person or authority to appoint a person, to act in or otherwise to perform the functions of an office if the holder thereof is unable to perform the functions of that office, the validity of any performance of those functions by the person so directed or of any appointment made in exercise of that power shall not be called in question in any court of law on the ground that the holder of the office is not unable to perform the functions of the office.

(4) Where by this Constitution the Governor-General is required to appoint a person to act in, or otherwise to perform the functions of, an office established by this Constitution or a public office, either acting in his own deliberate judgment or on the advice of any person, such power of appointment shall not be exercised after the National Assembly has been dissolved in accordance with section 84 of this Constitution prior to a general election of members of the House of Representatives.

Code of  
Conduct.

124.-(1) Where any person has vacated any office established by this Constitution, he may, if qualified, again be appointed or elected to hold that office in accordance with the provisions of this Constitution.

(2) Whenever the holder of any office constituted by or under this Constitution, or any public office otherwise constituted, is on leave of absence pending relinquishment of his office-

(a) another person may be appointed to that office; and

2 of 2001.

(b) that person shall, for the purpose of any function of that office, be deemed to be the sole holder of that office.

125.-(1) References in this Constitution to the power to remove a public officer from his office shall be construed as including references to any power conferred by any law to re-

quire or permit that officer to retire from the public service and to any power or right to terminate a contract on which a person is employed as a public officer and to determine whether any such contract shall or shall not be renewed:

National  
Symbols.

Provided that nothing in this subsection shall be construed as conferring on any person or authority power to require any Justice of the Supreme Court or Justice of Appeal, the Director of Public Prosecutions, or the Auditor-General to retire from the public service.

Powers of  
appointment  
and acting  
appointments.

(2) Any provision of this Constitution that vests in any person or authority power to remove any public officer from his office shall be without prejudice to the power of any person or authority to abolish any office or to any law providing for the compulsory retirement of public officers generally or any class of public officer on attaining an age specified therein.

126.-(1) A Senator or a member of the House of Representatives may resign his seat by writing under his hand addressed to the President or the Speaker, as the case may be, and the resignation shall take effect, and the seat shall accordingly become vacant, when the writing is received, as the case may be, by-

(a) the President or Speaker;

(b) if the office of President or Speaker is vacant or the President or Speaker is for any reason unable to perform the functions of his office and no other person is performing them, the Vice-President or Deputy Speaker; or

(c) if the office of Vice-President or Deputy Speaker is vacant or the Vice-President or Deputy Speaker is for any reason unable to perform the functions of his office and no other person is performing them, the Clerk to the National Assembly.

39 of 2001.

(2) The President or the Vice-President or the Speaker or the Deputy Speaker may resign his office by writing under his hand addressed to the Senate or the House, as the case may be, and the resignation shall take effect, and the office shall accordingly become vacant, when the writing is received by the Clerk to the National Assembly.

Reappoint-  
ments and  
concurrent  
appointments.

(3) Any person who has been appointed to an office established by this Constitution (other than an office to which subsection (1) or (2) of this section applies) or any office of Minister established under this Constitution may resign that office by writing under his hand addressed to the person or authority by whom he was appointed and the resignation shall take effect, and the office shall accordingly become vacant-

(a) at such time or on such date (if any) as may be specified in the writing; or

(b) when the writing is received by the person or authority to whom it is addressed or by such other person as may be authorised to receive it,

Removal  
from office.

whichever is the later:

Provided that the resignation may be withdrawn before it takes effect if the person or authority to whom the resignation is addressed consents to its withdrawal.

127. No provision of this Constitution that any person or authority shall not be subject to the direction or control of any other person or authority in the exercise of any functions under this Constitution shall be construed as precluding a court of law from exercising jurisdiction in relation to any question whether that person or authority has performed those functions in accordance with this Constitution or any other law or should not perform those functions.

128. Where any power is conferred by this Constitution to make any proclamation, regulation, order or rule, or to give any direction or instructions, the power shall be construed as including the power, exercisable in like manner, to amend or revoke any such proclamation, regulation, order, rule, direction or instructions.

Resignations.

129.-(1) Where any person or authority is directed by this Constitution to exercise any function after consultation with any other person or authority, that person or authority shall not be obliged to exercise that function in accordance with the advice of that other person or authority.

(2) Where any person or authority is directed by this Constitution or any other law to consult any other person or authority before taking any decision or action, that other person or authority must be given a genuine opportunity to present his or its views before the decision or action, as the case may be, is taken.

130. There shall be a national seal bearing on it such device as the National Assembly shall approve by resolution.

131.-(1) In this Constitution, unless the context otherwise requires-

“Belize” means the land and sea areas defined in Schedule 1 to this Constitution;

“Commonwealth citizen” has such meaning as the National Assembly may prescribe;

“Court of Appeal” means the Court of Appeal established by this Constitution;

“Crown” means the Crown in right of Belize;

“financial year” means the twelve months ending on 31st March in any year or on such other

date as may from time to time be prescribed by any law enacted by the National Assembly;

“the *Gazette*” means the Belize Government *Gazette* and includes any supplement thereto;

“the Government” means the Government of Belize;

“the House” means the House of Representatives or the Senate as the context may require;

“the House of Representatives” means the House of Representatives established by this Constitution;

“Independence Day” means 21st September, 1981;

Saving of jurisdiction of courts.

“law” means any law in force in Belize or any part thereof, including any instrument having the force of law and any unwritten rule of law, and “lawful” and “lawfully” shall be construed accordingly;

“Minister” means a Minister of Government;

“the National Assembly” means the National Assembly established by this Constitution;

Power to amend and revoke instruments, etc.

“oath” includes affirmation;

“oath of allegiance and office” means the oath prescribed in Schedule 3 to this Constitution;

Consultation.

“Police Department” means the Belize Police Department;

“President” and “Vice-President” mean the respective persons holding office as President and Vice-President of the Senate;

“public office” means any office of emolument in the public service;

“public officer” means a person holding or acting in any public office;

National Seal.

“the public service” means, subject to the provisions of this section, the service of the Crown in a civil capacity in respect of the Government;

“Senate” means the Senate established by this Constitution;

Interpretation.

“session” means, in relation to a House of the National Assembly, the sittings of that House commencing when it first meets after the prorogation or dissolution of the National Assembly at any time and terminating when the National Assembly is prorogued or is dissolved without having been prorogued;

Schedule 1.

“sitting” means, in relation to a House of the National Assembly, a period during which that House is sitting continuously without adjournment and includes any period during which the House is in committee;

“Speaker” and “Deputy Speaker” mean the respective persons holding office as Speaker and Deputy Speaker of the House of Representatives;

“Supreme Court” means the Supreme Court of Judicature established by this Constitution.

(2) Except in sections 63 (1) and 71 of this Constitution, references in this Constitution to a member or members of the House of Representatives or to a Senator or Senators do not include references to a person who, under section 56(2), is a member of the House by virtue of holding the office of Speaker, or who, under section 61 (2), is a Senator by virtue of holding the office of President.

(3) In this Constitution, unless the context otherwise requires, references to an office in the public service shall be construed as including references to the offices of Justice of the Supreme Court and Justice of Appeal, offices of members of the Police Department, and offices on the Governor-General’s personal staff.

(4) In this Constitution, unless the context otherwise requires, references to an office in the public service shall not be construed as including references to the office of Prime Minister or other Minister of State, Speaker or Deputy Speaker or member of the House of Representatives, President or Vice-President or Senator, member of the Belize Advisory Council, or member of any Commission established by this Constitution or the Clerk, Deputy Clerk or staff of the National Assembly.

(4a) In this Constitution or in any other Act, Ordinance, rule, regulation, order or other instrument having effect as part of the laws of Belize, a reference-

(a) to “the Police Force” or to “the Force” shall be substituted by the words “the Police Department” or “the Department”, as the case may be;

Schedule 3.

(b) to “the Permanent Secretary” shall be substituted by the words “the Chief Executive Officer”;

42 of 1999.

(c) to the “Judicial and Legal Services Section of the Public Services Commission” shall be substituted by the words “the Judicial and Legal Services Commission”.

(5) For the purposes of this Constitution, a person shall not be regarded as holding a public office by reason only of the fact that he is in receipt of a pension or other like

allowance in respect of service under the Crown.

(6) Save as otherwise provided in this Constitution, the Interpretation Act 1980 as in force immediately before Independence Day shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution.

## PART XI

### *Transitional Provisions*

132. In this Part-

“the Constitution Ordinance” means the British Honduras Constitution Ordinance 1963;

“the Letters Patent” means the Belize Letters Patent 1964 to 1979.

133. The Governor (as defined for the purposes of the Letters Patent) acting after consultation with the Premier (as so defined) may at any time after this section comes into operation exercise any of the powers conferred on the Governor-General by section 134 of this Constitution to such extent as may be necessary or expedient to enable the Constitution to function as from Independence Day.

134.-(1) Subject to the provisions of this Part, the existing laws shall notwithstanding the revocation of the Letters Patent and the Constitution Ordinance continue in force on and after Independence Day and shall then have effect as if they had been made in pursuance of this Constitution but they shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Constitution.

26 of 1988. (2) Where any matter that falls to be prescribed or otherwise provided for under this Constitution by the National Assembly or by any other authority or person is prescribed or provided for by or under an existing law (including any amendment to any such law made under this section) that prescription or provision shall as from Independence Day have effect (with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with this Constitution) as if it had been made under this Constitution by the National Assembly or as the case may require by the other authority or person.

2 of 2001.

(3) The Governor-General may by Order published in the *Gazette* within twelve months after Independence Day make such amendments to any existing law (other than this Constitution) as may be necessary or expedient for bringing that law into conformity with the provisions of this Constitution or otherwise for giving effect or enabling effect to be given to those provisions.

(4) An Order made under this section may be amended or revoked by the National Assembly or in relation to any existing law affected thereby, by any other authority having power to amend, repeal or revoke that existing law.

(5) The provisions of this section shall be without prejudice to any powers conferred by this Constitution or by any other law upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.

(6) In this section, the expression “existing law” means any Act of the Parliament of the United Kingdom, Order of Her Majesty in Council, Ordinance, rule, regulation, order or other instrument having effect as part of the law of Belize immediately before Independence Day (including any such law made before that day and coming into operation on or after that day).

CAP. 1.  
18 of 1980.

135.-(1) Her Majesty may before Independence Day appoint the first Governor-General from among persons who qualify by virtue of section 23 of this Constitution to become citizens of Belize on Independence Day.

(2) Any such appointment shall take effect as from Independence Day, and the person so appointed shall hold office in accordance with section 30 of this Constitution.

Interpretation  
of this Part.

136.-(1) The person who, immediately before Independence Day, holds the office of Premier under the Letters Patent shall, as from that day, hold office as Prime Minister as if he had been appointed thereto under section 37 of this Constitution.

(2) The persons who, immediately before Independence Day, hold office as Ministers (other than the Premier) under the Letters Patent shall, as from that day, hold the like offices as if they had been appointed thereto under section 40 of this Constitution.

The Constitution -  
transitional  
powers.

(3) Any person holding the office of Prime Minister or other Minister by virtue of subsections (1) and (2) of this section who, immediately before Independence Day, was under the Letters Patent assigned responsibility for any business or department of government shall, as from that day, be deemed to have been assigned responsibility for that business or department under section 41 of this Constitution.

Existing  
laws.

(4) Any person holding the office of Prime Minister or other Minister by virtue of subsections (1) and (2) of this section shall be deemed to have satisfied the requirements of section 46 of this Constitution.

137.-(1) The persons who, immediately before Independence Day, are members of the former House of Representatives shall, as from that day, be deemed to have been elected in pursuance of section 56 (1) of this Constitution in the respective electoral divisions corresponding to the electoral divisions by which they were returned to the former House of Representatives, and shall hold their seats in the House of Representatives in accordance with the provisions of this Constitution.

(2) The persons who, immediately before Independence Day, are members of the former Senate, having been appointed as such under paragraphs (a), (b) and (c) of section 9 (2) of the Constitution Ordinance, shall, as from Independence Day, be deemed to have been appointed to the Senate in pursuance of section 61 of this Constitution, and shall hold their seats in the Senate in accordance with the provisions of this Constitution.

(3) The persons deemed to be elected to the House of Representatives or to be appointed to the Senate by virtue of subsections (1) and (2) of this section shall be deemed to have satisfied the requirements of section 71 of this Constitution.

(4) The persons who, immediately before Independence Day, are the Speaker and Deputy Speaker of the former House of Representatives and the President and Vice-President of the former Senate shall, as from Independence Day, be deemed to have been elected respectively as Speaker and Deputy Speaker of the House of Representatives and President and Vice-President of the Senate in accordance with the provisions of this Constitution and shall hold office in accordance with those provisions.

(5) The person who, immediately before Independence Day, is the Leader of the Opposition in the former House of Representatives shall, as from that day, be deemed to have been appointed as Leader of the Opposition in pursuance of section 47 of this Constitution, and shall hold office as such in accordance with the provisions of this Constitution.

First Governor-General.

(6) The Standing Orders of the former House of Representatives and of the former Senate as in force immediately before Independence Day shall, until it is otherwise provided under section 70 of this Constitution, be the Standing Orders respectively of the House of Representatives and of the Senate, but they shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Constitution.

Ministers.

(7) Notwithstanding anything in section 84 (2) of the Constitution (but subject to subsection (3) of that section), the National Assembly shall, unless sooner dissolved, stand dissolved on 30th November 1984 (that is to say, five years from the date when the two Houses of the former National Assembly first met after the last dissolution of that Assembly under the Constitution Ordinance).

(8) In this section, the expressions “former National Assembly”, “former House of Representatives”, and “former Senate” mean respectively the National Assembly, House of Representatives, and Senate established by the Constitution Ordinance.

138. Subject to the provisions of this Constitution every person who immediately before Independence Day holds or is acting in a public office under the Letters Patent or the Constitution Ordinance shall, as from that day, continue to hold or act in that office or the corresponding office established by this Constitution as if he had been appointed thereto in

accordance with the provisions of this Constitution and as if he had taken any oath required by this Constitution or any other law:

Provided that any person who under the Letters Patent, the Constitution Ordinance or any other law in force immediately before Independence Day would have been required to vacate his office at the expiration of any period shall, unless earlier removed in accordance with this Constitution, vacate his office at the expiration of that period.

139.-(1) Subject to the provisions of this Constitution, the Supreme Court shall on and after Independence Day have all the powers which immediately before that day are vested in the former Supreme Court.

National  
Assembly.

(2) All proceedings that, immediately before Independence Day, are pending before the former Supreme Court may be continued and concluded on and after that day before the Supreme Court.

(3) Any decision given before Independence Day by the former Supreme Court shall for the purposes of its enforcement or of any appeal therefrom have effect on and after that day as if it were a decision of the Supreme Court.

(4) Any appeals from Belize that, immediately before Independence Day, are pending before the former Court of Appeal may be continued and concluded on and after that day before the Court of Appeal.

(5) Any decision given before Independence Day by the former Court of Appeal shall for the purposes of its enforcement or of any appeal therefrom have effect on and after that day as if it were a decision of the Court of Appeal.

(6) In this section-

“the former Supreme Court” means the Supreme Court established by the Constitution Ordinance;

“the former Court of Appeal” means the Court of Appeal established by the Court of Appeal Ordinance 1967.

140.-(1) The National Assembly may alter any of the provisions of this Part, other than those referred to in subsection (2) of this section, in the manner specified in section 69(4) of this Constitution.

(2) The National Assembly may alter this section, subsections (1), (4) and (7) of section 137, section 138 and section 139 of this Constitution in the manner specified in subsections (3) and (5) of section 69 of this Constitution.

(3) Subsections (7) and (8) of section 69 of this Constitution shall apply for the

purpose of construing references in this section to any provision of this Part and to the alteration of any such provision as they apply for the purpose of construing references in section 69 of this Constitution and in Schedule 2 hereto to any provision of this Constitution and to the alteration of any such provision.

## PART XII

### *Repeal and Date of Commencement*

141. This Constitution shall come into operation on Independence Day:

Existing  
public  
officers.

Provided that sections 133 and 135 of this Constitution shall come into operation forthwith.

142. The Ordinances set out in Schedule 4 are revoked with effect from Independence Day.

Supreme  
Court and  
Court of  
Appeal.

Section 1

## SCHEDULE 1 TO THE CONSTITUTION

### *Definition of Belize*

1. The territory of Belize comprises the mainland of Belize and all its associated islands and cayes within the area bounded by the frontiers with Guatemala and Mexico and the outer limit of the territorial sea of Belize described as follows:-

- (a) the frontier with Guatemala is the line prescribed by the Treaty between the United Kingdom and Guatemala signed on 30 April 1859;
- (b) the frontier with Mexico is the line prescribed by the Treaty between the United Kingdom and Mexico signed on 8 July

1893;

- (c) the outer limit of the territorial sea of Belize is the limit provided by law measured from such baselines as may have been prescribed before Independence Day by law or otherwise, or as may be so prescribed thereafter,

and also includes the Turneffe Islands, the Cayes of Lighthouse Reef and Glover Reef, together with all associated islets and reefs, and their adjacent waters as far as the outer limit of the territorial sea appertaining to them.

Alteration of this Part.

2. The area referred to in paragraph 1 of this Schedule includes, but is not limited to, Ambergris Caye, Caye Caulker, Caye Chapel, Long Caye, Frenchman’s Caye, St. George’s Caye, Sergeant’s Caye, Goff’s Caye, English Caye, Rendezvous Caye, Bluefield Range of Cayes, Southern Long Caye, Columbus Caye, Fly Range of Cayes, Tobacco Range of Cayes, Southern Water Caye, Carrie Bow Caye, Gladden Caye, Silk Cayes, Pompion Caye, Ranguana Range of Cayes, Sapodilla Range of Cayes, Snake Cayes, all islands and cayes associated with the above-mentioned cayes, and all other cayes lying within and along the Barrier Reef.

Schedule 2.

Section 69

Commencement.

SCHEDULE 2 TO THE CONSTITUTION

*Alteration of Constitution*

Revocations. Schedule 4.

Provisions of Constitution referred to in section 69(3)-

- (i) Part II;
- (ii) sections 55 to 60 (inclusive), 84, 85, 88 to 93 (inclusive);
- (iii) Part VII;
- (iv) sections 52 (2), 54, 108 (7) and (8), 109 (6) and (7), and 111;

(v) sections 105 and 106.

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Section 131 (1)

SCHEDULE 3 TO THE CONSTITUTION

*Form of Oath and Form of Affirmation*

**Form of Oath**

**Oath of Allegiance and Office**

I, \_\_\_\_\_, do swear that I will bear true faith and allegiance to Belize, and will uphold the Constitution and the law, and that I will conscientiously, impartially and to the best of my ability discharge my duties as [\_\_\_\_\_] and do right to all manner of people without fear or favour, affection or ill-will. [So help me, God.]

**Form of Affirmation**

**Affirmation of Allegiance and Office**

I, \_\_\_\_\_, do solemnly and sincerely affirm and declare that I will bear true faith and allegiance to Belize, and will uphold the Constitution and the law, and that I will conscientiously, impartially and to the best of my ability discharge my duties as [\_\_\_\_\_] and do right to all manner of people without fear or favour, affection or ill-will.

\_\_\_\_\_

SCHEDULE 4 TO THE CONSTITUTION

REVOCATIONS

Ordinance Revoked

References

British Honduras  
Constitution Ordinance,  
1963.

No. 33/1963

2 of 2001.	British Honduras Constitution (Amendment) Ordinance, 1966	No. 23/1966
	British Honduras Constitution (Amendment) Ordinance, 1970	No. 9/1970

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