

BELIZE:

BELIZE NATIONAL COAST GUARD SERVICE
(AMENDMENT) ACT, 2016

ARRANGEMENT OF SECTIONS

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No. 3 of 2016

I assent,

(SIR COLVILLE N. YOUNG)

Governor-General

26th February, 2016

AN ACT to amend the Belize National Coast Guard Service Act, Chapter 131.01 of the Substantive Laws of Belize, Revised Edition 2011; to provide for the change of name of the Belize National Coast Guard Service to the Belize Coast Guard, and the clarification of the duties and functions of the Coast Guard; to bring the Act into conformity with the Constitution of Belize by providing that powers of appointment and otherwise, in relation to members of the Coast Guard are exercisable by the Security Services Commission; and for matters connected therewith or incidental thereto.

(Gazetted 27th February, 2016).

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

1. This Act may be cited as the

Short title.

BELIZE NATIONAL COAST GUARD SERVICE
(AMENDMENT) ACT, 2016.

CAP. 131.01.

and shall be read and construed as one with the Belize National Coast Guard Service Act, which is hereafter referred to as the principal Act.

Amendment
of provisions
of principal
Act to change
name.

2. The principal Act is amended as follows:

- (a) in the long title, sections 1, 3 and 8(1), the First Schedule and Second Schedule by deleting the words “National Coast Guard Service” wherever they appear and substituting therefor in each case the words “Coast Guard”;
- (b) other than in relation to section 2 and the amendments referred to in paragraph (a), by deleting the words “Coast Guard Service” wherever they appear and substituting therefor in each case the words “Coast Guard”

Amendment of
section 2.

3. The principal Act is amended in section 2 as follows:

- (a) by deleting the definition of “Coast Guard Service” and substituting therefor the following,
 - ““Coast Guard” means the Coast Guard established under section 3;”
- (b) in the definition of “Commandant”, by deleting all the words appearing after the words “this Act”;
- (c) by inserting in the appropriate alphabetical sequence the following definition,
 - ““maritime areas of Belize” means the internal waters, the territorial sea, and the exclusive economic zone within the meaning of the Maritime Areas Act;”

CAP. 11.

4. The principal Act is amended by repealing section 4 and substituting therefor the following:

Repeal and replacement of section 4.

“4.– (1) The Coast Guard shall, subject to the provisions of this Act, primarily be employed as a military service organization, being the naval force for the defence of Belize and protection of its sovereignty and territorial integrity and rights in relation to the maritime areas of Belize.

Duties, powers and functions of Coast Guard.

(2) Subject to subsection (4), the Coast Guard and each member thereof shall, without derogating from the investigatory, prosecutorial or law enforcement powers of the Commissioner of Police, also have, exercise and enjoy –

(a) all the powers, authorities, privileges and immunities of the police under section 4 of the Police Act, and when acting as such shall be deemed to be police for the purposes of that section;

(b) the powers of arrest, apprehension and detention conferred upon authorised persons under section 18 of the Maritime Areas Act;

CAP. 11.

(c) the prescribed powers of arrest, investigation, inspection and detention specified in section 19 of the Maritime Areas Act.

CAP. 11.

(3) The powers conferred by subsections (1) and (2) shall be for the purpose of the enforcement of Belize’s maritime laws, maritime security, maritime safety and marine resource protection in relation to the maritime areas of Belize, and in particular the enforcement, or assistance in the enforcement of the provisions of any law relating to,

(a) customs and revenue collection;

(b) immigration and nationality;

- (c) quarantine;
- (d) ports and harbours;
- (e) fisheries protection;
- (f) marine resources & environmental protection;
- (g) safety of navigation including inland waterways and aids to navigation;
- (h) marine pollution;
- (i) Maritime Search and Rescue (SAR);
- (j) port security;
- (k) recreational boating safety;
- (l) Port State Control;
- (m) Port Safety;
- (n) maritime crime and violence;
- (o) drug trafficking;
- (p) arms or ammunition trafficking;
- (q) human smuggling or human trafficking;
- (r) transnational criminal activity;
- (s) maritime terrorism;
- (t) maintaining territorial integrity and sovereignty of Belize sea spaces;

- (u) naval defence of Belize;
- (v) enforcement of all maritime conventions that the State is party to including, but not limited to those such as or, as the case may be, relating to the following:
 - (i) Safety of Life at Sea (SOLAS);
 - (ii) Maritime Pollution (MARPOL);
 - (iii) Oil Spill Prevention Response and Cooperation (OPRC);
 - (iv) the International Load Lines Convention (ILA);
 - (v) United Nations Convention on the Law of the Sea (UNCLOS);
 - (vi) Standards of Training Certificate and Watch Keeping for Seafarers (STCW);
 - (vii) the International Safety Management Code (ISM Code);
 - (viii) the International Ship and Port Facility Security (ISPS Code);
 - (ix) the Tonnage Convention.

(4) In performing its functions under subsections (2) and (3) in relation to any matter, where the Coast Guard is not the department with responsibility for that matter, the Coast Guard and its members shall act in consultation and coordination with the responsible department, except in a case of emergency, as determined

by the Commandant or other officer who at the time is in command of the Coast Guard.”

**Amendment
of section 10.**

5. The principal Act is amended in section 10 as follows,

- (a) in subsection (1) by deleting the words “Governor-General, acting in accordance with the advice of the”;
- (b) by deleting subsection (2) and substituting therefor the following –

“ (2) A commission may be granted either

- (a) for a specific period of time or for an indefinite period of time,
 - (b) as a short term commission of three years, or
 - (c) after the initial commission, as a Permanent Regular Commission.”;
- (c) in subsection (3), by deleting the word “Governor-General” and substituting the words “Security Services Commission”; and
 - (d) in subsection (4), by deleting the words “Governor-General acting in accordance with the advice of the”.

**Amendment
of section 11.**

6. The principal Act is amended in section 11 as follows,

- (a) in subsection (1), by deleting the words “Governor-General may, in accordance with the advice of the Security Services Commission”, and substituting the words “Security Services Commission may”; and

- (b) in subsection (2), by deleting the words “Governor-General may, acting in accordance with the advice of the Security Services Commission”, and substituting the words “Security Services Commission may”.

7. The principal Act is amended in the First Schedule by deleting the word “Governor-General” wherever it occurs and substituting the words “Chairman of the Security Services Commission”.

**Amendment
of First
Schedule.**