

BELIZE:

ELECTRONIC TRANSACTIONS (AMENDMENT) ACT, 2020

ARRANGEMENT OF SECTIONS

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No. 19 of 2020

I assent,

(SIR COLVILLE N. YOUNG)

Governor-General

7th August, 2020.

AN ACT to amend the Electronic Transactions Act, Chapter 229:03 of the Substantive Laws of Belize, Revised Edition 2011; to promote the development of the legal and business infrastructure necessary to implement secure electronic commerce; to better facilitate electronic filing of documents with public bodies; and to promote efficient delivery by public bodies of services by means of reliable electronic records; and to provide for matters connected therewith or incidental thereto.

(Gazetted 8th August, 2020)

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.

**ELECTRONIC TRANSACTIONS (AMENDMENT)
ACT, 2020,**

CAP 229:03.

and shall be read and construed as one with the Electronic Transactions Act which, is hereinafter referred to as the principal Act.

Amendment of section 2.

2. The principal Act is amended in section 2 by inserting the following definitions in the proper alphabetical order—

““electronic form” with reference to information, means any information generated, sent, received or stored in media, magnetic form, optical form, computer memory, microfilm, computer generated microfiche or similar device;

“electronic record” means a record generated, communicated, received or stored by electronic means in an information system or for transmission from one information system to another;”.

Repeal and replacement of section 11.

3. The principal Act is amended by repealing section 11 and substituting the following—

“Information in original form.

11.— (1) Any public body that, pursuant to any written law—

- (a) accepts the filing of documents, or obtains information in any form;
- (b) requires that documents be created or retained;
- (c) requires documents, records or information to be provided or retained in their original form;
- (d) issues any permit, licence or approval; or
- (e) requires payment of any fee, charge or other amount by any method and manner of payment,

may, notwithstanding anything to the contrary in such written law, carry out that function by means of electronic records or in electronic form.

(2) In any case where a public body decides to perform any of the functions in sub-section (1) by means of electronic records or in electronic form, the public body may specify—

- (a) the manner and format in which such electronic records shall be filed, created, retained, issued or provided;
- (b) where such electronic records have to be signed, the type of electronic signature required;
- (c) such control processes and procedures as may be appropriate to ensure adequate integrity, security and confidentiality of electronic records or payments; or
- (d) any other required attributes for electronic records or payments that are currently specified for corresponding paper documents.

(3) For the avoidance of doubt, notwithstanding anything to the contrary in any written law where any person is required by any written law to—

- (a) file any document with or provide information in any form to a public body;

- (b) create or retain any document for a public body;
- (c) use a prescribed form for an application or notification to, or other transaction with, a public body;
- (d) provide to or retain for a public body any document, record or information in its original form; or
- (e) hold a licence, permit or other approval from a public body,

such a requirement is satisfied by an electronic record specified by the public body for that purpose.”.

Repeal and replacement of section 12.

4. The principal Act is amended by repealing section 12 and substituting the following—

“Records available for inspection.

12. Where documents, records or information are required by any statutory provision or rule of law or by contract or by deed to be made available for inspection, that requirement shall be met by making such documents, records or information available for inspection in perceivable form as an electronic record.”.

Repeal and replacement of section 13.

5. The principal Act is amended by repealing section 13 and substituting the following—

“Other requirements.

13.—(1) An expression in a law, whether used as a noun or verb, including the terms “document”, “record”, “file”, “submit”, “lodge”, “deliver”, “issue”, “publish”, “write in”, “print” “register” or words or expressions of similar effect, must be interpreted so as to

include or permit such form, format or action in relation to an electronic record unless otherwise provided for in this Act.

(2) Where a seal is required by law to be affixed to a document and such law does not prescribe the method or form by which such document may be sealed, that requirement is met if the document indicates that it is required to be under seal and it includes the secure electronic signature of the person by whom it is required to be sealed or the use of any other type of electronic seal.

(3) Where information or a signature, document or record is required by a statutory provision or rule of law, or by contract or deed to be notarised, acknowledged, verified or made under oath, the requirement shall be satisfied if, in relation to an electronic signature, electronic document or electronic record, the electronic signature of the person authorised to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the electronic signature, electronic document or electronic record.”.

6. The principal Act is amended by repealing section 14 and substituting the following—

**Repeal and
replacement
of section 14.**

“**Comparison
of documents
with original.**

14. A legal requirement to compare a document with an original may be satisfied by comparing that document with an electronic form of the original document if the electronic form reliably assures the maintenance of the integrity of the document.”.

Repeal and replacement of section 16.

7. The principal Act is amended by repealing section 16 and substituting the following—

“Legal effect of electronic time stamps.

16. An electronic time stamp shall not be denied legal effect and admissibility as evidence in legal proceedings solely on the ground that it is in an electronic form.”.

Repeal and replacement of section 17.

8. The principal Act is amended by repealing section 17 and substituting the following—

“Admissibility of electronic records.

17. In proceedings in a court, tribunal or arbitration, whether of a legal, judicial, quasi-judicial or administrative nature, the admissibility of an electronic record or an electronic signature in evidence shall not be denied solely on the ground that it is an electronic record or an electronic signature.”.

Insertion of sections 26 and 27.

9. The principal Act is amended by inserting the following new sections immediately after section 25—

“Conflict of enactments.

26. Where there is any conflict between the provisions of this Act and any other relevant enactment, the provisions of this Act shall prevail to the extent of the inconsistency.

Purposes and construction.

27. This Act shall be construed consistently with what is commercially reasonable under the circumstances and to give effect to the following purposes to—

- (a) facilitate electronic transactions;
- (b) facilitate electronic commerce, to eliminate barriers to electronic commerce resulting from uncertainties over writing and

signature requirements, and to promote the development of the legal and business infrastructure necessary to implement secure electronic commerce;

- (c) facilitate electronic filing of documents with public bodies, and to promote efficient delivery by public bodies of services by means of reliable electronic records;
- (d) help to establish uniformity of rules, regulations and standards regarding the authentication and integrity of electronic records; and
- (e) promote public confidence in the integrity and reliability of electronic records and electronic commerce, and to foster the development of electronic commerce and digital government through the use of electronic signatures to lend authenticity and integrity to correspondence in any electronic medium.”.