

**BELIZE:**

**DEFENCE (AMENDMENT) ACT, 2020**

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No. 33 of 2020

I assent,

(SIR COLVILLE N. YOUNG)  
*Governor-General*

5th October, 2020

**AN ACT to amend the Defence Act, Chapter 135 of the Substantive Laws of Belize, Revised Edition 2011; to update the provisions to bring them into conformity with the Belize Constitution and other laws; and to provide for matters connected therewith or incidental thereto.**

*(Gazetted 7th October, 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 and  
construction.

**DEFENCE (AMENDMENT) ACT, 2020.**

- CAP. 135. and shall be read and construed as one with the Defence Act, which is hereinafter referred to as the principal Act.
- Substitution of term Security Services Commission. **2.** The principal Act is amended by deleting the words “Public Services Commission” wherever it occurs and substituting the words “Security Services Commission”.
- Amendment of section 2. **3.** Section 2 of the principal Act is amended by inserting the following terms and their corresponding definitions in their proper alphabetical order—
- “officer” means a member of the Belize Defence Force who has been commissioned to the rank of second lieutenant; and
- “scandalous conduct” means any conduct or behaviour that displays indecency, indecorum, acts of cruelty, acts against morality or law;”.
- Amendment of section 9. **4.** Section 9 of the principal Act is amended in paragraph (d), by inserting the word “Defence” immediately after the words “Chief of”.
- Amendment of section 11. **5.** Section 11 of the principal Act is amended by deleting the word “Governor-General” and substituting the words “Security Services Commission”.
- Amendment of section 18. **6.** Section 18 of the principal Act is amended—
- (a) in the proviso to sub-section (1), by deleting the word “two” and substituting the word “seven”; and
- (b) in sub-section (2), by deleting the word “two” and substituting the word “seven”.
- Amendment of section 21. **7.** Section 21(2) of the principal Act is amended by deleting the word “Commander” and substituting the words “Security Services Commission”.

**8.** Section 23(1) of the principal Act is amended by deleting the word “or his commanding officer or by order of the Commandant for inefficiency” and substituting the words “or by order of the Security Services Commission”.

**9.** Section 25(1) of the principal Act is repealed and replaced with the following—

Amendment of  
section 25.

“25.—(1) Any member of the Force, other than the Commander, may at any time be discharged by the Security Services Commission, in the case of the enlisted and by the Security Services Commission on the advice of the Belize Defence Board, in the case of officers.”.

**10.** Section 26(1) of the principal Act is amended by deleting the words “Governor-General” and substituting the words “Security Services Commission”.

Amendment of  
section 26.

**11.** Section 30 of the principal Act is amended—

Amendment of  
section 30.

(a) in sub-section (1), by deleting the words “shall be guilty of an offence against this section” and substituting the words “commits an offence and is liable on conviction”;

(b) in sub-section (2), by deleting the words “shall be guilty of an offence against this section” and substituting the words “commits an offence and is liable on conviction”; and

(c) in sub-section (3), by deleting the chapeau and substituting the following chapeau—

“A person commits an offence and is liable on conviction—”.

**12.** Section 31(1) of the principal Act is amended by deleting the chapeau and substituting the following chapeau—

Amendment of  
section 31.

“A person subject to military law commits an offence and is liable on conviction if, knowingly and without lawful excuse, he—”.

Amendment of section 32.

**13.** Section 32 of the principal Act is amended—

- (a) in sub-section (1), by deleting the words “shall be guilty of an offence against this section” and substituting the words “commits an offence and is liable on conviction”; and
- (b) in sub-section (2), by deleting the chapeau and substituting the following chapeau—

“A person commits an offence and is liable on conviction—”.

Amendment of section 33.

**14.** Section 33 of the principal Act is amended in the postamble by deleting the words “shall be” and substituting the words “commits an offence and is”.

Amendment of section 34.

**15.** Section 34 of the principal Act is amended in the postamble by deleting the words “shall be” and substituting the words “commits an offence and is”.

Amendment of section 35.

**16.** Section 35 of the principal Act is amended by repealing paragraph (c) and substituting the following—

- “(c) takes, otherwise than for the public service, any vehicle, equipment or stores abandoned by the enemy,

commits an offence and is liable on conviction to imprisonment or any less punishment provided by this Act.”.

Amendment of section 36.

**17.** Section 36 of the principal Act is amended—

- (a) in sub-section (1) by —



(i) deleting the word “who” in the chapeau and substituting the words “commits an offence if that person”; and

Amendment of section 36.

(ii) repealing paragraph (b) and substituting the following—

“(b) incites any person subject to military law to take part in such a mutiny, whether actual or intended.”; and

(b) by inserting the following new sub-section immediately after sub-section (1)—

“(1A) A person who commits an offence under sub-section (1) is liable on conviction—

(a) if the offence was committed on active service, to suffer death or any other punishment provided by this Act; and

(b) in any other case, to imprisonment of any less punishment provided by this Act.”; and

(c) by repealing sub-section (3), and substituting the following—

“(3) In this Act, the expression “mutiny” means a combination between two or more persons subject to military law, or between two persons at least who are subject to military law.”.

18. Section 37 of the principal Act is repealed and replaced with the following—

Repeal and replacement of section 37.

Failure to suppress mutiny.

“**37.**—(1) Any person subject to military law commits an offence if that person, knowing that a mutiny is taking place or is intended—

- (a) fails to use his utmost endeavour to suppress or prevent it; or
- (b) fails to report without delay that the mutiny is taking place or is intended.

(2) A person who commits an offence under sub-section (1) is liable on conviction—

- (a) if the offence was committed with intent to assist the enemy, to suffer death or any other punishment provided by this Act; and
- (b) in any other case, to imprisonment or any less punishment provided by this Act.”.

Amendment of section 38.

**19.** Section 38 of the principal Act is amended in the post-amble by deleting the words “shall, on conviction, be” and substituting the words “commits an offence and, on conviction, is”.

Amendment of section 41.

**20.** Section 41 of the principal Act is amended by deleting the words “shall, on conviction, be” and substituting “commits an offence and, on conviction, is”.

Amendment of section 43.

**21.** Section 43 of the principal Act is amended in the post-amble by deleting the words “shall be” and substituting the words “commits an offence and is”.

Amendment of section 44.

**22.** Section 44 of the principal Act is amended in the post-amble by deleting the words “is guilty of malingering and shall, on conviction, be” and substituting the words “commits an offence and, on conviction, is”.

- 23.** Section 46 of the principal Act is amended in the postamble by deleting the words “shall, on conviction, be” and substituting the words “commits an offence and, on conviction, is”.
- Amendment of section 46.
- 24.** Section 47 of the principal Act is amended—
- Amendment of section 47.
- (a)** in sub-section (1), in the postamble by deleting the words “shall, on conviction, be” and substituting the words “commits an offence and, on conviction, is”; and
- (b)** in sub-section (2), in the postamble by deleting the words “shall, on conviction, be” and substituting the words “commits an offence and, on conviction, is”.
- 25.** Section 48 of the principal Act is amended by deleting the words “shall, on conviction, be” and substituting the words “commits an offence and, on conviction, is”.
- Amendment of section 48.
- 26.** Section 49 of the principal Act is amended in the postamble by deleting the words “shall, on conviction, be” and substituting the words “commits an offence and, on conviction, is”.
- Amendment of section 49.
- 27.** Section 50 of the principal Act is amended—
- Amendment of section 50.
- (a)** in sub-section (1), by deleting the words “shall, on conviction, be” and substituting the words “commits an offence and, on conviction, is”; and
- (b)** in sub-section (2), in the postamble by deleting the words “shall, on conviction, be” and substituting the words “commits an offence and, on conviction, is”.

Amendment of section 51.

**28.** Section 51 of the principal Act is amended—

(a) in sub-section (1), by deleting the words “is guilty of an offence against this section” and substituting the words “commits an offence”; and

(b) in sub-section (2), by deleting the words “is guilty of an offence under this section” and substituting the words “commits an offence”.

Amendment of section 52.

**29.** Section 52 of the principal Act is amended by deleting the words “shall, on conviction, be” and substituting the words “commits an offence and, on conviction, is”.

Amendment of section 53.

**30.** Section 53 of the principal Act is amended in the postamble by deleting the words “shall, on conviction by a court martial, other than the court in relation to which the offence was committed, be” and substituting the words “commits an offence and, on conviction by a court martial, other than the court in relation to which the offence was committed, is”.

Amendment of section 57.

**31.** Section 57 of the principal Act is amended by deleting the words “shall, if he has since become and remains subject to military law, be” and substituting the words “commits an offence and, if he has since become and remains subject to military law, is”.

Amendment of section 58.

**32.** Section 58 of the principal Act is amended in the postamble by deleting the words “shall, on conviction, be” and substituting the words “commits an offence and, on conviction, is”.

Amendment of section 59.

**33.** Section 59 of the principal Act is amended by deleting the words “shall, on conviction, be” and substituting the words “commits an offence and, on conviction, is”.

- 34.** Section 60 of the principal Act is amended by inserting the words “shall on conviction, be” and substituting the words “commits an offence and, on conviction, is”.
- Amendment of section 60.**
- 35.** Section 61 of the principal Act is amended in the postamble by deleting the words “he or she shall, on conviction, be” and substituting the words “commits an offence and, on conviction, is”.
- Amendment of section 61.**
- 36.** Section 62 of the principal Act is repealed and replaced with the following—
- Repeal and replacement of section 62.**
- “62.—(1) Any person subject to military law who engages in disgraceful conduct of a cruel, indecent or unnatural kind, including offences of a sexual nature commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or any less punishment provided by this Act.”.
- Disgraceful conduct.**
- 37.** Section 63 of the principal Act is amended in the postamble by deleting the words “shall, on conviction, be” and substituting the words “commits an offence and, on conviction, is”.
- Amendment of section 63.**
- 38.** Section 64 of the principal Act is amended by deleting the words “shall, on conviction, be” and substituting the words “commits an offence and, on conviction, is”.
- Amendment of section 64.**
- 39.** Section 65 of the principal Act is amended by deleting the words “be guilty of the offence in question and shall be” and substituting the words “commit an offence and is”.
- Amendment of section 65.**
- 40.** Section 66 of the principal Act is amended by deleting the words “is guilty of conduct or neglect to the prejudice of good order and military discipline shall, on conviction, be” and substituting the words “engages in any conduct or neglect to the prejudice of good order and military discipline commits an offence and, on conviction, is”.
- Amendment of section 66.**

Amendment of  
section 73.

**41.** Section 73 of the principal Act is amended—

- (a)** in sub-section (1), by deleting the words “summary conviction offences and shall be punishable accordingly by the Commander” and substituting the words “punishable accordingly by the Security Services Commission”;
- (b)** in sub-section (2) by deleting the word “Commander” wherever it occurs and substituting the words “Security Services Commission”;
- (c)** in sub-section (4)—

  - (i)** in the chapeau, by deleting the word “Commander” and substituting the words “Security Services Commission”;
  - (ii)** in paragraph **(b)(i)**, by deleting the words “deal with the charge summarily” and substituting the words “take steps to bring the offender before the Security Services Commission”;
- (d)** in sub-section (5), by deleting the word “Commander” and substituting the words “Security Services Commission”;
- (e)** in sub-section (7), by deleting the word “Commander” and substituting the words “Security Services Commission”;
- (f)** by repealing sub-section (8) and substituting the following—

“(8) Any offence not mentioned in the Fourth, Fifth or Sixth Schedule, may be

tried by a court martial as the Security Services Commission after consultation with the Solicitor General through the Chief Executive Officer to the Ministry responsible for defence, may consider appropriate; and the foregoing provisions of this section as to the trial of such offences shall apply accordingly.”;

(g) in sub-section (9)–

(i) by deleting the words “Commander is competent to try summarily under the foregoing subsections, he” and substituting the words “Security Services Commission is competent to try summarily under the foregoing sub-sections, it”;

(ii) by inserting after sub-paragraph (h), the following new sub-paragraph–

“(i) dismissal with disgrace,”

(h) by repealing sub-section (10) and substituting the following–

“(10) Where the Security Services Commission tries a case under the foregoing provisions of this section and convicts the offender of any offence, then, if in all the circumstances of the case, including the prevalence of the offence for which the offender has been convicted and the character and antecedents of the offender, the Security Services Commission is of the opinion that greater punishment should be inflicted in respect of the offence than

what the Security Services Commission has power to inflict, the Security Services Commission may, after consultation with the Solicitor General, in lieu of dealing with the offender, commit him in custody to the court martial for sentence.”;

- (i) in sub-section (11) by deleting the word “Commander” and substituting the words “Security Services Commission”;
- (j) in sub-section (13) by repealing the chapeau and substituting the following chapeau–

“(13) The Security Services Commission may delegate to an officer, not below the rank of Captain who commands a sub-unit, the power of dealing summarily with a charge against a private soldier, lance corporal or corporal,”; and

- (k) by inserting after sub-section (13), the following new sub-section–

“(14) For the purposes of this section, offender includes both a soldier and an officer .”.

Amendment of section 107.

**42.** Section 107(1) of the principal Act is amended by deleting the words “Governor-General in accordance with the advice of the Public Services Commission” and substituting the words “Security Services Commission”.

Amendment of section 111.

**43.** Section 111(1)(b) of the principal Act is amended by deleting the word “Commander” and substituting the words “Security Services Commission”.

Amendment of section 114.

**44.** Section 114 of the principal Act is amended–



- (a) in sub-section (1), by deleting the word “Commander” and substituting the words “Security Services Commission”; and
- (b) in sub-section (2), by deleting the words “Commander” and substituting the words “Security Services Commission”.

45. Section 116 of the principal Act is amended by deleting the words “Governor-General in accordance with the advice of the Public Services Commission” and substituting the words “Security Services Commission”.

Amendment of section 116.

46. Section 117 of the principal Act is amended by repealing paragraphs (a) and (b).

Amendment of section 117.

47. The principal Act is amended by inserting the following new section immediately after section 117—

Insertion of new section 117A.

“117A. Any officer authorised by the Commander, in this Act referred to as a recruiting officer, may enlist recruits in the volunteer element in accordance with the following provisions of this Act.

Enlistment of recruits in the volunteer element.”

48. Section 130(3) of the principal Act is amended—

Amendment of section 130.

- (a) by deleting the word “hundred” and substituting the word “thousand; and
- (b) by deleting the words “six months” and substituting the words “two years”.

49. Section 141(3) of the principal Act is amended by—

Amendment of section 141.

- (a) by deleting the word “hundred” and substituting the word “thousand; and
- (b) by deleting the words “six months” and substituting the words “two years”.

Amendment of  
section 144.

**50.** Section 144 of the principal Act is amended—

- (a) in sub-section (2), by deleting the words “in order that they may give directions thereon” and substituting the words “for a decision”;
- (b) by inserting the following new sub-sections immediately after sub-section (2)—

“(3) If an officer is dissatisfied or aggrieved with the decision of the Security Services Commission and is informed in writing of its findings, the penalty imposed, and his right to appeal the determination of the Commission to the Belize Advisory Council and of the time required for making such application, the officer may proceed in further appealing the matter.

(4) Where the officer lodges an appeal with the Belize Advisory Council within the specified period, the penalty shall take effect pending the determination of the appeal to the Belize Advisory Council.

(5) The post occupied by an officer who has filed an appeal to the Belize Advisory Council against a decision of the Security Services Commission, shall not be substantially filled while the appeal is in progress.”.

Amendment of  
section 145.

**51.** Section 145 of the principal Act is amended by inserting the following new sub-sections immediately after sub-section (4)—

“(5) If a soldier is dissatisfied or aggrieved with the decision of the Security Services Commission and is informed in writing of its findings, the penalty imposed, and his right to appeal the determination of the Commission to the Belize Advisory Council and of the time required for making such application, the soldier may proceed in further appealing the matter.

(6) Where a soldier lodges an appeal with the Belize Advisory Council within the specified period, the penalty shall take effect pending the determination of the appeal by the Belize Advisory Council.

(7) The post occupied by the soldier, who has filed an appeal to the Belize Advisory Council against a decision the Security Services Commission, shall not be substantively filled while the appeal is in progress.”.

**52.** Section 153 of the principal Act is amended in the post amble by deleting the words “is guilty of an offence and shall be” and substituting the words “commits an offence and is”.

Amendment of section 153.

**53.** Section 155 of the principal Act is amended in the post amble by deleting the words “shall be guilty of an offence and shall be” and substituting the words “commits an offence and is”.

Amendment of section 155.

**54.** Section 156(1) of the principal Act is amended—

Amendment of section 156.

(a) in the chapeau by deleting the words “shall be guilty of” and substituting the words “commits”; and

(b) in the post amble by deleting the words “shall be” and substituting the word “is”.

**55.** Section 163(2) of the principal Act is amended by inserting the word “Defence” immediately after the words “Chief of”.

Amendment of section 163.

**56.** Section 165 of the principal Act is repealed.

Repeal of section 165.

**57.** Section 166(1) of the principal Act is amended by deleting the words “Governor-General” and substituting the words “Security Services Commission”.

Amendment of section 166.

Repeal of  
section 169.

**58.** Section 169 of the principal Act is repealed.

Amendment  
of Fourth  
Schedule.

**59.** The Fourth Schedule of the principal Act is amended—

- (a) in paragraph 3 by deleting the words “\$500.00” and substituting the words “\$3,000.00”;
- (b) in paragraph 10 by deleting the words “\$500.00” and substituting the words “\$3,000.00”; and
- (c) in paragraph 11 by deleting the words “\$500.00” and substituting the words “\$3,000.00”.

Amendment of  
Fifth Schedule.

**60.** The Fifth Schedule of the principal Act is amended—

- (a) in paragraph 2 by deleting the words “\$5000.00” and substituting the words “\$10,000.00”;
- (b) in paragraph 6 by deleting the words “\$5000.00” and substituting the words “\$10,000.00”; and
- (c) in paragraph 7 by deleting the words “\$5000.00” and substituting the words “\$10,000.00”.

Amendment  
of Sixth  
Schedule.

**61.** The Sixth Schedule of the principal Act is amended in paragraph 4 by deleting the words “\$5000.00” and substituting the words “\$10,000.00”.