

BELIZE:

ELECTRONIC EVIDENCE BILL, 2021

ARRANGEMENT OF CLAUSES

1. Short title.
2. Interpretation.
3. General Admissibility of electronic evidence.
4. Presumption of electronic records.
5. Exception to electronic communications.
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BELIZE:

BILL

for

AN ACT to make provision from electronic evidence; to repeal the Electronic Evidence Act, Chapter 95:01 of the Substantive Laws of Belize, Revised Edition 2011; and to provide for matters connected therewith or incidental thereto.

(Gazetted, 2021)

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:

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| Short title. | <p>1. This Act may be cited as the</p> <p style="text-align: center;"><u>Electronic Evidence Act, 2021.</u></p> |
| Interpretations. | <p>2. In this Act unless the context otherwise requires,</p> <p>“electronic communication” means information which is communicated, processed, recorded, displayed, created, stored, generated, received or transmitted by electronic means;</p> <p>“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;</p> <p>“information” includes data, text, images, sound, codes, telephone communications, computer programs, software and databases; and</p> <p>“information system” means a system for generating, sending, receiving, storing or otherwise processing electronic records.</p> |
| General Admissibility of electronic evidence. | <p>3. Nothing in the rules of evidence shall apply to deny the admissibility of an electronic record in evidence on the sole ground that it is an electronic record.</p> |
| Presumption of electronic records. | <p>4. Unless evidence sufficient to raise doubt about the presumption is adduced, where a device or process is one that, or is of a kind that, ordinarily</p> |

Electronic Evidence

produces or accurately communicates an electronic record, the court shall presume that in producing or communicating that electronic record on the occasion in question, the device or process produced or accurately communicated the electronic record.

5. The hearsay rule does not apply to a representation contained in a document recording an electronic communication so far as the representation is a representation as to—

Exception to
electronic
communications.

- (a) the identity of the person from whom or on whose behalf the communication was sent;
- (b) the date on which or the time at which the communication was sent; or
- (c) the destination of the communication or the identity of the person to whom the communication was addressed.

6. The person seeking to introduce an electronic record in any legal proceeding has the burden of proving its authenticity by evidence capable of supporting a finding that the electronic record is what the person claims to be.

Burden to prove
authenticity.

7. Where it is intended to prove the authenticity of an electronic record as evidence, it is permissible to have the evidence of the expert relating to the authenticity of an electronic record presented in the form of a certificate.

Certificate.

8.—(1) Where a rule of evidence requires a signature, or provides for certain consequences if a document is not signed, an electronic signature satisfies that rule of law or avoids those consequences.

Signature.

(2) An electronic signature may be proved in any manner, including by showing that a procedure existed by which it is necessary for a person, in order to proceed further with a transaction, to have executed a symbol or security procedure for the purpose of verifying that an electronic record is that of the person.

9. The Electronic Evidence Act is hereby repealed.

Repeal.
CAP. 95:01.