

WHITE PAPER

Issued by the Government of Belize
on the
Proposed Terms of a Constitution for the INDEPENDENT BELIZE

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THE CONSTITUTION OF BELIZE shall commence with a preamble which shall state that the people of Belize:

(a) affirm that the Nation of Belize shall be founded upon principles which acknowledge the supremacy of God, faith in human rights and fundamental freedoms, the position of the family in a society of free men and free institutions, the dignity of the human person and the equal and inalienable rights with which all members of the human family are endowed by their Creator;

(b) respect the principles of social justice and therefore believe that the operation of the economic system must result in the material resources of the community being so distributed as to subserve the common good, that there should be adequate means of livelihood for all, that labour should not be exploited or forced by economic necessity to operate in inhumane conditions but that there should be opportunity for advancement on the basis of recognition of merit, ability and integrity;

(c) believe that the will of the people shall form the basis of government in a democratic society in which the government is freely elected by universal adult suffrage and in which all persons may, to the extent of their capacity, play some part in the institutions of national life and thus

develop and maintain due respect for lawfully constituted authority;

(d) recognise that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and upon the rule of law;

(e) require policies of state which protect and safeguard the unity, freedom, sovereignty and territorial integrity of Belize; which eliminate economic and social privilege and disparity among the citizens of Belize whether by race, colour, creed or sex; which protect the rights of the individual to life, liberty and the pursuit of happiness; which preserve the right of the individual to the ownership of private property and the right to operate private businesses; which prohibit the exploitation of man by man or by the state; which ensure a just system of social security and welfare; which promote international peace, security and cooperation among nations, the establishment of a just and equitable international economic and social order in the world with respect for international law and treaty obligations in the dealings among nations;

(f) desire that their society shall reflect and enjoy the above mentioned principles, beliefs and needs and that their Constitution should therefore enshrine and make provisions for ensuring the achievement of the same in Belize.

THE CONSTITUTION OF BELIZE

Introduction

1. Belize shall be declared a sovereign democratic state of Central America in the Caribbean Region comprising all the territory of Belize as it is now known and defined.

2. The Constitution shall be declared the supreme law of Belize. Any law inconsistent therewith shall be declared void to the extent of the inconsistency.

HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

3. There shall be a declaration of Human Rights and Fundamental Freedoms of the individual and provision for the enforcement thereof, as follows:

Regardless of race, place of origin, political opinions, colour, creed or sex every person in Belize shall be entitled to the following human rights and fundamental freedoms:

- (a) life, liberty, security of the person and the protection of the law;
- (b) freedom of conscience, of expression, of assembly and of association;
- (c) respect for his private and family life, protection for the privacy of his home and recognition of his human dignity; and
- (d) the enjoyment of property.

4. The human rights and fundamental freedoms of the individual prescribed by the Constitution shall be defined and qualified in order to ensure that the enjoyment of these rights and freedoms by one individual does not prejudice the rights and freedoms of another nor damage the public interest, as follows:-

(a) Protection of the right to life - Every human being has the inherent right to life. Death in execution of a lawful sentence of a court, in a lawful act of war or in circumstances justified by the Criminal Code shall not constitute a contravention of the right to life.

(b) Protection of the right to personal liberty - Everyone has the right to liberty and security of

immunity against expulsion from Belize.

(h) Protection of freedom of conscience - Everyone shall have the right to freedom of thought, conscience and religion. This includes freedom of religion, the right to practice the same, to establish places of worship and of religious education, as well as the right to refuse religious education.

(i) Protection of freedom of expression - Everyone shall have the right to freedom of expression.

This includes the right to communicate ideas, freedom of the press and mass medium of communication except as is necessary for defence, public safety, public order, morality or health or for the protection of the rights and freedoms of others and for preventing disclosures made in confidence and for regulating telephony, telegraphy, posts, wireless broadcasts or television.

(j) Protection of freedom of assembly and association -

The right of peaceful assembly shall be recognised and everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. This shall not invalidate a law reasonably required for defence, public safety, morality or health, or to protect the freedom of others, to restrict members of the Public Services, or to prohibit any association restricting the admission of members based on race or colour.

(k) Protection of right to privacy - No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. This includes respect for private and family life, the home and personal correspondence except in the interests of defence, public safety, order, morality and health, and for the protection of the rights and freedoms

of others.

(l) Protection of freedom to pursue profession or occupation - This includes a trade or business and the right to work, but is subject to laws prescribing qualifications and professional fees, or trade or business license fees, and restrictions imposed upon non-nationals.

(m) Protection from discrimination - All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. This shall include a prohibition against laws discriminatory in themselves or in their effect, and the treatment of persons by those executing a written law, or in the performance of a public duty. The advocacy of national, racial or religious hatred which constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

(n) Protection from deprivation of property - No property or any interest therein shall be compulsorily taken from any person except under a law which prescribes the principles and the manner in which compensation is to be determined, secures a claimant access to the court to establish his right or interest in the property, to determine the amount of compensation and to enforce his right thereto.

5. For the removal of doubt, every citizen shall have access to and the Supreme Court of Judicature shall have jurisdiction to hear and make such order as is appropriate to grant redress where a person alleges that one of his Human Rights or a Fundamental Freedom is violated or is about to be violated. From the Supreme Court, a right of appeal shall lie to the Court of Appeal and thence to the Privy Council.

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6. The Human Rights and Fundamental Freedoms protected by the Constitution shall be especially entrenched but laws passed during a period of public emergency shall have effect notwithstanding a violation of the same insofar as the law is shown to be reasonably justified for the purpose of dealing with the situation that exists during the period.

7. A period of public emergency shall exist when:

- (a) Belize is engaged in any war;
- (b) there is in force a Proclamation by the Governor-General declaring that a state of public emergency exists;
- (c) there is in force a resolution of the legislature declaring that democratic institutions in Belize are threatened by subversion.

8. Proclamations by the Governor-General may be made if he is satisfied (a) of the imminence of a state of war or that an emergency exists as a result of a hurricane, flood, earthquake, fire, outbreak of pestilence or infectious disease, or other calamity; (b) that action or the threat of action by any person of such a nature or on so extensive a scale as to endanger the public safety or deprives the community, or a substantial portion thereof, of supplies or services essential to life. Such a proclamation shall remain in force for a period not exceeding one month unless previously revoked or extended by the legislature.

9. The legislature may by resolution make a declaration not exceeding six months in the first instance and may extend the same for successive periods of three months.

Protection of Existing Laws

10. Provision must be made to protect the laws existing and in force in Belize at the commencement of the Constitution.

CITIZENSHIP

11. On the day of the independence of Belize, every person born in Belize shall become a citizen of Belize. So shall every person born outside Belize whose parent becomes a citizen on independence day or would have so become but for death.

12. On the day of the independence of Belize, the persons following shall be entitled to be registered as a citizen of Belize:

- (a) the spouse of a Belizean citizen;
- (b) any other person who has been resident continuously in Belize for a period of five years immediately prior to the day of independence.

13. After the day of independence every person born in Belize shall become a Belizean citizen at the date of his birth save for persons with diplomatic immunity, or enemy aliens during a period of hostile occupation. Moreover, a person born of a citizen of Belize shall become a Belizean citizen on the date of his birth. A person who marries a Belizean citizen shall be entitled to Belizean citizenship by registration.

14. Any person who is a Belizean citizen or becomes entitled to Belizean citizenship shall forfeit such citizenship by any voluntary act (other than marriage) by which he acquires a citizenship other than Belizean.

15. Any person who by birth or otherwise becomes a Belizean citizen, shall have the status of a Commonwealth citizen.

THE GOVERNOR-GENERAL

16. The Governor-General shall be a citizen of Belize and shall hold office at the pleasure of the Queen. When the Governor-General is unable to perform his duties, the Queen may appoint a person to act as Governor-General.

17. In the exercise of his powers, the Governor-General shall act in accordance with the advice of the Minister of the Government, unless otherwise provided.

THE EXECUTIVE

Cabinet

18. The Cabinet shall be the policy with general and special orders of Belize and shall be appointed by the National Assembly. The members of any Minister of the Government shall consist of the Ministers of the Government. The Prime Minister may be appointed by the National Assembly.

Prime Minister

19. The Prime Minister shall be a member of the House of Representatives of the Party that commands the support of the majority of members of that House in the event that the House is elected.

20. The Prime Minister shall be a member of the House of Representatives of the Party that commands the support of the majority of members of that House in the event that the House is elected.

THE GOVERNOR-GENERAL

16. There shall be a Governor-General of Belize who shall be a citizen of Belize appointed after consultation with the Prime Minister by the Queen as her representative in Belize and who shall hold office during the Queen's pleasure. Whenever this office becomes vacant or the holder is unable to perform his functions due to absence or otherwise the Queen may appoint some person to perform his functions.

17. In the performance of his functions the Governor-General shall act in accordance with the advice of the Minister of Government responsible for the matter or subject, unless he is specifically by law authorised to act otherwise.

THE EXECUTIVE

Cabinet

18. The Cabinet shall be the principal instrument of policy with general direction and control of the Government of Belize and shall be collectively responsible to the National Assembly for all things done by or under the authority of any Minister in the execution of his office. It shall consist of the Prime Minister and such number of Ministers as may be appointed by the Governor-General.

Prime Minister and Ministers

19. The Governor-General shall appoint as Prime Minister the member of the House of Representatives who is the leader of the Party that commands the support of the majority of the members of that House, or the member who is most likely to command the support of the majority of members of the House, in the event that no party has an undisputed majority.

20. The Governor-General on the advice of the Prime Minister shall appoint Ministers responsible for any business of Government including responsibility for any department of government from among members of the House of Representatives or the Senate, except the persons holding the office of Speaker

of the House of Representatives and the President of the Senate. A Minister may also be designated Deputy Prime Minister to whom the functions of the Prime Minister may be deputed from time to time by the Prime Minister. The Minister of Finance shall be a member of the House of Representatives.

21. The Attorney-General shall be the principal legal adviser to the Government of Belize and shall also be responsible for the administration of legal affairs in the country. Legal proceedings for or against the State shall be taken, in the case of civil proceedings, in the name of the Attorney-General and, in the case of criminal proceedings, in the name of the Crown. In the exercise of his functions the Attorney-General shall not be subject to the direction or control of any person or authority.

22. Where a Minister has been charged with responsibility for departments or subjects of Government the Minister shall exercise general direction and control over the departments or institutions relating to the subjects in his portfolio..

Tenure of Office

23. If the House of Representatives passes a motion declaring that it has no confidence in the Prime Minister, the Prime Minister shall either resign or advise the Governor-General to dissolve the National Assembly. The Governor-General shall then revoke the appointment of the Prime Minister or dissolve the National Assembly as the situation warrants.

24. The Prime Minister shall also vacate his office if he is informed by the Governor-General that he is about to re-appoint him as Prime Minister or to appoint another person as Prime Minister, or if for any other reason the Prime Minister ceases to be a member of the House of Representatives.

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25. The office of every Minister shall become vacant upon the appointment or re-appointment of any person to the office of Prime Minister; if his appointment is revoked by the Governor-General on the advice of the Prime Minister; if for any reason other than a dissolution of the National Assembly he ceases to be a member of the House of which he was a member when he was appointed Minister; or if for any other reason he is required to cease to exercise any of his functions as a member of either House.

26. Whenever the Prime Minister is unable to perform his functions by reason of illness or absence from Belize, the Governor-General may authorize any other Minister to perform the functions of the Prime Minister. This power shall be exercised by the Governor-General on the advice of the Prime Minister, but in the event that it is impracticable to obtain such advice owing to the Prime Minister's illness or absence, the Governor-General shall act in his own discretion.

27. In the case where a Minister, other than the Prime Minister, is unable, by reason of illness or absence from Belize, to perform his functions the Governor-General may appoint a person who is a member of the National Assembly to be a temporary Minister.

28. On the advice of the Prime Minister, the Governor-General may also appoint Deputy Ministers from among members of the National Assembly to assist Ministers discharge their functions.

29. The Prime Minister shall attend and preside at all Cabinet meetings, and in his absence any other Minister that he appoints shall preside.

Leader of the Opposition

30. There shall be a Leader of the Opposition who shall be appointed by the Governor-General. He shall be the member of the House of Representatives, who in the judgement

of the Governor-General, is best able to command the support of a majority of those members who do not support the Government, or if there is no such person, the member who commands the support of the largest single group of members opposed to the Government.

31. The Leader of the Opposition shall vacate his office if for any reason, other than a dissolution of the National Assembly, he ceases to be a member of the House of Representatives or his appointment is revoked by the Governor-General.

Permanent Secretaries

32. The office of Permanent Secretary shall be a public office. He shall be responsible for the supervision of any department or institution of Government assigned to him. Two or more government departments or institutions may be placed under the supervision of one Permanent Secretary.

The Belize Advisory Council

33. There shall be in and for Belize a Belize Advisory Council which shall consist of a minimum of six members appointed by the Governor-General on the advice of the Prime Minister. Each member shall be appointed for a period not exceeding ten years. The Governor-General shall be the chairman of the Council and in his absence the most senior member present shall preside. In the performance of its functions a quorum shall comprise any five members.

34. The Governor-General may, after consultation with the Prime Minister, declare a member by reason of absence or infirmity of body or mind unable to perform his functions as a member of the Council. The Council's function is to advise the Governor-General on the exercise of the Royal Prerogative of Mercy and on appeals of matters relating to the Public Service. The Council's other functions and duties shall be those conferred or imposed upon it under this Constitution or any other law.

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Exercise of Governor-General's Powers

35. In the exercise of his functions, the Governor-General shall act in accordance with the advice of Cabinet or a Minister acting under the general authority of Cabinet, except in cases where the Constitution or any law requires him to act on the advice of any other person or authority.

36. He shall act in his own deliberate judgement in the appointments of Prime Minister and Leader of the Opposition and the revocation of such appointments.

37. Where it is required that the Governor-General shall act in accordance with or on the advice of any person or authority, the question of whether he has in any case done so shall not be enquired into by any court.

THE LEGISLATURE

The National Assembly

38. There shall be a National Assembly, comprising a House of Representatives and a Senate.

The House of Representatives

39. The House of Representatives shall consist of members elected in the manner prescribed by the Representation of the People Ordinance. If the person elected as Speaker is not a member of the House, then by virtue of holding the office of Speaker, he shall be a member of the House.

40. The National Assembly of Belize constituted on the day prior to the day of the independence of Belize shall continue and remain the National Assembly for the remainder of the term of office for which it was elected and shall enjoy all the powers and perform all the duties in this Constitution granted and imposed upon the National Assembly of Belize as if it had been elected hereunder.

41. Thereafter the number of electors of the House of Representatives shall be determined by the Elections

and Boundaries Commission constituted under the Representation of the People Ordinance, dividing the country, from time to time, into constituencies in a manner which will ensure that each elected member shall represent a constituency comprising no less than 2,000 registered voters and no more than 3,000 until the number of elected members of the House of Representatives reaches twenty-nine.

42. Upon the elected membership of the House of Representatives reaching twenty-nine members, the National Assembly shall by resolution determine the formula to be followed by the Elections and Boundaries Commission thereafter for determining the number of elected members of the House of Representatives.

Qualifications for Membership of the National Assembly

43. A person shall be qualified to be elected a member of the House of Representatives or to be appointed to the Senate if he is a Belizean citizen, eighteen years old or older and has lived in Belize for at least one year immediately before the date of his nomination for election.

44. A person shall be disqualified from election as a member of the House of Representatives or appointment to the Senate if he owes allegiance to a foreign power or state, is an undischarged bankrupt, is certified insane, is under a sentence of death, or is serving a sentence of imprisonment exceeding twelve months. He is also disqualified from membership of the National Assembly if he is holding or acting in a public office, has been convicted of any offence relating to elections, or belongs to any armed forces or police force, or is party to any contract with the Government of Belize and has not declared his interest publicly within one month before the date of election in the case of the House of Representatives or within one month of his appointment in the case of the Senate.

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45. Every member who vacates his seat after the expiration of his term of office or appointment shall do so in the manner.

46. A member who vacates his seat after the expiration of his term of office or Senate for a period prescribed by the Constitution shall not be eligible to be elected or appointed to the National Assembly.

Presidin

47. One member shall be elected after any general election to be Deputy Speaker. If the office is vacant at any time after the meeting of the National Assembly, the President shall appoint a person to fill the office.

48. The President may be elected by a majority of the Ministers or Members of the House. The person elected shall be either House, and shall be a person who would be eligible to be elected as a member of the National Assembly.

49. The President shall vacate his office if he ceases to be a Minister, or if he is removed from office by a resolution of the persons who are qualified to elect him after any

Dissolutions

45. Every member of the National Assembly shall vacate his seat on the dissolution of the Legislature after the expiration of a period of five years from his election or appointment, or a dissolution brought about in any other manner.

46. A member of the National Assembly shall also vacate his seat if he is absent from the sittings of the House or Senate for such periods and in such circumstances as may be prescribed by the Standing Orders; if he ceases to be a citizen of Belize; or if any circumstances arise that were he not a member he would be disqualified for election or appointment to the National Assembly.

Presiding Officers

47. One of the first acts of the House of Representatives after any general election shall be to elect a Speaker and Deputy Speaker. If the office of Speaker or Deputy Speaker falls vacant at any time before the next dissolution of the National Assembly, the House shall as soon as practicable elect another person to fill the vacant office.

48. The Speaker shall be more than thirty years old and may be elected from among members of the House who are not Ministers or from among persons who are not members of either House. The person elected Speaker, if he is not a member of either House, shall be a citizen of Belize and shall not be a person who would otherwise have been disqualified for election as a member of the House of Representatives.

49. The office of Speaker and Deputy Speaker shall be vacated, if the holder of the office ceases to be a citizen of Belize, ceases to be a member of the House, is appointed a Minister, or, in the case of a Speaker elected from among persons who are not members of the House, when the House first meets after any dissolution of the National Assembly.

The Senate

50. There shall be eight members of the Senate appointed by the Governor-General. If any person who is not a Senator is elected to be President of the Senate, he shall become a Senator.

51. Of the eight Senators five shall be appointed by the Governor-General on the advice of the Prime Minister, two on the advice of the Leader of the Opposition, and one after consultation with the Belize Advisory Council.

52. If there is no opposition party represented in the House of Representatives, or if two or more opposition parties are equally represented, the two Senators may be appointed by the Governor-General on the advice of a person selected by him, in his discretion, for the purpose of tendering such advice.

53. The Governor-General may also, on advice, or acting in his discretion, declare the seat of a Senator vacant. The Governor-General may declare a Senator to be temporarily incapable of performing his functions by reason of illness, in which case such Senator shall not perform his functions until he is declared by the Governor-General capable of performing them.

54. If the President or Vice-President of the Senate is required to cease to function as a Senator, these functions shall be performed, in the case of the President, by the Vice-President, and in the case of the Vice-President, any Senator elected by the Senate for the purpose.

55. If the President or Vice-President resumes the performance of his functions as Senator, he shall resume as President or Vice-President as the case may be.

The Clerk of the National Assembly

56. There shall be a Clerk and Deputy Clerk to the National Assembly who shall perform their functions at the direction of the presiding officers of the Assembly.

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Powers, Procedures and Privileges

57. The National Assembly may make laws for the peace, order and good government of Belize.

58. The powers of the National Assembly shall be limited in respect of its ability to alter and amend this Constitution as follows:

- (a) No amendment shall be made to the Constitution except by a Bill approved by a final vote in the House of Representatives of no less than two-thirds of the membership; and
- (b) in regard to the provisions relating to Human Rights and Fundamental Freedoms, the House of Representatives and the Judiciary, no amendment shall be made to the Constitution unless ninety days have elapsed between the presentation of a Bill and its second reading in the House of Representatives and the Bill is approved in the House of Representatives by a final vote of no less than three-quarters of the membership.

59. The National Assembly may make Standing Orders to regulate its procedure, to pass bills and present them to the Governor-General for assent.

60. A Minister shall be permitted to address the House of which he is not a member, but shall not have a vote in that House.

61. No civil or criminal proceedings may be instituted against any member of either House for words spoken before, or written in a report to, the House of which he is a member or a committee thereof or a joint committee of both Houses, or for any matter brought by him in the form of a petition, bill, resolution, motion or otherwise.

62. All questions proposed for decision in either House shall be determined by a majority of the votes of the members present and voting.

63. A Speaker elected from among members of the House of Representatives (or in the case of the Senate, the President) shall have an original vote, but not a casting vote. A Speaker elected from outside the House of Representatives (or in the case of the Senate, the President) shall have no vote.

Introduction of Bills

64. A Bill, other than a money Bill, may be introduced in either House. A money bill shall not be introduced in the Senate.

65. Except on the recommendation or with the consent of the Cabinet signified by a Minister, neither House shall proceed with nor amend any Bill which provides for taxation, imposing or altering any charge on the country's revenues or funds, or compound or remit any debt due to Belize.

66. If a money Bill passed by the House of Representatives and sent to the Senate is not passed by the Senate without amendment within one month after it is sent to that House, the Bill shall be presented to the Governor-General for assent, notwithstanding that the Senate has not consented. The Speaker shall endorse with his certificate every money Bill when it is passed by the National Assembly.

67. A Bill passed by the House of Representatives for two successive sessions, and having been sent to the Senate on two successive occasions, shall, on its rejection the second time by the Senate, be presented to the Governor-General for assent, notwithstanding that the Senate has not consented to the Bill. Six months must elapse between the time the Bill is first passed by the House of Representatives in the first session and the time it is passed in the second session.

68. When a Bill is presented to the Governor-General for assent, he shall signify his assent or that he withholds assent. A Bill shall not become law unless it has been duly passed and assented in accordance with the Constitution of Belize.

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Sessions of the National Assembly

69. Each session of the National Assembly shall be held at such place within Belize and shall commence at such time as the Governor-General shall by Proclamation appoint. There shall be a session of each House at least once in every year so that a period of six months shall not intervene between the last sitting of the National Assembly in one session and the first sitting in the next session. The Governor-General, acting on the advice of the Prime Minister, may at any time prorogue or dissolve the National Assembly.

70. Unless sooner dissolved, the National Assembly shall continue for five years from the date of the first sitting of both Houses after any dissolution and shall then stand dissolved. If at any time Belize is at war, the National Assembly may extend the period of five years for not more than twelve months at a time, provided that the life of the National Assembly shall not be extended for more than two years.

71. If between the dissolution of the National Assembly and the next ensuing general elections for members of the House of Representatives, an emergency arises that in the opinion of the Prime Minister, it is necessary to convene the National Assembly before the general election can be held, the Governor-General, acting on the advice of the Prime Minister, may summon the two Houses of the preceding National Assembly and that National Assembly shall be deemed not to have been dissolved until the date on which the next general election is held.

72. General elections shall be held at such time within three months of every dissolution of the National Assembly as the Governor-General, on the advice of the Prime Minister, shall appoint. As soon as is practicable after general elections, the Governor-General shall proceed to the appointment of Senators.

73. During the period between a dissolution of the National Assembly and the first meeting thereof after general elections, the Government of Belize shall continue to be

administered by the Prime Minister and the other Ministers and Deputy Ministers of Government.

THE JUDICIARY

74. There shall be a Supreme Court of Judicature for Belize and a Court of Appeals. The Supreme Court of Judicature shall have unlimited original jurisdiction to hear and determine any civil or criminal proceedings under any law.

75. The judges of the Supreme Court of Judicature shall be the Chief Justice and such Puisne Judges as the National Assembly may determine. The Chief Justice shall be appointed by the Governor-General on the advice of the Prime Minister. No office of Judge of the Supreme Court of Judicature shall be abolished while there is a substantive holder of such office.

76. The Supreme Court of Judicature shall be a superior court of record and shall have all the powers of such a court, including all the powers that are vested in the Supreme Court of Judicature of Belize immediately before this Constitution comes into effect. The Puisne Judges shall be appointed by the Governor-General on the advice of the Judicial and Legal Services Commission and with the concurrence of the Prime Minister. The Governor-General may also appoint temporary Puisne Judges in the event that the office of a Puisne Judge is vacant or any Puisne Judge is unable to perform his functions. A Judge of the Supreme Court of Judicature shall vacate his office on reaching the age of 62 years, unless otherwise authorised by the Governor-General.

77. A Judge of the Supreme Court of Judicature may be removed from office only for inability to perform his functions or for misbehaviour, and the question of his removal has been referred by Her Majesty the Queen to the Belize Advisory Council and the Council has advised Her Majesty accordingly.

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The Court of Appeal

78. The Judges of the Court of Appeal shall be the President, who shall preside, and such number of Justices of Appeal as may be prescribed by the National Assembly. No office of Judge of the Court of Appeal shall be abolished while there is a substantive holder of such office.

79. The Court of Appeal shall be a superior court of record and shall have all the powers of such a court. All Judges of the Court of Appeal shall be appointed by the Governor-General on the advice of the Prime Minister.

80. A Judge of the Court of Appeal may be removed from office only for inability to perform his functions or for misbehaviour, after the question of his removal has been referred by Her Majesty the Queen to the Belize Advisory Council and Her Majesty has been advised accordingly.

Appeals to Her Majesty in Council

81. An appeal from decisions of the Court of Appeal to Her Majesty in Council shall lie as of right in the case of final decisions in any civil, criminal or other proceedings which involve a question of interpretation of the Constitution, and in any other cases prescribed by law.

82. The Court of Appeal may give leave for an appeal to Her Majesty in Council from decisions in any civil case which in the Court's opinion has general or public importance or otherwise, or in any other cases prescribed by law. Her Majesty may grant special leave to appeal from decisions of the Court of Appeal in any civil, criminal or other matter.

Director of Public Prosecutions

83. There shall be a Director of Public Prosecutions for Belize whose office shall be a public office. He shall be appointed by the Governor-General on the advice of the Prime Minister. He shall have power to institute, control, take over

and discontinue all criminal prosecutions. His functions shall be exercised by him in person or through any person acting under and in accordance with his general or special instructions.

84. The Director of Public Prosecutions shall be removed from office only for inability to perform his functions or for misbehaviour by the Governor-General acting on the advice of the Belize Advisory Council.

THE PUBLIC SERVICE

The Public Services Commission

85. There shall be a Public Services Commission comprising a Chairman and twelve members, four of whom shall be authorised to deal with matters relating to the Civil Service, two authorised to deal with matters relating to the Judicial and Legal Services, four authorised to deal with matters relating to the Military Service and two authorised to deal with matters in the Police Service. The Permanent Secretary Establishment shall be the secretary to the Public Services Commission.

86. Except for ex-officio members, the Chairman and the members of the Public Services Commission shall be appointed by the Governor-General on the advice of the Prime Minister. Before tendering his advice the Prime Minister shall consult with the Leader of the Opposition. Members of the Commission shall hold office for such period as their appointment designates and in no case for more than three years. Removal from office shall be made by the Governor-General only for inability to perform his functions or for misbehaviour after the matter of removal has been referred to and recommended by the Belize Advisory Council. Members of the National Assembly shall not be eligible for membership of the Commission.

87. The Chief Justice shall be ex-officio a member of the Public Services Commission authorised to deal with matters

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relating to the Judicial and Legal Services. The Permanent Secretary in the Ministry of Defence and the Commandant, Belize Defence Force, shall be ex-officio members of the Public Services Commission authorised to deal with matters relating to the Military Service. The Commissioner of Police shall be ex-officio a member of the Public Services Commission authorised to deal with matters relating to the Police Service.

Appointments

88. Power to appoint persons to hold office in the Public Services, to exercise disciplinary control over persons in the Services, and to remove such persons from office, shall vest in the Public Services Commission. Excluded from the authority of the Public Services Commission shall be the offices following: Secretary of the Cabinet, Permanent Secretary, the head of Departments of Government, the chief professional advisor to a Department of Government, the Commandant of the Belize Defence Force, the Commissioner of Police, Ambassador, High Commissioner or other principal representatives of Belize accredited to any international organization and any other office designated by the Commission.

89. The appointment to, discipline of, and removal from the offices listed above shall vest in the Governor-General acting on the advice of the Prime Minister.

Pensions

90. The law relating to pensions for members of the Public Services and to teachers shall remain in force and apply to persons in the Public Services and in relation to those already enjoying a pension, shall remain unaltered. All pensions and rights thereto stand charged on the Consolidated Revenue Fund of Belize. The discretion relating to pensions formerly vested in the Governor shall vest in the Governor-General acting on the advice of the Public Services Commission.

Appeals

91. Appeals against any act of the Public Services Commission or the Governor-General in relation to the Public Services shall lie to the Belize Advisory Council.

Regulation of Services

92. Cabinet shall provide for and determine all matters relating to employment in the Public Services including the formulation of schemes of recruitment, determining a code of conduct, fixing salaries and privileges, terms of employment, the principles to be followed in making promotions and transfers, measures to ensure discipline, to govern dismissals and retirement, and to set out procedures for the delegation of authority, and generally for the good management and control of the Public Services. All such decisions and directives issued by Cabinet shall be laid on the table of both Houses of the National Assembly.

FINANCEThe Consolidated Revenue Fund

93. All revenues or other moneys raised or received by Belize (not being revenues or other moneys payable under any law into some other public fund established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund. No moneys shall be withdrawn from the Consolidated Revenue Fund except to meet expenditure charged upon the Fund by the Constitution or by an act of the National Assembly, or where the issue of those moneys has been authorised by an appropriate law.

94. The Minister responsible for Finance shall lay before the House of Representatives in each financial year estimates of the revenues and expenditure of Belize for that year. If in any financial year the amount appropriated for any purpose is insufficient, or a need arises for expenditure for a purpose for which no amount of money was appropriated, or

moneys have been supplementary estimates shall be laid before the House of Representatives.

95. The Minister responsible for Finance shall be responsible for the Minister responsible for Finance necessary to cause to be laid before the House of Representatives the establishment of a Consolidated Revenue Fund to meet any expenditure for which no other provision is made.

96. The Minister responsible for Finance and certain other officers of Appeal, Public Services Commission, members of the Auditor General and the Auditor General Revenue Fund.

The Auditor General

97. The Auditor General's office shall be established by the Governor-General and shall audit and report on the accounts of all officers of the Government. The Auditor General shall be responsible for the Auditor General's Representatives to lay any such report before the House of Representatives within the prescribed period. The Auditor General shall also lay copies of the report before the House of Representatives of his functions and shall be under the direction of the House of Representatives.

moneys have been spent in excess of that appropriated, a supplementary estimate showing the sums required or spent shall be laid before the House of Representatives.

95. The National Assembly may make provision to allow the Minister responsible for Finance to authorise expenditure necessary to carry on the services of Government for a specified period. The National Assembly may also provide for the establishment of a Contingencies Fund and authorise the Minister responsible for Finance to make advances from this Fund to meet any urgent and unforeseen need for expenditure for which no other provision exists.

96. The salaries and allowances of the Governor-General and certain other officers, including the Chief Justice, Justices of Appeal, Puisne Judges, members of the Public Services Commission, members of the Elections and Boundaries Commission and the Auditor General, shall be a charge on the Consolidated Revenue Fund.

The Auditor General

97. There shall be an Auditor General for Belize, whose office shall be a public office. He shall be appointed by the Governor-General on the advice of the Prime Minister. He shall audit and report annually on the public accounts of Belize, and of all officers, courts and authorities of Belize. The Auditor General shall submit his reports annually to the Minister responsible for Finance to be laid before the House of Representatives. If the Minister responsible for Finance fails to lay any such reports before the House of Representatives within the prescribed time, the Auditor General shall transmit copies of the reports to the Speaker of the House of Representatives for presentation to the House. In the exercise of his functions, the Auditor General shall not be subject to the direction or control of any other person or authority.

98. The Auditor General shall be removed from office only for inability to perform his functions or for misbehaviour by the Governor-General acting on the advice of the Belize Advisory Council.

The Public Debt

99. The public debt of Belize shall be a charge on the Consolidated Revenue Fund.

CODE OF CONDUCT

100. The Governor-General, members of the National Assembly, the Belize Advisory Council, the Public Services Commission, public officers, officers of statutory corporations and government agencies and such other officers as the National Assembly may prescribe; have a duty to 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 of Belize.

person. Except by due process of law or in cases of public emergencies a person may not be deprived of his personal liberty.

(c) Protection of the law - All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. Every person charged with a criminal offence shall be deemed innocent, shall be afforded an early and fair trial in public by an independent and impartial court observing the laws of natural justice and the due process of the laws of Belize, and shall enjoy all rights of appeal.

(d) Protection from inhuman treatment - No person shall be subjected to torture or to cruel, inhuman and degrading treatment or punishment. Slavery and the slave trade in all their forms shall be prohibited.

(e) Protection from forced labour - No one shall be required to perform forced or compulsory labour. This shall not include labour prescribed by an order or sentence of a court nor labour required of a person in lawful detention.

(f) Protection against arbitrary search or entry - No one shall be subjected to arbitrary arrest or detention. This does not include a law made in the interest of defence, public safety, order, morality or health; nor for the purposes of law enforcement; nor for the evaluation of property taxes or rates; nor by a public authority to carry out works for the public good; nor for the purposes of town or country planning or the utilisation of mineral resources.

(g) Protection of freedom of movement - This shall include freedom to move freely throughout Belize, to live in any part of Belize, and to leave Belize; and