

**BELIZE:**

**SPECIAL PROSECUTOR BILL, 2023**

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**BELIZE:**

BILL for **AN ACT** to prescribe matters necessary for the appointment and duties of a special prosecutor who has an independent status within the scope of a specific case in the investigation of crime and institution of public prosecution; and to provide for matters connected therewith or incidental thereto.

*(Gazetted ....., 2023)*

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

Short title.

**1.** This Act may be cited as the

**SPECIAL PROSECUTOR ACT, 2023.**

Interpretation.

**2.** In this Act, unless the context otherwise requires—

“public officer” means a person employed under the Public Service Commission;

“special prosecutor” means a person appointed in accordance with section 4 of this Act.

Cases subject to investigation.

**3.** The following cases are subject to investigation by the special prosecutor—

(a) a case where the National Assembly, by resolution, determines that an investigation be conducted in the interest of political neutrality or impartiality; and

(b) a case determined by the Minister responsible for the administration of justice as requiring investigation due to a conflict of interest or partiality.

Appointment of special prosecutor.

**4.—(1)** A special prosecutor shall be appointed by the Governor-General, acting in accordance with the advice of the Judicial and Legal Services

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Commission and with the concurrence of the Prime Minister given after consultation with the Leader of the Opposition.

(2) A person shall not be qualified for appointment to hold or to act in the office of a special prosecutor unless he is qualified to be appointed as a justice of the High Court.

(3) A special prosecutor shall not be subject to the direction or control of any person or authority.

**5.** None of the following persons shall be appointed as a special prosecutor—

Disqualification.

- (a) a public officer appointed under the Belize Public Services Regulations;
- (b) a judicial and legal officer appointed under the Judicial and Legal Services Regulations;
- (c) a person who has committed an offence involving fraud or dishonesty, or who has contravened any law designed to protect members of the public against financial loss due to dishonesty, incompetence or malpractice;
- (d) a Minister, Minister of State or a member of the National Assembly;
- (e) a person who is certified to be insane or otherwise to be of unsound mind under any law; or
- (f) a person who is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth.

**6.—(1)** The scope of duties of a special prosecutor shall be to—

Scope of duties and authority of a special prosecutor.

- (a) investigate an assigned case and determine whether to institute a public prosecution;
- (b) maintain a public prosecution when instituted under paragraph (a);

(2) A special prosecutor shall not summon or investigate a person unrelated to the assigned case beyond the scope of the prosecutor's duties.

(3) A special prosecutor may, when necessary to perform his duties, request the assistance of public officers for support.

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CAP. 96.  
CAP. 99.

(4) Provisions of the Indictable Procedure Act and the Summary Jurisdiction (Procedure) Act shall apply mutatis mutandis to a special prosecutor unless they conflict with the provisions of this Act.

Obligation of  
special  
prosecutor.

**7.**—(1) A special prosecutor shall not divulge any confidential information learned while conducting his duties.

(2) During the term of an appointment, a special prosecutor shall not allow his private interest to interfere in any way with the conduct or a prosecution or concurrently perform any other duties.

(3) A special prosecutor shall not announce or divulge the details of investigation to any person without any justifiable reasons.

Remuneration.

**8.**—(1) The remuneration of a special prosecutor shall be determined by the Judicial and Legal Services Commission.

(2) The Government of Belize shall pay the expenses required for the performance of duties of a special prosecutor with funds appropriated from the consolidated revenue fund.

Resignation.

**9.**—(1) A special prosecutor shall only resign if justifiable reason exists, and where he intends to resign he shall state such intention in writing.

(2) If a special prosecutor dies or if he submits a letter of resignation under sub-section (1), the Governor-General shall notify the National Assembly within a reasonable time.

(3) If a special prosecutor dies or if he submits a letter of resignation under sub-section (1), the Governor-General shall appoint a replacement special prosecutor in accordance with the procedure for appointment under section 3.

(4) Where a special prosecutor is appointed under sub-section (3), he shall succeed the duties of the former special prosecutor.

Terms of service.

**10.** The term of engagement of a special prosecutor shall be—

- (a) for the prosecution of the case for which he has been appointed; or
- (b) for any other fixed period as may be provided contractually the Government of Belize and the special prosecutor.

Removal of  
special  
prosecutor.

**11.**—(1) A special prosecutor may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

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(2) A special prosecutor shall be removed from office by the Governor-General if the question of his removal from office has been referred to the Belize Advisory Council in accordance with the next sub-section and the Belize Advisory Council has advised the Governor-General that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(3) If the Prime Minister represents to the Governor-General that the question of removing the Special Prosecutor under this section out to be investigated , then—

- (a) the Governor-General shall refer the matter to the Belize Advisory Council which shall sit as a tribunal in the manner provided in section 54 of the Constitution; and
- (b) the Belize Advisory Council shall enquire into the matter and report on the facts thereof to the Governor-General and advise the Governor-General whether he should be removed under this section.

(4) If the question of removing the special prosecutor for office has been referred to Belize Advisory Council under the preceding sub-section, the Governor-General may suspend him from performing the functions of his office , and any such suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect if the Belize Advisory Council advises the Governor-General that he should not be removed from office.

**12.** The enactments set out in the first column of the Schedule to this Act are amended to the extent specified in the second column.

Consequential amendments.

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SCHEDULE  
[section 12]  
**Amendments**

<b>Short Title</b>	<b>Extent of Amendment</b>
Indictable Procedure Act CAP 96	<p>Section 48 of the principal Act is amended in sub-sections (3), (4) and (5) by inserting the words “or a Special Prosecutor appointed under the Special Prosecutor Act” immediately after the words “Director of Public Prosecutions”.</p> <p>Section 68 of the principal Act is amended in sub-sections (2), and (3) by inserting the words “or a Special Prosecutor appointed under the Special Prosecutor Act” immediately after the words “Director of Public Prosecutions”.</p> <p>Section 90 of the principal Act is amended in sub-section (1), by inserting the words “or a Special Prosecutor appointed under the Special Prosecutor Act” immediately after the words “Director of Public Prosecutions”.</p>
Summary Jurisdiction (Procedure) Act CAP 99	<p>Section 51 of the principal Act is amended by inserting the words “or a Special Prosecutor appointed under the Special Prosecutor Act” immediately after the words “Director of Public Prosecutions”.</p>