

BELIZE:

CIVIL ASSET RECOVERY AND UNEXPLAINED WEALTH
BILL, 2023

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BELIZE:

BILL

for

AN ACT to provide for the civil recovery of the proceeds of unlawful conduct; and to provide for matters connected therewith or incidental thereto.

(Gazetted, 2023).

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:

PART 1

Preliminary

1. This Act may be cited as the

Short title.

CIVIL ASSET RECOVERY AND UNEXPLAINED WEALTH ACT,
2023.

2. In this Act—

Interpretation.

“associated property” has the meaning specified in section 18;

“cash” includes—

- (a) notes and coins in any currency that is designated as legal tender;
- (b) postal orders;
- (c) cheques of any kind, including travellers’ cheques;
- (d) bankers’ drafts;
- (e) electronic cash;
- (f) stored value instruments;
- (g) bearer bonds and bearer shares;
- (h) fixed value casino tokens; and

- (i) any other monetary instrument that is prescribed as cash by order published in the *Gazette*;

CAP. 103:04.
CAP. 107:05.
CAP 103:01.

“central authority” has the meaning assigned to it in section 2(1) of the Mutual Legal Assistance and International Co-operation Act, section 5(1) of the Caribbean Treaty on Mutual Legal Assistance Act and section 4(1) of the Mutual Legal Assistance in Criminal Matters (Belize/Mexico) Act;

“Civil Recovery Authority” means the Civil Recovery Authority designated under section 5(1);

“civil recovery investigation” means, subject to section 3, an investigation into—

- (a) whether property is recoverable property or associated property;
- (b) who holds the property referred to in sub-section (a);
- (c) the extent or whereabouts of the property referred to in sub-section (a); or
- (d) whether a person’s total wealth exceeds the value of his or her lawfully obtained wealth;

“commencement date” means the date on which this Act comes into operation;

“company” means a body corporate, wherever incorporated, registered or formed, and includes a foundation;

“conduct” includes omissions;

“country” includes a territory;

“Court” means the High Court unless otherwise defined in this Act;

“dealing” with property includes disposing of it, taking possession of it or removing it from Belize;

“document” means any record of information in any form and includes—

- (a) any writing or printing on any material;
- (b) any record of information or data, however compiled, and whether stored in paper, electronic, magnetic or any non-paper based form;
- (c) any storage medium, including discs and tapes;

- (d) books, maps, plans and drawings;
- (e) a photograph, film, tape, negative or other medium in which one or more visual images are embodied so as to be capable of being reproduced with or without the aid of equipment; and
- (f) any court application, order and other legal process;

“excepted joint owner” has the meaning specified in section 40(2);

CAP. 138:02.

“Financial Intelligence Unit” means the Financial Intelligence Unit established pursuant to section 3 of the Financial Intelligence Unit Act;

CAP. 263.
CAP. 267.

“Financial institution” means a bank or financial institution as defined in the Domestic Banks and Financial Institutions Act or the International Banking Act, and includes brokerage firms and insurance companies;

“fixed-value casino token” means a casino token that represents a right to be paid the amount stated on it;

CAP. 104.

“Fund” means the Belize Confiscated and Forfeited Assets Fund established under section 78 of the Money Laundering and Terrorism (Prevention) Act;

“Interim Receiving Order” means an order made by the Court under section 28;

“law enforcement officer” includes a police officer, a customs officer and an officer of the Financial Intelligence Unit;

“liquidation” includes the dissolution of a foundation;

“liquidator” includes a person appointed to supervise the dissolution of a foundation;

“Minister” means the Minister responsible for Finance;

“offence” means any offence contrary to the laws of Belize;

CAP 138:02.

“officer of the Financial Intelligence Unit” means officers of the Financial Intelligence Unit as appointed or seconded to the Unit, as the case may be, pursuant to sections 4, 5 and 6 of the Financial Intelligence Unit Act.

“plaintiff” includes claimant;

“premises” includes—

- (a) any place;
- (b) any vehicle, vessel, aircraft or hovercraft;

(c) any offshore installation; and

(d) any tent or movable structure;

“privileged material” has the meaning specified in section 69;

“Production Order” means an order made under section 71(2);

CAP.104. “property” has the meaning assigned to it in section 2 of the Money Laundering and Terrorism (Prevention) Act;

“Property Freezing Order” means an order made under section 21;

“property obtained through unlawful conduct” has the meaning specified in section 10;

“recoverable property” shall be construed in accordance with sections 11 to 19;

“Recovery Order” means an order made under section 37;

CAP. 104. “reporting entity” has the meaning assigned under section 2 of Money Laundering and Terrorism (Prevention) Act;

“respondent” means—

(a) where proceedings are brought by the Civil Recovery Authority under this Part, the person against whom the proceedings are brought; and

(b) where no such proceedings have been brought but the Civil Recovery Authority has applied for an Interim Receiving Order, the person against whom the Civil Recovery Authority intends to bring such proceedings;

“suitably qualified person” means a person or company appointed by the Court who has been nominated by the Civil Recovery Authority and who in the opinion of the court has the qualifications and experience to carry out the functions and responsibilities as a trustee or interim receiver;

Cap. 55
Cap. 63.
Cap. 48.
Cap. 49.
Cap.64.
Cap. 58.
Cap. 51.

“tax laws” means the Income & Business Tax Act, the General Sales Tax Act, the Customs and Excise Duties Act, the Customs Regulation Act, the Stamp Duties Act, the Land Tax Act, the Tax Administration & Procedure Act and any other law levying or providing for the enforcement of the levy of any tax, duty, rate or due under the laws of Belize;

“transfer” includes a sale or disposition;

“trustee means the person appointed as trustee for civil recovery by the Court under section 37;

“unlawful conduct” has the meaning specified in section 9; and

“value” means market value.

3.—(1) An investigation is not a civil recovery investigation within the meaning of section 2 if an Interim Receiving Order applies to the property in question.

Other interpretative provisions.

(2) A reference in this Act to an amount expressed in Belize dollars, includes a reference to an equivalent amount in any other currency.

4. The following provisions apply in relation to property for the purposes of this Act—

Provisions relating to property.

- (a) property is held by a person if he holds an interest in it;
- (b) property is obtained by a person if he obtains an interest in it;
- (c) property is transferred by one person to another if the first person transfers or grants to the other person an interest in the property;
- (d) a reference to property held by a person includes a reference to property vested in his trustee in bankruptcy or, in the case of a company, its liquidator; and
- (e) a reference to an interest held by a person beneficially in property includes a reference to an interest that would be held by that person beneficially if the property were not vested in his trustee in bankruptcy or, in the case of a company, its liquidator.

PART II

The Civil Recovery Authority

5.—(1) There Financial Intelligence Unit shall be the Civil Recovery Authority for purposes of this Act and may exercise any of the powers vested in it by this Act.

Civil Recovery Authority.

(2) The Director of the Financial Intelligence Unit shall be responsible for the day-to-day management and administration of the Civil Recovery Authority and for the performance of its functions under this Act and of the functions conferred upon him under this Act or any other law.

(3) In the exercise of its powers under this Act, the Financial Intelligence Unit shall be assisted by officers of the Financial Intelligence Unit.

Implied Powers.

6. Where a provision of this Act requires or empowers any person or authority to do any act or thing, all such powers shall be deemed to be given as are reasonably necessary to enable that person or authority to do that act or thing.

Authority the
Financial
Intelligence Unit
under other laws.
CAP. 138:02.
CAP 104.

7. Nothing in this Act shall limit the authorities, powers, functions and obligations of the Financial Intelligence Unit as set out in the Financial Intelligence Unit Act, Money Laundering and Terrorism Prevention Act, or any other legislation for which the Financial Intelligence Unit is responsible.

PART III

Civil Recovery

Sub-Part 1

Preliminary

8.—(1) This Part has effect for the purposes of enabling the Civil Recovery Authority, to recover in civil proceedings before the Court, property which is, or represents— General.

- (a) property obtained through unlawful conduct; or
- (b) property that has been used in, or in connection with unlawful conduct.

(2) The powers conferred by this Part are exercisable in relation to any property, including cash, whether or not any proceedings have been brought for an offence in connection with the property.

Meaning of
“unlawful
conduct”.

9.—(1) “Unlawful conduct” is conduct which—

- (a) if it occurs in Belize, is unlawful under the criminal law of Belize; or
- (b) if it occurs in a country outside Belize—
 - (i) is unlawful under the criminal law applying in that country; and
 - (ii) if it occurred in Belize, would be unlawful under the criminal law of Belize.

(2) The Court shall decide on a balance of probabilities whether it is proved—

- (a) that any matters alleged to constitute unlawful conduct have occurred; or

- (b) that any person used any property in, or in connection with unlawful conduct.

10.—(1) A person obtains property through unlawful conduct if that person obtains property by or in return for the conduct, whether the conduct is that person’s own conduct or another person’s conduct.

Meaning of “property obtained through unlawful conduct”.

(2) In deciding whether any property was obtained through unlawful conduct—

- (a) it is immaterial whether or not any money, goods or services were provided in order to put the person in question in a position to carry out the conduct; and
- (b) it is not necessary to show that the conduct was of a particular kind if it is shown that the property was obtained through conduct of one of a number of kinds, each of which would have been unlawful conduct.

Sub-Part 2

Recoverable property and associated property

11.—(1) Subject to sub-section (2), property obtained through unlawful conduct is recoverable property.

Recoverable property.

(2) Property obtained through unlawful conduct that has been disposed of since it was obtained through unlawful conduct is recoverable property if it is held by a person into whose hands it may be followed.

(3) Recoverable property may be followed into the hands of a person obtaining it on a disposal by—

- (a) in the case of property obtained through unlawful conduct, the person who through the conduct obtained the property;
- (b) a person into whose hands it may, by virtue of this sub-section, be followed.

12.—(1) Where property obtained through unlawful conduct (“the original property”) is or has been recoverable property, property which represents the original property is also recoverable property.

Tracing property.

(2) If a person enters into a transaction by which—

- (a) that person disposes of recoverable property, whether the original property or property which, by virtue of this Part, represents the original property; and
- (b) that person obtains other property in place of it,

the other property represents the original property.

(3) If a person disposes of recoverable property which represents the original property, the property may be followed into the hands of the person who obtains it, and it continues to represent the original property.

Mixing property.

13.—(1) If a person's recoverable property is mixed with other property, whether the property is that person's property or another person's property, the portion of the mixed property which is attributable to the recoverable property represents the property obtained through unlawful conduct.

(2) Without limiting sub-section (1), recoverable property is mixed with other property if it is used—

- (a) to increase funds held in a bank account;
- (b) in part payment for the acquisition of an asset;
- (c) for the restoration or improvement of land;
- (d) for the discharge, in whole or in part, of a mortgage, charge or other security; or
- (e) by a person holding a leasehold interest in the property to acquire the freehold.

Recoverable property, accruing profits.

14.—(1) Where a person who has recoverable property obtains further property consisting of profits, interest or other gain (“gains”) accruing in respect of the recoverable property, then such further gains shall be deemed recoverable property.

(2) The further property is to be treated as representing the property obtained through unlawful conduct.

15.—(1) If—

- (a) a person disposes of recoverable property; and
- (b) the person who obtains it on the disposal does so in good faith, for value and without notice that it was recoverable property,

the property may not be followed into that person's hands and, accordingly, it ceases to be recoverable.

(2) Recoverable property ceases to be recoverable—

- (a) if it is vested, forfeited or otherwise disposed of pursuant to powers conferred by virtue of this Part;

Recoverable property, general exceptions.

- (b) if–
- (i) pursuant to a judgment in civil proceedings, whether in Belize or elsewhere, the defendant makes a payment to the plaintiff or the plaintiff otherwise obtains property from the defendant;
 - (ii) the plaintiff's claim is based on the defendant's unlawful conduct; and
 - (iii) apart from this sub-section, the sum received or the property obtained by the plaintiff would be recoverable property; or
- (c) if a payment is made to a person under a compensation order and, apart from this sub-section, the sum received would be recoverable property.

(3) Property is not recoverable–

- (a) while a restraint or restraining order made under the Misuse of Drugs Act, the Money Laundering and Terrorism (Prevention) Act or under another enactment, applies to the property; or
- (b) if it has been taken into account in determining the amount of a person's benefit or proceeds from drug trafficking or an offence for the purpose of making a forfeiture or pecuniary penalty order–
 - (i) under the Misuse of Drugs Act; CAP. 103.
 - (ii) under the Money Laundering and Terrorism (Prevention) Act; or CAP. 104.
 - (iii) under another enactment.

(4) In relation to an order mentioned in sub-section (3)(b)(iii), the reference to the amount of a person's benefit from an offence is to be construed as a reference to the corresponding amount under the Act in question.

(5) Where–

- (a) a person enters into a transaction to which section 12(2) applies; and
- (b) the disposal is one to which sub-section (1) or sub-section (2)(a) applies,

this section does not affect the recoverability, by virtue of section 12(2), of any property obtained on the transaction in place of the property disposed of.

Other exemptions.

16.—(1) The Minister may make regulations to provide that property is not recoverable or, as the case may be, associated property where it is—

- (a) property specified in the regulations or property of the description specified in the regulations; or
- (b) disposed of pursuant to an enactment specified in the regulations or an enactment of a description specified in the regulations.

(2) Regulations made under sub-section (1) may—

- (a) provide that where property is disposed of pursuant to an enactment specified in the regulations or an enactment of a description specified in the regulations, it is to be treated for the purposes of section 46 as if it had been disposed of pursuant to a Recovery Order;
- (b) apply to property, or a disposal of property, only in such circumstances as may be prescribed in the regulations, and the circumstances may relate to the property or disposal itself or to a person who holds or has held the property or to any other matter.

(3) Regulations made under this section shall be subject to negative resolution.

Granting interests.

17. If a person grants an interest in that person’s recoverable property, the question whether the interest is also recoverable is to be determined as follows—

- (a) where the property in question is property obtained through unlawful conduct, the interest is also to be treated as obtained through that conduct; and
- (b) where the property in question represents in his or her hands property obtained through unlawful conduct, the interest is also to be treated as representing in his or her hands the property so obtained.

Meaning of “associated property”.

18.—(1) “Associated property” means property of any of the following descriptions, including property held by the respondent, which is not itself the recoverable property—

- (a) any interest in the recoverable property;

- (b) any other interest in the property in which the recoverable property subsists;
- (c) if the recoverable property is in common ownership, the share of the other owner; and
- (d) if the recoverable property is part of a larger property, but not a separate part, the remainder of that property.

(2) References to property being associated with recoverable property are to be construed accordingly.

19.—(1) References to a person disposing of his property includes a reference—

Obtaining and disposing of property.

- (a) to that person disposing of a part of it;
- (b) to that person granting an interest in it; or
- (c) to both,

and references to the property disposed of are to any property obtained on the disposal.

(2) A person who makes a payment to another person is to be treated as making a disposal of that person's property to the other person, whatever form the payment takes.

(3) Where a person's property passes to another person under a will or intestacy or by operation of law, it is to be treated as disposed of by that person to the other person.

(4) A person is only to be treated as having obtained his property for value in a case where that person gave unexecuted consideration if the consideration has become executed consideration.

Sub-Part 3

Recovery Orders and Property Freezing Orders

20.—(1) The Civil Recovery Authority may apply to the Court for a Recovery Order by way of a claim form against any person who the Civil Recovery Authority believes holds recoverable property.

Application for a Recovery Order.

(2) The Civil Recovery Authority shall serve a claim form under subsection (1)—

- (a) on the respondent; and
- (b) unless the Court dispenses with service, on any other person who the Civil Recovery Authority believes holds any

associated property which the Civil Recovery Authority wishes to be subject to the Recovery Order.

- (3) The Civil Recovery Authority shall, in the claim form—
- (a) identify, by particularising or by a general description, the property in relation to which the Civil Recovery Authority seeks a Recovery Order;
 - (b) state, in relation to each item or description of property identified in the application—
 - (i) whether it is alleged that the property is recoverable property or associated property; and
 - (ii) either who is alleged to hold the property or where the Civil Recovery Authority is unable to identify who holds the property, the steps that have been taken to establish their identity; and
 - (c) nominate a suitably qualified person for appointment by the Court as the trustee.

(4) The references above to the claim form include the statement of claim, where they are served subsequently.

Application for
Property
Freezing Order.

21.—(1) Where the Civil Recovery Authority may take proceedings for a Recovery Order in the Court, the Civil Recovery Authority may apply to the Court for a Property Freezing Order, whether before or after instituting the proceedings.

(2) A Property Freezing Order is an order that, subject to any exclusions, prohibits any person, whose property is specified or described in the order, from in any way dealing with the property.

(3) An application for a Property Freezing Order may be made without notice if the circumstances are such that notice of the application would prejudice any right of the Civil Recovery Authority to obtain a Recovery Order in respect of any property.

(4) The Court may make a Property Freezing Order if it is satisfied that—

- (a) there is a good arguable case that—
 - (i) the property to which the application for the order relates is or includes recoverable property; and
 - (ii) if any of the property is not recoverable property, it is associated property; and

- (b) the Civil Recovery Authority has taken all reasonable steps to establish the identity of the person who holds property if—
 - (i) the Civil Recovery Authority has not established the identity of the person who holds the property; and
 - (ii) the property to which the application for the order relates includes property alleged to be associated property.

22.—(1) The Court may at any time vary or set aside a Property Freezing Order.

Variation and setting aside of order.

(2) If the Court makes an Interim Receiving Order, it shall vary or set aside the Property Freezing Order to exclude any property subject to the Interim Receiving Order.

(3) If the Court decides that any property to which a Property Freezing Order applies is neither recoverable property nor associated property, it shall vary the order so as to exclude the property.

(4) Unless acting in accordance with sub-section (2), the Court shall give the parties to the proceedings and any person who may be affected by its decision an opportunity to be heard before varying or setting aside a Property Freezing Order.

23.—(1) The power to make or vary a Property Freezing Order includes the power to—

Exclusions.

- (a) exclude specified property, or property described in the order, from the order; and
- (b) otherwise make exclusions from the prohibition on dealing with the property to which the order applies.

(2) An exclusion may be made subject to such conditions as the Court considers appropriate and may, in particular, make provision for the purpose of enabling any person—

- (a) to meet his reasonable living expenses or legal expenses; or
- (b) to carry on any trade, business, profession or occupation.

(3) Where the Court exercises the power to make an exclusion for the purpose of enabling a person to meet legal expenses that he has incurred, or may incur, in respect of proceedings under this Part, the Court shall ensure that the exclusion—

- (a) is limited to reasonable legal expenses that the person has reasonably incurred or that he reasonably incurs; and

(b) specifies the total amount that may be released for legal expenses pursuant to the exclusion.

(4) The Court in deciding whether to make an exclusion for a person to meet his legal expenses, in respect of proceedings under this Part, shall have regard, in particular, to the desirability of the person being represented in any proceedings under this Part in which he is a participant.

(5) Subject to sub-section (2) or (3), the power to make exclusions shall be exercised with a view to ensuring, so far as practicable, that the satisfaction of any right of the Civil Recovery Authority to recover the property obtained through unlawful conduct is not unduly prejudiced.

CAP. 104. (6) Notwithstanding the above sub-sections, the provisions of section 23 shall not apply where a person is a listed person as defined in the Money Laundering and Terrorism (Prevention) Act or property comprises a vessel which is a listed vessel as defined in the Money Laundering and Terrorism (Prevention) Act, and that in such circumstances the provisions of the Money Laundering and Terrorism (Prevention) Act, in particular, sections 68 and 68C - G, shall prevail.

Restriction on proceedings and remedies.

24.—(1) While a Property Freezing Order has effect—

- (a) the Court may stay any action, execution or other legal process in respect of the property to which the order applies; and
- (b) no distress may be levied against the property to which the order applies except with the leave of the Court and subject to any terms the Court may impose.

(2) If the Court is satisfied that a Property Freezing Order has been applied for or made in respect of any property in respect of which proceedings are pending, it may either stay the proceedings or allow them to continue on any terms it thinks fit.

(3) If a Property Freezing Order applies to a tenancy of any premises, no landlord or other person to whom rent is payable may exercise the right of forfeiture in relation to the premises in respect of any failure by the tenant to comply with any term or condition of the tenancy, except with the leave of the Court and subject to any terms the Court may impose.

(4) Before exercising any power conferred by this section, the Court shall give the parties to any of the proceedings concerned and any person who may be affected by the Court's decision an opportunity to be heard.

(5) Notwithstanding the above sub-sections, the provisions of section 24 shall not apply where a person is a listed person as defined in the Money Laundering and Terrorism (Prevention) Act or property comprises a vessel which is a listed vessel as defined in the Money Laundering and Terrorism

(Prevention) Act, and that in such circumstances the provisions of the Money Laundering and Terrorism (Prevention) Act, in particular, sections 68 and 68C - G, shall prevail.

25.—(1) The Court may appoint a receiver in respect of any property to which the Property Freezing Order applies if—

Receivers in connection with Property Freezing Orders.

- (a) the Court makes a Property Freezing Order on an application by the Civil Recovery Authority; and
- (b) the Civil Recovery Authority applies to the Court for the appointment of a receiver, whether as part of the application for the Property Freezing Order or at any time afterwards.

(2) An application for an order under this section may be made without notice if the circumstances are such that notice of the application would prejudice any right of the Civil Recovery Authority to obtain a Recovery Order in respect of any property.

(3) In its application for an order under this section, the Civil Recovery Authority shall nominate a suitably qualified person for appointment as a receiver.

(4) Subject to sub-section (3), a member of staff of the Civil Recovery Authority may be nominated and appointed as a receiver.

(5) The Civil Recovery Authority may apply a sum received by it under section 45(2) in making payment of the remuneration, if any, and expenses of a receiver appointed under this section.

(6) Sub-section (5) shall not apply in relation to the remuneration of a receiver who is a member of the staff of the Civil Recovery Authority.

26.—(1) If the Court appoints a receiver under section 25 on an application by the Civil Recovery Authority, the Court may, on the application of the Civil Recovery Authority, by order, authorise or require the receiver—

Powers of receivers appointed under section 25.

- (a) to exercise any of the powers specified in Schedule I, in relation to any property in respect of which the receiver is appointed; and
- (b) to take any other steps the Court thinks appropriate in connection with the management of any such property, including securing the detention, custody or preservation of the property in order to manage it.

Schedule I.

(2) The Court may by order require any person in respect of whose property the receiver is appointed or any person in possession or control of the property for which a receiver is appointed—

- (a) to bring the property to a place specified by the receiver or to place it in the custody of the receiver; and
- (b) to do anything he is reasonably required to do by the receiver for the preservation of the property.

(3) The Court may by order require any person in respect of whose property the receiver is appointed or any person in possession or control of the property for which a receiver is appointed to bring any documents relating to the property, which are in his possession or control, to a place specified by the receiver or to place them in the custody of the receiver.

(4) Any prohibition on dealing with property imposed by a Property Freezing Order does not prevent a person from complying with any requirements imposed by virtue of this section.

(5) If—

- (a) the receiver deals with any property which is not property in respect of which the receiver is appointed; and
- (b) at the time the receiver deals with the property the receiver believes on reasonable grounds that he is entitled to do so by virtue of his appointment,

the receiver is not liable to any person in respect of any loss or damage resulting from his dealing with the property, except so far as the loss or damage is caused by his negligence.

Supervision of
section 25
receiver and
variations.

27.—(1) Any of the following persons may at any time apply to the Court for directions as to the exercise of the functions of a receiver appointed under section 25—

- (a) the receiver;
- (b) any party to the proceedings for the appointment of the receiver or the Property Freezing Order concerned;
- (c) any person affected by any action taken by the receiver; and
- (d) any person who may be affected by any action proposed to be taken by the receiver.

(2) Before giving any directions under sub-section (1), the Court shall give an opportunity to be heard to—

- (a) the receiver;
- (b) the parties to the proceedings for the appointment of the receiver and for the Property Freezing Order concerned; and

- (c) any person who may be interested in the application under sub-section (1).

(3) The Court may at any time vary or set aside the appointment of a receiver under section 25, any order under section 26 or any directions under this section.

(4) Before exercising any power under sub-section (3), the Court shall give an opportunity to be heard to—

- (a) the receiver;
- (b) the parties to the proceedings for the appointment of the receiver, for the order under section 29 or, as the case may be, for the directions under this section;
- (c) the parties to the proceedings for the Property Freezing Order concerned; and
- (d) any person who may be affected by the Court's decision.

Sub-Part 4

Interim Receiving Order

28.—(1) Where the Civil Recovery Authority may take proceedings for a Recovery Order, the Civil Recovery Authority may apply to the Court for an Interim Receiving Order, whether before or after instituting the proceedings.

Application for, and making of, Interim Receiving Order.

(2) An Interim Receiving Order is an order for—

- (a) the detention, custody or preservation of property; and
- (b) the appointment of an interim receiver.

(3) An application for an Interim Receiving Order may be made without notice if the circumstances are such that notice of the application would prejudice any right of the Civil Recovery Authority to obtain a Recovery Order in respect of any property.

(4) The Court may make an Interim Receiving Order on the application if it is satisfied that—

- (a) there is a good arguable case—
 - (i) that the property to which the application for the order relates is or includes recoverable property; and
 - (ii) that, if any of it is not recoverable property, it is associated property; and

- (b) the Civil Recovery Authority has taken all reasonable steps to establish the identity of the person who holds property if–
 - (i) the Civil Recovery Authority has not established the identity of the person who holds the property; and
 - (ii) the property to which the application for the order relates includes property alleged to be associated property.

(5) The Civil Recovery Authority shall, in its application for an Interim Receiving Order, nominate a suitably qualified person for appointment as interim receiver, but the nominee may not be a member of the staff of the Civil Recovery Authority.

Functions of
interim receiver.

29.—(1) An Interim Receiving Order may authorise or require the interim receiver—

Schedule I.

- (a) to exercise any of the powers specified in Schedule I; or
- (b) to take any other steps the Court thinks appropriate,

for the purpose of securing the detention, custody or preservation of the property to which the order applies or of taking any steps under sub-section (2).

(2) An Interim Receiving Order shall require the interim receiver to take any steps which the Court considers necessary to establish—

- (a) whether or not the property to which the order applies is recoverable property or associated property; or
- (b) whether or not any other property is recoverable property, in relation to the same unlawful conduct and, if it is, who holds it.

(3) If—

- (a) the interim receiver deals with any property which is not property to which the order applies, and
- (b) at the time the interim receiver deals with the property he believes on reasonable grounds that he is entitled to do so pursuant to the order,

the interim receiver is not liable to any person in respect of any loss or damage resulting from his dealing with the property, except so far as the loss or damage is caused by his negligence.

30. An Interim Receiving Order may require any person to whose property the order applies or any person in possession or control of the property for which the order applies—

Duties of respondent.

- (a) to bring the property to such place as may be specified by the interim receiver or to place it in the custody of the interim receiver and to do anything he is reasonably required to do by the interim receiver for the preservation of the property; and
- (b) to bring any documents relating to the property which are in his possession or control to such place as may be specified by the interim receiver or to place them in the custody of the interim receiver.

31.—(1) The interim receiver, any party to the proceedings and any person affected by any action taken by the interim receiver, or who may be affected by any action proposed to be taken by the interim receiver, may at any time apply to the Court for directions as to the exercise of the interim receiver's functions.

Supervision of interim receiver and variation of order.

(2) The Court may at any time vary or set aside an Interim Receiving Order.

(3) Before giving any directions under sub-section (1) or exercising any power to vary or set aside an Interim Receiving Order, the Court shall give the following an opportunity to be heard—

- (a) the parties to the proceedings;
- (b) the interim receiver; and
- (c) any person who may be interested in an application under sub-section (1) or affected by the Court's decision under sub-section (2), as the case may be.

32.—(1) Subject to sub-section (2), an Interim Receiving Order—

Restrictions on dealing etc. with property.

- (a) shall prohibit any person to whose property the order applies from dealing with the property; and
- (b) may be made subject to such conditions as the Court considers appropriate.

(2) The Court may, when the Interim Receiving Order is made or on an application to vary the order, make such exclusions from the order as it considers just, including making provision for the purpose of enabling any person—

- (a) to meet his reasonable living expenses;

- (b) to meet his reasonable legal expenses; or
- (c) to carry on any trade, business, profession or occupation.

(3) Where the Court exercises the power to make an exclusion for the purpose of enabling a person to meet legal expenses that he has incurred, or may incur, in respect of proceedings under this Part, the Court shall ensure that the exclusion—

- (a) is limited to reasonable legal expenses that the person has reasonably incurred or that he reasonably incurs; and
- (b) specifies the total amount that may be released for legal expenses in pursuance of the exclusion.

(4) The Court in deciding whether to make an exclusion for a person to meet his legal expenses, in respect of proceedings under this Part, shall have regard, in particular, to the desirability of the person being represented in any proceedings under this Part in which he is a participant.

(5) If the excluded property is not specified in the order it shall be described in the order in general terms.

(6) The power to make exclusions shall be exercised with a view to ensuring, so far as practicable, that the satisfaction of any right of the Civil Recovery Authority to recover the property obtained through unlawful conduct is not unduly prejudiced.

(7) Notwithstanding the above sub-sections, the provisions of section 32 shall not apply where a person is a listed person as defined in the Money Laundering and Terrorism (Prevention) Act or property comprises a vessel which is a listed vessel as defined in the Money Laundering and Terrorism (Prevention) Act, and that in such circumstances the provisions of the Money Laundering and Terrorism (Prevention) Act, in particular, sections 68 and 68C - G, shall prevail.

CAP. 104.

CAP. 104.

Restriction on proceedings and remedies.

33.—(1) While an Interim Receiving Order has effect—

- (a) the Court may stay any action, execution or other legal process in respect of the property to which the order applies; and
- (b) no distress may be levied against the property to which the order applies except with the leave of the Court and subject to any terms the Court may impose.

(2) If any Court in which proceedings are pending in respect of any property is satisfied that an Interim Receiving Order has been applied for or made in respect of the property, the Court may either stay the proceedings or allow them to continue on such terms that it thinks fit.

(3) If the Interim Receiving Order applies to a tenancy of any premises, no landlord or other person to whom rent is payable may exercise any right of forfeiture by peaceable re-entry in relation to the premises in respect of any failure by the tenant to comply with any term or condition of the tenancy, except with the leave of the Court and subject to any terms the Court may impose.

(4) Before exercising any power conferred by this section, the Court shall give the following the right to be heard—

- (a) the parties to any of the proceedings in question;
- (b) the interim receiver, if appointed; and
- (c) any person who may be affected by the Court's decision.

34.—(1) If the Court decides that any property to which an Interim Receiving Order applies is neither recoverable property nor associated property, it shall vary the order so as to exclude that property.

Exclusion of property which is not recoverable.

(2) The Court may vary an Interim Receiving Order so as to exclude from the property to which the order applies any property which is alleged to be associated property if the Court thinks that the satisfaction of any right of the Civil Recovery Authority to recover the property obtained through unlawful conduct will not be prejudiced.

(3) The Court may exclude any property within sub-section (2) on such terms or conditions, applying while the Interim Receiving Order has effect, which the Court thinks necessary or expedient.

35.—(1) An Interim Receiving Order shall require the interim receiver to inform the Civil Recovery Authority and the Court as soon as reasonably practicable if the interim receiver thinks that—

Reporting.

- (a) any property to which the order applies by virtue of a claim that it is recoverable property is not recoverable property;
- (b) any property to which the order applies by virtue of a claim that it is associated property is not associated property;
- (c) any property to which the order does not apply is recoverable property (in relation to the same unlawful conduct) or associated property;
- (d) any property to which the order applies is held by a person who is different from the person it is claimed holds it; or
- (e) there has been any other material change of circumstances.

(2) An Interim Receiving Order shall require the interim receiver—

- (a) to report his findings to the Court; and
- (b) to serve copies of his report on the Civil Recovery Authority and on any person who holds any property to which the order applies or who may otherwise be affected by the report.

Civil Recovery Authority may apply to Registrar of Lands for restriction.

36. Where the Civil Recovery Authority has applied for a Property Freezing Order or an Interim Receiving Order, the Recover Authority shall be treated as a person interested in any land, lease or charge to which the application relates, or to which a Property Freezing Order or an Interim Receiving Order made on the application relates, and the Civil Recovery Authority may deliver the order to the Registrar of Lands for a restriction prohibiting or restricting dealings with the land, lease or charge to be registered or recorded as provided under the Registered Land Act, the Law of Property Act or the General Registry Act, as the case may be.

CAP. 194.
CAP. 190.
CAP. 327.

Sub-Part 5

Vesting and realisation of recoverable property

37.—(1) If in proceedings under this Part the Court is satisfied that any property is recoverable property, the Court shall make a Recovery Order and shall appoint a suitably qualified person as the trustee to give effect to the Recovery Order.

Recovery Orders.

(2) The Civil Recovery Authority shall nominate a suitably qualified person for appointment as the trustee.

(3) Where a Recovery Order is made, the recoverable property vests in the person appointed by the Court to be the trustee.

(4) The Court shall not make in a Recovery Order any provision in respect of any recoverable property if—

- (a) each of the conditions in sub-section (5) are met; and
- (b) it would not be just and equitable to do so.

(5) The conditions referred to in sub-section (4)(a) are that—

- (a) the respondent obtained the recoverable property in good faith;
- (b) the respondent took any action, or omitted to take any action, after obtaining the property which the respondent would not have taken, or omitted to take, if the respondent had not obtained the property or the respondent took any action, or omitted to take any action, before obtaining the property which the respondent would not have taken, or omitted to

take, if the respondent had not believed he was going to obtain it;

- (c) when the respondent took, or omitted to take, the action referred to in paragraph (b), the respondent had no notice that the property was recoverable; and
- (d) if a Recovery Order was made in respect of the property, it would, by reason of the respondent's action or omission be detrimental to him.

(6) In deciding whether it would be just and equitable to make the provision in the Recovery Order where the conditions in sub-section (5) are met, the Court shall have regard to—

- (a) the degree of detriment that would be suffered by the respondent if the provision was made; and
- (b) the Civil Recovery Authority's interest in the realised proceeds of the recoverable property being paid into the Fund.

(7) A Recovery Order may sever any property.

(8) A Recovery Order—

- (a) may impose conditions as to the manner in which the trustee may deal with any property vested by the order for the purpose of realising it; and
- (b) may provide for payment under section 46 of reasonable legal expenses that a person has reasonably incurred, or may reasonably incur, in respect of—
 - (i) the proceedings under this Part in which the order is made; or
 - (ii) any related proceedings under this Part.

(9) This section is subject to sections 38 to 46.

38.—(1) The functions of the trustee are—

- (a) to secure the detention, custody or preservation of any property vested in him by the Recovery Order;
- (b) in the case of property other than money, to realise the value of the property for the benefit of the Fund;
- (c) to otherwise give effect to the Recovery Order; and

Functions of the trustee.

(d) to perform any other functions conferred on him by virtue of this Part.

(2) In performing his functions, the trustee acts on behalf of the Civil Recovery Authority and shall comply with any directions given to him by the Civil Recovery Authority.

(3) The trustee shall realise the value of property vested in him by the Recovery Order, so far as practicable, in the manner best calculated to maximise the amount payable to the Fund.

(4) The trustee has the powers specified in Schedule II.

Schedule II.

(5) References in this section to a Recovery Order include a Consent Order made under section 43 and references to property vested in the trustee by a Recovery Order include property vested in him pursuant to such a Consent Order.

Rights of pre-emption.

39.—(1) A Recovery Order is to have effect in relation to any property despite any provision, of whatever nature, which would otherwise prevent, penalise or restrict the vesting of the property.

(2) A right of pre-emption, right of return or other similar right does not operate or become exercisable as a result of the vesting of any property under a Recovery Order.

(3) A right of return means any right under a provision for the return or reversion of property in specified circumstances.

(4) Where property is vested under a Recovery Order, any such right is to have effect as if the person in whom the property is vested were the same person in law as the person who held the property and as if no transfer of the property had taken place.

(5) References to rights in sub-sections (2), (3) and (4) do not include any rights in respect of which the Recovery Order was made.

(6) This section applies in relation to the creation of interests, or the doing of anything else, by a Recovery Order as it applies in relation to the vesting of property.

Associated and joint property.

40.—(1) Sections 41 and 42 apply if the Court makes a Recovery Order in respect of any recoverable property, and—

(a) if—

(i) the property to which the proceedings relate includes property which is associated with the recoverable property and is specified or described in the application; and

(ii) if the associated property is not the respondent's property, the application has been served on the person whose property it is or the Court has dispensed with service; or

(b) if—

(i) the recoverable property belongs to joint owners; and

(ii) one of the owners is an excepted joint owner.

(2) An excepted joint owner is a person who obtained the property in circumstances in which it would not be recoverable as against him and references to the excepted joint owner's share of the recoverable property are to so much of the recoverable property as would have been his if the joint ownership had been severed.

41.—(1) Where—

(a) this section applies; and

(b) the Civil Recovery Authority and the person who holds the associated property or who is the excepted joint owner agree,

Agreements
about associated
and joint
property.

the Recovery Order may, instead of vesting the recoverable property in the trustee, require the person who holds the associated property or who is the excepted joint owner to make a payment to the trustee.

(2) A Recovery Order which makes any requirement under subsection (1) may, so far as required for giving effect to the agreement, include provision for vesting, creating or extinguishing any interest in property.

(3) The amount of the payment shall be the amount which the Civil Recovery Authority and that person agree represents—

(a) in the circumstances specified in section 40(1)(a), the value of the recoverable property; or

(b) in a case which falls within section 40(1)(b), the value of the recoverable property less the value of the excepted joint owner's share.

(4) If—

(a) a Property Freezing Order or an Interim Receiving Order applied at any time to the associated property or joint ownership; and

(b) the Civil Recovery Authority agrees that the person has suffered loss as a result of the Property Freezing Order or Interim Receiving Order,

the amount of the payment may be reduced by any amount the Civil Recovery Authority and that person agree is reasonable, having regard to that loss and to any other relevant circumstances.

(5) If there is more than one such item of associated property or excepted joint owner, the total amount to be paid to the trustee, and the part of that amount which is to be provided by each person who holds any such associated property or who is an excepted joint owner, is to be agreed between both, or all, of them and the Civil Recovery Authority.

(6) A Recovery Order which makes any requirement under sub-section (1) shall make provision for any recoverable property to cease to be recoverable.

Associated and joint property: default of agreement.

42.—(1) Where this section applies, the Court may make any of the provisions under sub-section (2) if—

- (a) there is no agreement under section 41; and
- (b) the Court thinks it just and equitable to do so.

(2) The Recovery Order may provide—

- (a) for the associated property to vest in the trustee or, as the case may be, for the excepted joint owner's interest to be extinguished; or
- (b) in the case of an excepted joint owner, for the severance of his or her interest.

(3) A Recovery Order making any provision by virtue of sub-section (2)(a) may provide for either or both of the following—

- (a) for the trustee to pay an amount to the person who holds the associated property or who is an excepted joint owner;
- (b) for the creation of interests in favour of that person, or the imposition of liabilities or conditions, in relation to the property vested in the trustee.

(4) In making any provision in a Recovery Order by virtue of sub-section (2) or (3), the Court shall have regard to—

- (a) the rights of any person who holds the associated property or who is an excepted joint owner and the value to that person of that property or, as the case may be, of his share, including any value which cannot be assessed in terms of money; and

(b) the Civil Recovery Authority's interest in the realised proceeds of the recoverable property being paid into the Fund.

(5) If—

(a) a Property Freezing Order or an Interim Receiving Order applied at any time to the associated property or joint ownership; and

(b) the Court is satisfied that the person who holds the associated property or who is an excepted joint owner has suffered loss as a result of the Property Freezing Order or Interim Receiving Order,

a Recovery Order making any provision by virtue of sub-section (2) or (3) may require the Civil Recovery Authority to pay compensation to that person out of the Fund.

(6) The amount of compensation to be paid under sub-section (5) is the amount the Court thinks reasonable, having regard to the person's loss and to any other relevant circumstances.

43.—(1) The Court may make an order staying any proceedings for a Recovery Order on terms agreed by the parties for the disposal of the proceedings if each person to whose property the proceedings, or the agreement, relates is a party both to the proceedings and the agreement.

Consent Orders.

(2) An order under sub-section (1) may, as well as staying the proceedings—

(a) make provision for any property which may be recoverable property to cease to be recoverable; and

(b) make any further provision which the Court thinks appropriate.

(3) Section 46 applies to property vested in the trustee, or money paid to the trustee, pursuant to the agreement as it applies to property vested in him by a Recovery Order or money paid under section 41.

44.—(1) This section applies if the Civil Recovery Authority seeks a Recovery Order—

Limit on recovery.

(a) in respect of property which is or represents property obtained through unlawful conduct and related property; or

(b) in respect of property which is or represents property obtained through unlawful conduct, where such an order, or an order under section 43, has previously been made in respect of related property.

(2) For the purposes of this section—

- (a) the original property means the property obtained through unlawful conduct; and
- (b) the original property, and any items of property which represent the original property, are to be treated as related to each other.

(3) The Court shall not make a Recovery Order if it thinks that the Civil Recovery Authority's right to recover the original property has been satisfied by a previous Recovery Order or an order under section 43.

(4) Subject to sub-section (3), the Court may act under sub-section (5) if it thinks that a Recovery Order may be made in respect of two or more related items of recoverable property,

Provided that the making of a Recovery Order in respect of both or all of them is not required in order to satisfy the Civil Recovery Authority's right to recover the original property.

(5) The Court may, in order to satisfy the right of the Civil Recovery Authority to recover the original property, to the extent required, make a Recovery Order in respect of either or both of the following—

- (a) only some of the related items of property; or
- (b) only a part of any of the related items of property.

(6) Where the Court may make a Recovery Order in respect of any property, this section does not prevent the recovery of any gains which have accrued in respect of the property.

(7) If—

CAP. 104.

- (a) an order is made under section 38 of the Money Laundering and Terrorism (Prevention) Act for the forfeiture of cash; and
- (b) the Civil Recovery Authority subsequently seeks a Recovery Order in respect of related property,

CAP. 104.

the order under section 38 of the Money Laundering and Terrorism (Prevention) Act shall be treated for the purposes of this section as if it was a Recovery Order obtained by the Civil Recovery Authority in respect of the forfeited property.

(8) If—

- (a) pursuant to a judgment in civil proceedings, whether in Belize or elsewhere, the plaintiff has obtained property from the defendant (“the judgment property”);
- (b) the claim was based on the defendant's having obtained the judgment property or related property through unlawful conduct; and
- (c) the Civil Recovery Authority subsequently seeks a Recovery Order in respect of property which is related to the judgment property,

the judgment is to be treated for the purposes of this section as if it was a Recovery Order obtained by the Civil Recovery Authority in respect of the judgment property.

(9) If–

- (a) property has been taken into account in determining the amount of a person's benefit from criminal conduct for the purpose of making a confiscation order; and
- (b) the Civil Recovery Authority subsequently seeks a Recovery Order in respect of related property,

the confiscation order is to be treated for the purposes of this section as if it were a Recovery Order obtained by the Civil Recovery Authority in respect of the property referred to in paragraph (a).

(10) In sub-section (9), confiscation order means–

- (a) an order under section 30 of the Misuse of Drugs Act; CAP. 103.
- (b) an order under section 57 of the Money Laundering and Terrorism (Prevention) Act; or CAP. 104.
- (c) an order under an equivalent enactment,

and, in relation to an order mentioned in sub-section (9)(a) or (b), the reference to the amount of a person's benefit from criminal conduct is to be read as a reference to the corresponding amount under the Act in question.

45.–(1) Sub-sections (2) and (3) give examples of the satisfaction of the Civil Recovery Authority's right to recover the original property.

Limits on recovery, supplementary.

(2) If–

- (a) there is a disposal, other than a part disposal, of the original property; and

- (b) other property (“the representative property”) is obtained in its place,

the Civil Recovery Authority's right to recover the original property is satisfied by the making of a Recovery Order in respect of either the original property or the representative property.

- (3) If–

- (a) there is a part disposal of the original property, and
- (b) other property (“the representative property”) is obtained in place of the property disposed of,

the Civil Recovery Authority's right to recover the original property is satisfied by the making of a Recovery Order in respect of the remainder of the original property together with either the representative property or the property disposed of.

- (4) In this section–

- (a) a part disposal means a disposal to which section 19(1) applies; and
- (b) the original property has the same meaning as in section 44.

- 46.–(1)** This section applies to–

- (a) sums which represent the realised proceeds of property which was vested in the trustee by a Recovery Order or which the trustee obtained pursuant to a Recovery Order; and
- (b) sums vested in the trustee by a Recovery Order or obtained by the trustee pursuant to a Recovery Order.

- (2) The trustee shall make out of the sums–

- (a) first, payment of any tax, duty, rate or due including penalties and interest in respect thereof under any tax laws arising in connection with property subject of a Recovery Order to the Consolidated Revenue Fund;
- (b) second, any payment required to be made by the trustee by virtue of section 42;
- (c) next, any payment of legal expenses which are payable under this sub-section in pursuance of provision under section 37(7)(b) contained in the Recovery Order;

Applying realised proceeds.

(d) any fees payable to a liquidator of a company appointed by or supervised by the Court; and

(e) any sum which remains is to be paid into the Fund.

(3) The Civil Recovery Authority proceeds of the Fund received under sub-section (2) may be applied towards making payment of the remuneration and expenses of—

(a) the trustee; or

(b) any interim receiver appointed in, or in anticipation of, the proceedings for the Recovery Order.

(4) Sub-section 3(a) does not apply in relation to the remuneration of a trustee if the trustee is a member of the staff of the Civil Recovery Authority.

(5) Any sum remaining, after payments made in accordance with sub-section (3), and any accrued interest on that sum, shall be paid into the Fund after—

(a) the period permitted under section 55 to lodge an application for compensation has expired or the application for compensation has been determined or disposed of; or

(b) the period within which an appeal may be made or, if a person appeals, after the appeal has been determined or disposed of,

whichever comes later.

Sub-Part 6

Exemptions etc.

47.—(1) In proceedings for a Recovery Order, a person who claims that any property alleged to be recoverable property, or any part of the property, belongs to him may apply for a declaration to that effect under this section.

Victims of theft,
etc.

(2) The Court may make a declaration under sub-section (1) if it appears to the Court that—

(a) the applicant was deprived of the property he claims, or of property which it represents, by unlawful conduct;

(b) the property the applicant was deprived of was not recoverable property immediately before he was deprived of it; and

(c) the property he claims belongs to him.

(3) Property to which a declaration under this section applies is not recoverable property.

Other exemptions.

48.—(1) Proceedings for a Recovery Order may not be taken—

- (a) in respect of cash found at any place in Belize unless the proceedings are also taken in respect of property other than cash which is property of the same person;
- (b) against the Fund of the Civil Recovery Authority in respect of any recoverable property held in the Fund or by the Civil Recovery Authority; or
- (c) against any person in respect of any recoverable property which he holds by reason of his acting, or having acted, as Trustee in bankruptcy appointed under the Bankruptcy Act, or as liquidator of a company appointed by, or supervised by the Court.

CAP. 244.

(2) Regulations may provide that proceedings for a Recovery Order may not be taken against any person in circumstances of a prescribed description and the circumstances may relate to the person himself, to the property or to any other matter.

Scope of Powers.

49.—(1) Subject to sub-section (2), an order under this Part may be made by the Court—

- (a) in respect of property wherever situated; and
- (b) in respect of a person wherever domiciled, resident or present.

(2) An order under this Part may not be made by the Court in respect of property that is outside of the State unless there is or has been a connection between the case and the State.

Schedule III.

(3) The circumstances in which there is or has been such a connection as referred to in sub-section (2) include those described in Schedule III.

Enforcement abroad before Recovery Order: Civil Recovery Authority.

50.—(1) This section applies if—

- (a) the property freezing conditions are met in relation to property;
- (b) the property is not property to which a Recovery Order applies; and
- (c) the Civil Recovery Authority believes that the property is in a country outside the State (the receiving country).

(2) The property freezing conditions are the conditions in section 21(4) and for the purposes of this sub-section, the references in those provisions to property to which the application for the order relates are to be read as references to the property mentioned in sub-section (1)(a).

(3) The central authority may forward the request for assistance to the government of the receiving country.

(4) A request for assistance under this section is a request to the government of the receiving country—

- (a) to secure that any person is prohibited from dealing with the property;
- (b) for assistance in connection with the management of the property, including with securing its detention, custody or preservation.

51.—(1) This section applies if—

- (a) a Property Freezing Order made by the Court has effect in relation to property; and
- (b) the receiver appointed under section 25 in respect of the property believes that it is in a country outside of Belize (the receiving country).

Enforcement
abroad before
Recovery Order:
receiver.

(2) This section also applies if—

- (a) an Interim Receiving Order made by the Court has effect in relation to property; and
- (b) the interim receiver believes that the property is in a country outside of the State (the receiving country).

(3) The receiver may send a request for assistance in relation to the property to the central authority with a view to it being forwarded under this section.

(4) The central authority shall forward the request for assistance to the government of the receiving country.

(5) A request for assistance under this section is a request to the government of the receiving country—

- (a) to secure that any person is prohibited from dealing with the property; and
- (b) for assistance in connection with the management of the property, including securing its detention, custody or preservation.

Evidence
overseas: interim
receiver.

- 52.**—(1) This section applies if—
- (a) an Interim Receiving Order made by the Court has effect in relation to property; and
 - (b) the order requires the interim receiver to take steps to establish a matter described in section 29(2)(a), (b) or (c).
- (2) The interim receiver may request assistance under this section if the interim receiver thinks that there is relevant evidence in a country outside of Belize.
- (3) A judge of the Court may request assistance under this section if—
- (a) an application is made by the interim receiver or by a person subject to investigation by the interim receiver, and
 - (b) the judge thinks that there is relevant evidence in a country outside of Belize.
- (4) The assistance that may be requested under this section is assistance in obtaining outside of Belize relevant evidence specified in the request.
- (5) Relevant evidence is evidence as to a matter described in section 29(2)(a), (b) and (c).
- (6) A request for assistance under this section may be sent through the central authority—
- (a) to a court or tribunal which is specified in the request and which exercises jurisdiction in the place where the evidence is to be obtained;
 - (b) to the government of the country concerned; or
 - (c) to authority recognised by the government of the country concerned as the appropriate authority for receiving requests for assistance of that kind.
- (7) Alternatively, a request for assistance under this section may be sent to the central authority with a view to it being forwarded to a court, tribunal, government or authority mentioned in sub-section (6).
- (8) The central authority shall forward the request for assistance to the court, tribunal, government or authority.
- (9) In this section and section 53, “evidence” includes documents, information in any other form and material.

53.—(1) This section applies to evidence obtained by means of a request for assistance under section 52.

Evidence
overseas:
restrictions on
use.

(2) The evidence shall not be used for any purpose other than—

- (a) for the purposes of carrying out the functions of the interim receiver; or
- (b) for the purposes of proceedings under sections 49 to 54 in respect of property described in sub-section (3) or any proceedings arising out of such proceedings.

(3) That property is—

- (a) the property that is the subject of the Interim Receiving Order; or
- (b) other property that is recoverable property in respect of the same unlawful conduct.

(4) Sub-section (2) does not apply if the court, tribunal, government or authority to whom the request for assistance was sent consents to the use.

54.—(1) This section applies if—

Enforcement
abroad: after
Recovery Order.

- (a) a Recovery Order made by the Court has effect in relation to property; and
- (b) the Civil Recovery Authority or the trustee believes that the property is in a country outside of Belize (the receiving country).

(2) The trustee may send a request for assistance in relation to the property to the central authority with a view to it being forwarded under this section to the government of the receiving country.

(3) Where the trustee sends a request for assistance to the central authority under this section the central authority shall forward a request for assistance from the trustee to the government of the receiving country.

(4) The central authority may forward a request for assistance to the government of the receiving country in relation to the property.

(5) A request for assistance is a request to the government of the receiving country for assistance in connection with the management and disposal of the property and includes request—

- (a) to secure the detention, custody or preservation of the property;

- (b) in the case of money, to secure that it is applied in accordance with the law of the receiving country;
- (c) in the case of property other than money, to secure that the property is realised and the proceeds are applied in accordance with the law of the receiving country.

(6) A certificate purporting to be issued by or on behalf of the government of the receiving country is admissible as evidence of the facts it states if it states—

- (a) that property has been realized in pursuance of a request under this section;
- (b) the date of realisation; and
- (c) the proceeds of realisation.

Sub-Part 7

Miscellaneous

Compensation.

55.—(1) If, in the case of any property to which a Property Freezing Order or an Interim Receiving Order has at any time applied, the Court does not in the course of the proceedings decide that the property is recoverable property or associated property, the person whose property it is may make an application to the Court for compensation.

- (2) Sub-section (1) does not apply if the Court—
 - (a) has made a declaration in respect of the property by virtue of section 47; or
 - (b) makes a consent order under section 43.

(3) If the Court has made a decision by reason of which no Recovery Order could be made in respect of the property, the application for compensation shall be made within the period of three months beginning with the date of the decision or, if any application is made for leave to appeal, with the date on which the application is withdrawn or refused or, if the application is granted, on which any proceedings on appeal are finally concluded.

(4) If the proceedings in respect of the property have been discontinued, the application for compensation shall be made within the period of three months beginning with the discontinuance.

(5) If the Court is satisfied that an applicant has suffered loss as a result of a Property Freezing Order or an Interim Receiving Order, it may require that compensation to that person be paid from the Fund.

(6) If, but for section 39(2), any right mentioned there would have operated in favour of, or become exercisable by, any person, that person may make an application to the Court for compensation.

(7) An application for compensation under sub-section (6) shall be made within the period of three months beginning with the vesting referred to in section 39(2).

(8) If the Court is satisfied that, in consequence of the operation of section 39, the right in question cannot subsequently operate in favour of an applicant or, as the case may be, become exercisable by the applicant, the Court may require the Civil Recovery Authority to pay compensation paid to the applicant from the Fund.

(9) The amount of compensation to be paid under this section is the amount the Court thinks reasonable, having regard to the loss suffered and any other relevant circumstances.

56.—(1) The Civil Recovery Authority may not start proceedings for a Recovery Order unless the Civil Recovery Authority reasonably believes that the aggregate value of the recoverable property which the Civil Recovery Authority wishes to be subject to a Recovery Order is equal to or greater than the prescribed threshold of ten thousand dollars.

Financial
threshold.

(2) If the Civil Recovery Authority applies for a Property Freezing Order or an Interim Receiving Order before starting the proceedings, sub-section (1) applies to the application for the Property Freezing Order or Interim Receiving Order instead of to the start of the proceedings.

(3) This section does not affect the continuation of proceedings for a Recovery Order which have been properly started or the making or continuing effect of a Property Freezing Order or an Interim Receiving Order which has been properly applied for.

(4) The Minister may make Regulations amending the amount of the prescribed threshold.

57.—(1) Proceedings shall not be brought for a Recovery Order or an Unexplained Wealth Order in respect of any recoverable property after the expiration of twelve years from—

Limitation.

- (a) in the case of proceedings for a Recovery Order in respect of property obtained through unlawful conduct, when the property was so obtained;
- (b) in the case of proceedings for a Recovery Order in respect of any other recoverable property, when the property obtained through unlawful conduct which it represents is so obtained;
or

(c) in the case of an Unexplained Wealth Order in respect of property obtained through unlawful conduct, when the property was so obtained.

(2) For the purposes of sub-section (1), proceedings for a Recovery Order are brought when—

(a) an application is filed with the Court under section 20; or

(b) an application is made for an Interim Receiving Order.

(3) For the purposes of sub-section (1), proceedings for an Unexplained Wealth Order are brought when an application is filed with the Court under section 59.

(4) The Court on an application made by the Civil Recovery Authority may extend the time limit in sub-section (1) from twelve to twenty years where it is in the interest of justice to do so.

(5) The time limits in sub-sections (1) and (4) are without prejudice to limitations for record-keeping obligations.

(6) The time limits in sub-sections (1) and (4) will apply notwithstanding any provision to the contrary contained in the Limitation Act.

Property
acquired before
commencement
date.

58. For the purposes of determining whether property was recoverable at any time, including times before the commencement date, this Part is deemed to have been in force at that time and at any other relevant time.

Sub-Part 8

Unexplained Wealth Orders

Application for
Order for a
declaration.

59.—(1) Where the Director of the Financial Intelligence Unit, the Director of the Belize Tax Service Department, the Comptroller of Customs and Excise, the Chairperson of the Integrity Commission or the Commissioner of Police or such other person delegated by him not below the rank of Assistant Superintendent, as the case may be, during the course of an investigation for an offence reasonably suspects that—

(a) the total wealth of the respondent exceeds the value of his lawfully obtained wealth;

(b) the total wealth of the respondent is over one hundred thousand dollars;

(c) the property is owned by the respondent or is under his effective control; and

- (d) the property was obtained through the commission of an offence,

he may refer the case to the Civil Recovery Authority to apply to the Court in writing for a Preliminary Unexplained Wealth Order requiring the respondent to file a declaration and answer questions as required in relation to the property, his assets and total wealth.

(2) An application under sub-section (1) shall be accompanied by an affidavit stating—

- (a) the identity of the respondent;
- (b) the grounds by which the applicant reasonably suspects that the total wealth of the respondent exceeds the value of his lawfully obtained wealth;
- (c) the grounds by which the applicant reasonably suspects that any property is owned by the respondent or is under his effective control; and
- (d) the grounds by which the applicant reasonably suspects that the property has been obtained through unlawful conduct.

(3) An application under sub-section (1) may be made *ex parte*.

60.—(1) A declaration under section 59(1) shall be in the form set out as Schedule IV.

Form of declaration.
Schedule IV.

(2) All documents filed in the Court under section 59(1) shall be filed under seal.

61. A person who knowingly and wilfully makes a statement which is false in any material particular on the declaration form under section 60 commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for a period of five years.

False declaration.

62.—(1) Where the Court on an application made by the Civil Recovery Authority is satisfied that there are reasonable grounds to suspect that—

Grant of a Preliminary Unexplained Wealth Order.

- (a) the property is owned by the respondent or is under his effective control;
- (b) the known sources of the respondent's lawfully obtained income would have been insufficient for the purposes of enabling the respondent to obtain the property;
- (c) the property has been obtained through unlawful conduct,

it may make a Preliminary Unexplained Wealth Order, requiring the respondent to file a declaration and appear before the Court to answer questions relative to the property subject of the application, his assets, total wealth for the Court to decide whether to make an Unexplained Wealth Order.

(2) Where a Preliminary Unexplained Wealth Order has been made under this section, a notice of the making of the order shall be served on the respondent within seven days from the making of the order.

Application to
revoke a
Preliminary
Unexplained
Wealth Order.

63.—(1) Where the Court makes a Preliminary Unexplained Wealth Order under section 62, the respondent may, within twenty-eight days of notice of the Order under section 62(2), apply to the Court for the order to be set aside of discharged.

(2) Where an application is made under this section, the Court shall order an *inter partes* hearing date within fourteen days.

(3) Where an application is made under this section, the respondent under sub-section (1) shall provide the Civil Recovery Authority with—

- (a) written notice of the application; and
- (b) a copy of any documents supporting the application.

(4) Where an application is made under this section, the respondent under sub-section (1) may appear and adduce evidence.

(5) The Civil Recovery Authority may appear and adduce evidence at the hearing of any application made under this section and shall give the respondent a copy of any document or material it proposes to rely on opposing the application.

(6) The notice and copies of any evidence or pleadings under this section shall be given no later than seven days before the hearing of the application.

Revocation of
Preliminary
Unexplained
Wealth Order.

64. Where an application has been made to revoke a Preliminary Unexplained Wealth Order, the Court shall revoke the Order if it is satisfied that there are no grounds on which the order could be maintained.

Application for
an Unexplained
Wealth Order.

65.—(1) The Civil Recovery Authority may apply to the Court for an Unexplained Wealth Order.

(2) An application under sub-section (1) shall be accompanied by—

- (a) an affidavit setting out the reasons why an Unexplained Wealth Order should be made; and
- (b) documents in support of the application.

66.—(1) Where the Court has made a Preliminary Unexplained Wealth Order, which has not been revoked, in relation to a respondent and on the basis of the affidavit and documents submitted and evidence provided and is satisfied that—

Grant of an
Unexplained
Wealth Order.

- (a) on a balance of probabilities that any part of the wealth of the respondent was not lawfully obtained or held;
- (b) the total wealth of the respondent is over one hundred thousand dollars; or
- (c) particular property is held by, and subject to the effective control of the respondent,

it may make an Unexplained Wealth Order.

(2) For the purposes of sub-section (1)(b), it shall not matter—

- (a) whether or not there are other persons who also hold the property; or
- (b) whether the property was obtained by the respondent before or after the coming into force of this Act.

(3) Where the Court makes an Order under this section, the Order shall specify that the respondent is liable to pay—

- (a) into the Consolidated Revenue Fund, fifty percent (50%) of the unexplained wealth amount of the respondent, equal to fifty (50%) of the amount that the Court is satisfied does not represent the lawfully acquired property of the respondent as deemed payment of taxes due under section 111(3) of the Income and Business Tax Act; and
- (b) into the Fund, the remaining fifty percent (50%) of the unexplained wealth amount of the respondent, equal to fifty percent (50%) of the amount that the Court is satisfied does not represent the lawfully acquired property of the respondent.

(4) In proceedings under this section, the burden of proving the wealth of the respondent is lawfully acquired lies on the respondent on a balance of probabilities.

(5) When considering the issues under sub-section (1), the Court may have regard to information and any evidence provided subsequently not included in the Preliminary Unexplained Wealth Order.

(6) An Order under sub-section (1) may be enforced against the property as if the property was the property of the respondent.

(7) An Order that restricts the right of the respondent or any named person to deal with the property identified in this section may be made, upon application of the Civil Recovery Authority under section 59(1), if the Court is satisfied that the property would not be available to the Civil Recovery Authority without such restriction.

(8) When considering the amount of an Unexplained Wealth Order, the Court shall deduct an amount equal to the value, at the time of the making of the order, of any property the respondent forfeited under a—

(a) Recovery Order under section 37;

CAP. 104.

(b) Forfeiture order under section 38 of the Money Laundering and Terrorism (Prevention) Act;

CAP. 104.

(b) Forfeiture Order under section 49 of the Money Laundering and Terrorism (Prevention) Act;

CAP. 104.

(c) Pecuniary Penalty Order under section 57 of the Money Laundering and Terrorism (Prevention) Act; or

CAP. 103.

(e) Forfeiture Orders under sections 29 and 30 of the Misuse of Drugs Act.

(9) The Civil Recovery Authority shall not, unless the Court gives leave, apply for an Unexplained Wealth Order against any person if—

(a) an application has previously been made for an Unexplained Wealth Order in relation to that person; and

(b) the application has been finally determined on the merits.

(10) Leave shall not be granted under sub-section (9) unless the Court is satisfied that—

(a) the wealth to which the new application relates was identified only after the first application was determined; or

(b) the evidence became available only after the first application was determined; and

(c) it is in the interest of justice to give the leave.

Third party
claims.

67.—(1) If the Civil Recovery Authority applies for an Unexplained Wealth Order in respect of a particular property, the Civil Recovery Authority shall give written notice of the application to—

(a) the respondent, who is subject to the application for the Unexplained Wealth Order; and

(b) any other person whom he has reason to believe may have an interest in the property.

(2) The respondent, and any person who claims an interest in the property, may appear and adduce evidence at the hearing of the application.

68.—(1) An amount payable by the respondent into the Consolidated Revenue Fund of the Fund under an Unexplained Wealth Order is a civil debt due by the respondent to the State.

Enforcement of
Unexpected
Wealth Order.

(2) An Unexplained Wealth Order against the respondent may be enforced as if it were an order made in civil proceedings instituted by the Attorney General against the respondent to recover a debt due by him to the State.

(3) An Unexplained Wealth Order is for all purposes to be treated as a judgment debt.

(4) If an Unexplained Wealth Order is made after the death of a respondent, the Order is exercisable against the estate of the respondent.

PART III

Investigations

Sub-Part 1

General

69.—(1) For the purposes of this Part, “privileged material” means—

Meaning of
“privileged
material”.

(a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;

(b) communications between a professional legal adviser and his client or any person representing his client or between such an adviser or his client or any such representative and any other person made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings; and

(c) material enclosed with or referred to in such communications and made—

(i) in connection with the giving of legal advice; or

(ii) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings,

when they are in the possession of a person who is entitled to possession of them.

(2) Material held with the intention of furthering a criminal purpose is not privileged material.

Sub-Part 2

Production Orders

Application for
Production
Order.

70.—(1) Application may be made by a law enforcement officer to a judge of the Court for a Production Order under section 71.

(2) An application for a Production Order shall state that—

- (a) a person specified in the application is subject to a civil recovery investigation;
- (b) property specified in the application is subject to a civil recovery investigation; or
- (c) the order is sought—
 - (i) for the purposes of the investigation;
 - (ii) in relation to material, or material of a description, specified in the application; and
 - (iii) a person specified in the application appears to be in possession or control of the material.

Production
Order.

71.—(1) On an application made under section 70, a judge may make a Production Order if satisfied that—

- (a) there are reasonable grounds for suspecting that in the case of a civil recovery investigation—
 - (i) the person the application for the order specifies as being subject to the investigation holds recoverable property or associated property,
 - (ii) that person has, at any time, held property that was recoverable property or associated property at the time, or
 - (iii) the property the application for the order specifies as being subject to the investigation is recoverable property or associated property; or
- (b) there are reasonable grounds for believing that—

-
- (i) the person specified in the application as appearing to be in possession or control of the specified material is in possession or control of it; and
 - (ii) the material is likely to be of substantial value, whether by itself or together with other material, to the investigation for the purposes of which the order is sought; and
 - (iii) it is in the public interest for the material to be produced or for access to be given to it having regard to—
 - (A) the benefit likely to accrue to the investigation if the material is obtained; and
 - (B) the circumstances under which the person the application specifies as appearing to be in possession or control of the material holds it.
- (2) A Production Order is an order—
- (a) requiring the person specified in the order as appearing to be in possession or control of material to produce it to a law enforcement officer for him to take away; or
 - (b) requiring that person to give a law enforcement officer access to it,

within the period stated in the order.

(3) A Production Order may be made in relation to material in the possession or control of a government entity.

(4) The period specified in a Production Order shall be seven days commencing on the date that the order is made, unless it appears to the judge that a longer or shorter period would be appropriate in the particular circumstances.

(5) A Production Order shall not require a person to produce, or give access to, privileged material.

(6) A person who without reasonable excuse, fails to comply with a requirement imposed on him by a Production Order commits an offence and is liable on summary conviction to imprisonment of two years or to a fine of one hundred thousand dollars or both.

72. Where a judge makes a Production Order in relation to material on any premises the judge may, on the application of a law enforcement officer order any person to grant entry to the premises to allow him to enter the premises to obtain access to the material.

Order to grant entry.

Further provisions relating to Production Orders.

73.—(1) Where any material specified in an application for a Production Order consists of information contained in a computer—

- (a) an order under section 71 shall have effect as an order to produce the material in a form in which it can be taken away and in which it is visible and legible; and
- (b) an order under section 71 shall have effect as an order to give access to the material in a form in which it is visible and legible.

(2) A law enforcement officer may take copies of any material which is produced, or to which access is given, in compliance with a Production Order.

(3) A Production Order has effect in spite of any restriction on the disclosure of information, however imposed.

(4) Material produced in compliance with a Production Order may be retained for so long as it is necessary to retain it, as opposed to copies of it, in connection with the investigation for the purposes of which the order was made.

(5) If a law enforcement officer has reasonable grounds for believing that—

- (a) the material may need to be produced for the purposes of any legal proceedings; and
- (b) it might otherwise be unavailable for those purposes,

it may be retained until the proceedings are concluded.

Sub-Part 3

Search and seizure warrants

Application for search and seizure warrant.

74.—(1) An application may be made by a law enforcement officer to a judge of the court for a search and seizure warrant under section 75.

- (2) An application for a search and seizure warrant shall state that—
 - (a) a person specified in the application is subject to a civil recovery investigation; or
 - (b) that property specified in the application is subject to a civil recovery investigation; and

(3) An application for a search and seizure warrant shall specify if warrant is sought—

- (a) for the purposes of the investigation;
- (b) in relation to the premises specified in the application; or
- (c) in relation to material specified in the application, or that there are reasonable grounds for believing that there is material falling within section 75(5) on the premises.

(3) A search and seizure warrant is a warrant authorising a law enforcement officer—

- (a) to enter and search the premises specified in the application for the warrant; and
- (b) to seize and retain any material found there which is likely to be of substantial value, whether by itself or together with other material, to the investigation for the purposes of which the application is made.

75.—(1) On an application made under section 74, a judge may issue a search and seizure warrant if he is satisfied that—

Search and seizure warrant.

- (a) a Production Order in relation to material has not been complied with and there are reasonable grounds for believing that the material is on the premises specified in the application for the warrant; or
- (b) sub-section (2) applies and either—
 - (i) the conditions specified in sub-section (3) are fulfilled; or
 - (ii) the conditions specified in sub-section (4) are fulfilled.

(2) This sub-section applies for the purposes of sub-section (1)(b) if there are reasonable grounds for suspecting that in the case of a civil recovery investigation—

- (a) the person specified in the application for the warrant holds recoverable property or associated property;
- (b) that person has, at any time, held property that was recoverable property or associated property at the time; or
- (c) the property specified in the application for the warrant is recoverable property or associated property.

(3) The conditions referred to in sub-section (1)(b)(i) are—

- (a) that there are reasonable grounds for believing that—

- (i) any material on the premises specified in the application for the warrant is likely to be of substantial value, whether by itself or together with other material, to the investigation for the purposes of which the warrant is sought; and
 - (ii) it is in the public interest for the material to be obtained, having regard to the benefit likely to accrue to the investigation if the material is obtained; and
 - (b) that it would not be appropriate to make a Production Order—
 - (i) that it is not practicable to communicate with any person against whom the Production Order could be made;
 - (ii) that it is not practicable to communicate with any person who would be required to comply with an order to grant entry to the premises; or
 - (iii) that the investigation might be seriously prejudiced unless a law enforcement officer is able to secure immediate access to the material.
- (4) The conditions referred to in sub-section (1)(b)(ii) are that—
 - (a) there are reasonable grounds for believing that there is material on the premises specified in the application for the warrant and that the material falls within sub-section (5);
 - (b) there are reasonable grounds for believing that it is in the public interest for the material to be obtained, having regard to the benefit likely to accrue to the investigation if the material is obtained; and
 - (c) one of the following apply—
 - (i) it is not practicable to communicate with any person entitled to grant entry to the premises;
 - (ii) entry to the premises will not be granted unless a warrant is produced; or
 - (iii) the investigation might be seriously prejudiced unless a law enforcement officer arriving at the premises is able to secure immediate entry to them.
- (5) In the case of a civil recovery investigation, material falls within this sub-section if it cannot be identified at the time of the application but it—

- (a) relates to the property specified in the application, the question whether it is recoverable property or associated property, the question as to who holds any such property, any question as to whether the person who appears to hold any such property holds other property which is recoverable property, or any question as to the extent or whereabouts of any property mentioned in this paragraph; and
 - (b) is likely to be of substantial value, whether by itself or together with other material, to the investigation for the purposes of which the warrant is sought.
- (6) A search and seizure warrant does not confer the right to seize privileged material.
- (7) A person who hinders or obstructs a law enforcement officer in the execution of a warrant issued under this section commits an offence and is liable on summary conviction to imprisonment for two years or to a fine of one hundred thousand dollars or both.

Sub-Part 4

Customer Information Orders

76. The Minister may, by regulations, specify the types or categories of information that are “customer information” for the purposes of sections 77 to 78.

Customer information to be specified in regulations.

77.—(1) Application may be made by a law enforcement officer to a judge of the Court for a Customer Information Order under section 78.

Application for Customer Information Order.

- (2) An application for a Customer Information Order shall state that—
 - (a) a person specified in the application is subject to a civil recovery investigation;
 - (b) the order is sought for the purposes of the investigation;
 - (c) the order is sought against the reporting entity specified in the application.
- (3) An application for a Customer Information Order may specify—
 - (a) a reporting entity; or
 - (b) a particular description of a reporting entity.

78.—(1) On an application made under section 76, a judge may make a Customer Information Order if satisfied that—

Customer Information Order.

- (a) there are reasonable grounds for suspecting that in a civil recovery investigation, the property specified in the application is recoverable property or associated property and the person specified in the application holds all or some of the property;
- (b) there are reasonable grounds for believing that customer information which may be provided in compliance with the order is likely to be of substantial value, whether by itself or together with other information, to the investigation for the purposes of which the order is sought; and
- (c) there are reasonable grounds for believing that it is in the public interest for the customer information to be provided, having regard to the benefit likely to accrue to the investigation if the information is obtained.

(2) A Customer Information Order is an order that a reporting entity covered by the application for the order shall, on being required to do so by notice in writing given by an appropriate law enforcement officer, provide any such customer information as it has relating to the person specified in the application.

(3) A reporting entity which is required to provide information under a Customer Information Order shall provide the information to an appropriate law enforcement officer in such manner, and at or by such time, as an appropriate officer requires.

(4) If a reporting entity on which a requirement is imposed by a notice given under a Customer Information Order requires the production of evidence of authority to give the notice, it is not bound to comply with the requirement unless evidence of the authority has been produced to it.

(5) A Customer Information Order shall have effect notwithstanding any obligation as to confidentiality or other restriction upon the disclosure of information imposed by any enactment, rule of law or otherwise.

Offences.

79.—(1) A reporting entity commits an offence if—

- (a) without reasonable excuse, it fails to comply with a requirement imposed on it under a Customer Information Order; or
- (b) in purported compliance with a Customer Information Order, it—
 - (i) makes a statement which it knows to be false or misleading in a material particular; or

(ii) recklessly makes a statement which is false or misleading in a material particular.

(2) A reporting entity who commits an offence under sub-section (1)(a) is liable—

(a) on summary conviction, to a fine not exceeding one hundred thousand dollars; or

(b) on conviction on indictment to a fine not exceeding two hundred and fifty thousand dollars.

(3) A reporting entity who commits an offence under sub-section (1)(b) is liable—

(a) on summary conviction, to a fine not exceeding one hundred thousand dollars; or

(b) on conviction on indictment to a fine not exceeding two hundred and fifty thousand dollars.

80.—(1) Subject to sub-section (2), a statement made by a reporting entity in response to a Customer Information Order may not be used in evidence against it in criminal proceedings.

Protection of statements.

(2) Sub-section (1) does not apply—

(a) on a prosecution for an offence under section 79; or

(b) on a prosecution for some other offence where, in giving evidence, the reporting entity makes a statement inconsistent with the statement mentioned in sub-section (1).

(3) A statement may not be used by virtue of sub-section (2)(b) against a reporting entity unless—

(a) evidence relating to it is adduced; or

(b) a question relating to it is asked,

by or on behalf of the reporting entity in the proceedings arising out of the prosecution.

Sub-Part 5

Account Monitoring Orders

Application for
Account
Monitoring
Order.

81.—(1) Application may be made by a law enforcement officer to a judge of the Court for an Account Monitoring Order under section 82.

(2) An application for an Account Monitoring Order shall state that—

- (a) a person specified in the application is subject to a civil recovery investigation;
- (b) the order is sought for the purposes of the investigation; and
- (c) the order is sought against the reporting entity specified in the application in relation to account information of the description specified.

(3) An application for an Account Monitoring Order may specify information relating to—

- (a) all accounts held by the person specified in the application at the reporting entity so specified;
- (b) a particular description, or particular descriptions, of accounts so held; or
- (c) a particular account or particular accounts so held.

Account
Monitoring
Order.

82.—(1) On an application made under section 81 a judge may make an Account Monitoring Order if satisfied that in the case of a civil recovery investigation, there are reasonable grounds for suspecting that—

- (a) the property specified in the application for the order is recoverable property or associated property; and
- (b) the person specified in the application holds all or some of the property.

(2) In the case of any investigation, the judge shall not make an Account Monitoring Order unless he is satisfied that—

- (a) there are reasonable grounds for believing that account information which may be provided in compliance with the order is likely to be of substantial value, whether or not by itself, to the investigation for the purposes of which the order is sought; or
- (b) there are reasonable grounds for believing that it is in the public interest for the account information to be provided, having regard to the benefit likely to accrue to the investigation if the information is obtained.

(3) If on an application under section 81 the judge is satisfied that the conditions specified in this section are fulfilled, the judge may make an order that the reporting entity specified in the application shall, for the period stated in the order, which shall not exceed 90 days, provide account information of the description specified in the order to a law enforcement officer in the manner, and at or by the time, stated in the order.

(4) For the purposes of sub-section (3), “account information” is information relating to an account held at the reporting entity specified in the order by the person specified in the order, whether solely or jointly with one or more other persons.

(5) An order under sub-section (3) may specify account information relating to—

- (a) all accounts held by the person and at the reporting entity specified in the order;
- (b) a particular description, or particular descriptions, of accounts so held; or
- (c) a particular account, or particular accounts, so held.

83.—(1) Subject to sub-section (2), a statement made by a reporting entity in response to an Account Monitoring Order may not be used in evidence against it in criminal proceedings.

Statements.

(2) Sub-section (1) does not apply—

- (a) in the case of proceedings for contempt of court; or
- (b) on a prosecution for an offence where, in giving evidence, the reporting entity makes a statement inconsistent with the statement mentioned in sub-section (1).

(3) A statement may not be used by virtue of paragraph (2)(b) against a reporting entity unless—

- (a) evidence relating to it is adduced; or
- (b) a question relating to it is asked,

by or on behalf of the reporting entity in the proceedings arising out of the prosecution.

84. An Account Monitoring Order has effect in spite of any restriction on the disclosure of information, however imposed.

Disclosure of information.

Sub-Part 6

Disclosure Orders

Application for a Disclosure Order.

85.—(1) An application may be made by a law enforcement officer to a judge of the Court for a Disclosure Order under section 86.

(2) An application for a Disclosure Order shall state that—

(a) a person specified in the application is subject to a civil recovery investigation; and

(b) the order is sought for the purposes of the investigation.

(3) A Disclosure Order is an order authorising the law enforcement officer to give to any person the law enforcement officer considers has relevant information, notice in writing requiring that person to do, with respect to any matter relevant to the investigation for the purposes of which the order is sought, any of the following—

(a) answer any question, either at a time specified in the notice or at once, at a place specified;

(b) provide information specified in the notice, by a time and in a manner so specified; or

(c) produce documents, or documents of a description, specified in the notice, either at or by a time so specified or at once, and in a manner so specified.

(4) Relevant information is information, whether or not contained in a document, which the law enforcement officer considers to be relevant to the investigation.

(5) A person is not bound to comply with a requirement imposed by a notice given under a Disclosure Order unless evidence of authority to give the notice is produced to him.

(6) Documents so produced may be retained for so long as it is necessary to retain them, as opposed to a copy of them, in connection with the investigation for the purposes of which the order was made.

(7) A person is not bound to provide privileged material, privileged information or to answer any privileged questions, except that a lawyer may be required to provide the name and address of a client.

(8) Where a law enforcement officer has reasonable grounds for believing that—

(a) the documents may need to be produced for the purposes of any legal proceedings; and

(b) they might otherwise be unavailable for those purposes,

they may be retained until the proceedings are concluded.

86.—(1) On an application under section 85, a judge may make a Disclosure Order if satisfied that in the case of a civil recovery investigation—

Disclosure Order.

- (a) the person specified in the application for the order holds recoverable property or associated property;
- (b) that person has, at any time, held property that was recoverable property or associated property at the time; or
- (c) the property specified in the application as being subject to the investigation is recoverable property or associated property.

(2) In a civil recovery investigation, the judge shall not make a Disclosure Order unless he is satisfied that—

- (a) there are reasonable grounds for believing that information which may be provided in compliance with the order is likely to be of substantial value, whether or not by itself, to the investigation for the purposes of which the order is sought; or
- (b) there are reasonable grounds for believing that it is in the public interest for the information to be provided, having regard to the benefit likely to accrue to the investigation if the information is obtained.

87.—(1) A person commits an offence if without reasonable excuse that person fails to comply with a requirement imposed on him under a Disclosure Order.

Offences.

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

- (a) to imprisonment for a term not exceeding two years;
- (b) a fine not exceeding one hundred thousand dollars; or
- (c) both.

(3) A person commits an offence if, in purported compliance with a requirement imposed on him under a Disclosure Order, that person—

- (a) makes a statement which he knows to be false or misleading in a material particular; or
- (b) recklessly makes a statement which is false or misleading in a material particular.

(4) A person who commits an offence under sub-section (3) is liable on summary conviction—

- (a) to imprisonment for a term not exceeding two years;
- (b) or to a fine not exceeding one hundred thousand dollars; or
- (c) both.

Statements.

88.—(1) A statement made by a person in response to a requirement imposed on him under a Disclosure Order may not be used in evidence against him in criminal proceedings.

(2) Sub-section (1) does not apply—

- (a) on a prosecution for an offence under section 87(1) or (3);
- (b) on a prosecution for an offence of fabricating false evidence or making a false statutory declaration or false statement, whether oral or written, without oath with intent to defeat, obstruct, or pervert the course of justice in any proceeding; or
- (c) on a prosecution for some other offence where, in giving evidence, the person makes a statement inconsistent with the statement mentioned in sub-section (1).

(3) A statement may not be used by virtue of sub-section (2)(c) against a person unless—

- (a) evidence relating to it is adduced; or
- (b) a question relating to it is asked,

by him or on his behalf in the proceedings arising out of the prosecution.

Sub-Part 7

General

Procedure.

89.—(1) An application for a Production Order, a Customer Information Order, an Account Monitoring Order or a Disclosure Order may be made *ex parte* to a judge in chambers.

(2) An order of a judge under this Part shall have effect as if it were an order of the Court.

(3) Subject to specific exclusions in relation to privileged information or material, a Production Order, a Customer Information Order, an Account Monitoring Order and a Disclosure Order shall have effect notwithstanding

any obligation as to confidentiality or other restriction upon the disclosure of information imposed by any enactment, rule of law or otherwise.

(4) A privileged question, information or material is a question, information or material as the case may be, which the person would be entitled to refuse to answer, provide or produce on grounds of legal professional privilege.

PART IV

Cooperation

90.—(1) For the purposes of international cooperation in relation to the provision of mutual assistance for the purposes of this Act, any mutual legal assistance laws in force in Belize shall apply mutatis mutandis.

Mutual Legal Assistance.

(2) Mutual legal assistance provided under this Act may allow for the forfeiture of property without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight, absence, or the perpetrator is unknown.

91.—(1) The central authority may enter into an agreement with the government of any foreign State for the reciprocal sharing of the proceeds or disposition of—

Reciprocal sharing of proceeds agreement.

- (a) property forfeited or disposed of under this Act; or
- (b) property forfeited or disposed of by a foreign State,

in circumstances where agencies of that foreign State, or of Belize, as the case may be, have participated in the forfeiture or disposal of the property.

(2) Where proceeds are received by Belize under an agreement under this section, the proceeds shall be deposited into the Fund.

(3) Where there exists no agreement for the reciprocal sharing of proceeds of, or disposition of property forfeited or disposed of under this Act and a request is made from a foreign State in respect of the return of property or proceeds from property, the central authority may approach the High Court for an Order to allow the return of the property or sharing of the proceeds of property forfeited or disposed of under this Act.

92.—(1) Where a Property Freezing Order, a Recovery Order or an Unexplained Wealth Order has been made and the property to which those orders apply is suspected to be on reasonable grounds in a country with which Belize has a mutual legal assistance treaty, then, subject to sub-section (3), a request may be transmitted by the central authority requesting that the order concerned be enforced in accordance with the laws of that country.

Assistance in relation to certain orders.

- (2) Assistance under sub-section (1) may include—

- (a) securing the detention, custody or preservation of the property;
- (b) in the case of money, ensuring that it is applied in accordance with the laws of that country; and
- (c) in the case of property other than money, ensuring that the property is realized and the proceeds applied in accordance with the laws of that country.

(3) In any case where a request to a country under this section has been accepted, the central authority shall inform the relevant authority of that country if the concerned Property Freezing Order, Recovery Order or Unexplained Wealth Order is varied or ceases to have effect.

(4) A request shall not be made under this section for the enforcement of an Unexplained Wealth Order if the amount specified in the order or the total value of the property required to satisfy the order is less than ten thousand dollars or such other amount as may be prescribed by the Minister, by Order.

(5) Assistance that may also be requested under this section is assistance in obtaining, outside of Belize, relevant evidence specified in the request including evidence to establish—

- (a) the property to which the order applies is property which is recoverable or associated property; or
- (b) the property is recoverable property under this Act and, if it is, who holds it.

(6) The central authority shall, in requesting assistance under this section, make the request to the Attorney General with a view to it being forwarded to—

- (a) a court or tribunal which is specified in the request and which exercises jurisdiction in the place where the evidence is to be obtained;
- (b) the government of the country concerned; or
- (c) the authority recognised by the government of the country concerned as the appropriate authority for receiving request for assistance of that kind.

PART V

Miscellaneous

93.—(1) Employees of the Civil Recovery Authority and every person concerned with the administration of this Act including interim receivers, receivers and trustees shall treat documents, information or other matters related to the administration of this Act, as secret and confidential except disclosures—

Confidentiality.

- (a) made by the Civil Recovery Authority, or any other person pursuant to the provisions of this Act or any Regulations made under this Act; and
- (b) which the Civil Recovery Authority considers necessary in the discharge of its functions.

(2) Subject to sub-section (1), a person has the right to request that any proprietary or confidential documents, information or matter provided or submitted to the Civil Recovery Authority is kept as confidential and secret by the Agency.

(3) An interim receiver, receiver, trustee, an employee of the Civil Recovery Authority or any person concerned with the administration of the Act, who recklessly or knowingly discloses documents, information or any other matter relevant to the administration of this Act in contravention of this section commits an offence and is liable—

- (a) on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment for a period of five years; and
- (b) on conviction on indictment to a fine of five hundred thousand dollars and to imprisonment for a period of seven years.

94.—(1) The Minister may make Regulations for the purpose of giving effect to and for the better carrying out of this Act or for prescribing anything that needs to be prescribed.

Regulations.

(2) Regulations made under sub-section (1), shall be subject to negative resolution.

(3) Notwithstanding section 34 of the Interpretation Act, Regulations made under this section may prescribe penalties for breaches of those Regulations of up to five hundred thousand dollars.

95. The Minister may, by Order, amend the Schedules to this Act in such manner as it considers necessary or appropriate.

Amendment of Schedules

96. In the event of an inconsistency between this Act and the operation of any other law, then this act shall prevail to the extent of the inconsistency.

Event on inconsistency.

97. The Money Laundering and Terrorism (Prevention) Act is amended as follows—

Consequential Amendments.

- (a) in section 79(1)–
 - (i) in paragraph (f), by deleting the full stop and substituting “; and”; and
 - (ii) by inserting the following new paragraph after paragraph (f)–
 - “(g) cash or proceeds of the sale of any property, real or personal, forfeited to the State under the Civil Asset Recovery Act.”.
- (b) in section 79(2)–
 - (i) in paragraph (i), by deleting the word “and” at the end of the paragraph;
 - (ii) in paragraph (j), by deleting the full stop and substituting “; and”; and
 - (iii) by inserting the following new paragraph after paragraph (j)–
 - “(k) pay any residual proceeds of the Fund, from time to time, to the Consolidated Revenue Fund to meet any expenditures charged thereon by the Constitution of Belize or any other law enacted by the National Assembly.”.

Commencement. **98.** This Act shall come into force on a day appointed by the Minister by Order published in the *Gazette*.

SCHEDULE I
[sections 26 and 29]

POWERS OF INTERIM RECEIVER

- | | |
|---|---------------------|
| 1. Power to seize property to which the order applies. | Seizure. |
| 2.-(1) Power to obtain information or to require a person to answer any question. | Information. |
| (2) A requirement imposed in the exercise of the power has effect in spite of any restriction on the disclosure of information, however imposed. | |
| (3) An answer given by a person in pursuance of such a requirement may not be used in evidence against him in criminal proceedings, other than proceedings for an offence of perjury or any equivalent offence. | |
| 3.-(1) Power to enter any premises in Belize to which the interim order applies, and to— | Entry, search, etc. |
| (a) carry out a search for or inspection of anything described in the order; | |
| (b) make or obtain a copy, photograph or other record of anything so described; and | |
| (c) to remove anything which he is required to take possession of in pursuance of the order or which may be required as evidence in the proceedings under Part III. | |
| (2) The order may describe anything generally, whether by reference to a class or otherwise. | |
| 4.-(1) An order making any provision under paragraph 2 or 3 shall make provision in respect of legal professional privilege. | Supplementary. |
| (2) An order making any provision under paragraph 3 may require any person— | |
| (a) to give the interim receiver access to any premises which he may enter in pursuance of paragraph 3; and | |
| (b) to give the interim receiver any assistance he may require for taking the steps mentioned in that paragraph. | |
| 5.-(1) Power to manage any property to which the order applies. | Management. |

- (2) Managing property includes—
- (a) selling or otherwise disposing of assets comprised in the property which are perishable or which ought to be disposed of before their value diminishes;
 - (b) where the property comprises assets of a trade or business, carrying on, or arranging for another to carry on, the trade or business; and
 - (c) incurring capital expenditure in respect of the property.

SCHEDULE II
[section 38]

POWERS OF THE TRUSTEE

- | | | |
|--------|--|--------------------|
| 1. | Power to sell the property or any part of it or interest in it. | Sale. |
| 2. | Power to incur expenditure for the purpose of—

(a) acquiring any part of the property, or any interest in it, which is not vested in him; or

(b) discharging any liabilities, or extinguishing any rights, to which the property is subject. | Expenditure. |
| 3.—(1) | Power to manage property. | Management. |
| | (2) Managing property includes—

(a) selling or otherwise disposing of assets comprised in the property which are perishable or which ought to be disposed of before their value diminishes;

(b) where the property comprises assets of a trade or business, carrying on, or arranging for another to carry on, the trade or business; and

(c) incurring capital expenditure in respect of the property. | |
| 4. | Power to start, carry on or defend any legal proceedings in respect of the property. | Legal proceedings. |
| 5. | Power to make any compromise or other arrangement in connection with any claim relating to the property. | Compromise. |
| 6.—(1) | For the purposes of, or in connection with, the exercise of any of his powers—

(a) power, by his official name to—

(i) hold property;

(ii) enter into contracts;

(iii) sue and be sued;

(ii) employ agents; and | Supplementary. |

- (iii) execute a power of attorney, deed or other instrument;
and
- (b) power to do any other act which is necessary or expedient.

SCHEDULE III

[section 49]

CONNECTION WITH THE STATE

1. There is a connection where the unlawful conduct occurred entirely or partly in the State. Unlawful conduct.
- 2.-(1) There has been a connection where the property in question has been in the State, but only if it was recoverable property in relation to the unlawful conduct for some or all of the time it was there. Tainted property.
Property.
- (2) There is a connection where there is other property in the State that is recoverable property in relation to the unlawful conduct.
- (3) There has been a connection where, at any time, there has been other property in the State that, at the time, was recoverable property in relation to the unlawful conduct.
- 3.-(1) There is or has been a connection where a person described in subparagraph (2)- Person.
- (a) is linked to the State;
- (b) was linked to the State at a time when the unlawful conduct, or some of the unlawful conduct, was taking place; or
- (c) has been linked to the State at any time since that conduct took place.
- (2) Those persons are-
- (a) a person whose conduct was, or was part of, the unlawful conduct;
- (b) a person who was deprived of property by the unlawful conduct;
- (c) a person who holds the property in question;
- (d) a person who has held the property in question, but only if it was recoverable property in relation to the unlawful conduct at the time;
- (e) a person who holds other property that is recoverable property in relation to the unlawful conduct; or

(f) a person who, at any time, has held other property that was recoverable property in relation to the unlawful conduct at the time.

(3) A person is linked to the State if the person is—

- (a) a citizen of the State;
- (b) a body incorporated or constituted under the law of the State, or
- (c) a person domiciled, resident or present in the State.

Property held on trust

4.—(1) There is a connection where the property in question is property held on trust, or an interest in property held on trust, and—

- (a) the trust arises under the law of the State;
- (b) the trust is entirely or partly governed by the law of the State;
- (c) one or more of the trustees is linked to the State; or
- (d) one or more of the beneficiaries of the trust is linked to the State.

(2) A person is linked to the State if the person falls within paragraph 4(3).

(3) in this paragraph, “beneficiaries” includes beneficiaries with a contingent interest in the trust property and potential beneficiaries.

Interpretation.

5. In this Schedule, “unlawful conduct” means—

- (a) in a case in which the property in question was obtained through unlawful conduct, that conduct;
- (b) in a case in which the property in question represents property obtained through unlawful conduct, that conduct; or
- (c) in a case in which it is shown that the property in question was obtained through unlawful conduct of one of a number of kinds or represents property so obtained.

SCHEDULE IV
[section 60]

DECLARATION OF ASSETS

PART 1

IDENTIFICATION SECTION

NAME OF DECLARANT:		
HOME ADDRESS OF DECLARANT:		OFFICE ADDRESS OF DECLARANT
DATE OF BIRTH:	TELEPHONE (HOME):	TELEPHONE (OFFICE):
SOCIAL SECURITY NUMBER:	FAX:	FAX:
EMAIL:		
NAME OF DECLARANT'S SPOUSE (SURNAME, OTHER NAMES):		HOME ADDRESS OF DECLARANT'S SPOUSE:
NAMES OF DECLARANT'S DEPENDENTS (SURNAME, OTHER NAMES) 1. 2.		OFFICE ADDRESS OF DECLARANT'S SPOUSE (if applicable)

3.	
4.	
5.	

PART 2

DETAILS OF INCOME OF DECLARANT, SPOUSE AND DEPENDENTS

1. income from employment-government/non-government (include receipts from any Ministry, Department, Board, Agency, etc.)			
Name and Address of Employer	Recipient's Name (Declarant/Spouse/Dependents)	Title of Office	Gross Annual Earnings \$

2. income from TRADE, PROFESSION OR VOCATION (state Net Income after deduction of expenses)			
Name and Address of Employer	Recipient's Name (Declarant/Spouse/Dependents)	Title of Office	Annual Net Income \$

3. income from property (state Net Income after deduction of expenses)			
Address and description of Property	Tenant's Name	Recipient's Name (Declarant/Spouse/Dependents)	Annual Net Income \$

4. interest income			
Name and Address of Organisation/persons from whom Interest Received	Recipient's (Declarant/Spouse/Dependents)	Name	Annual Net Income \$

5. dividend income			
Name and Address of Organisation/persons from which Dividend Received	Recipient's (Declarant/Spouse/Dependents)	Name	Annual Net Income \$

6. gains/profit					
Description of any Assets Sold	In whose Name held (Declarant/Spouse/Dependents)	Purchase Price and Additional Capital Expenditure \$ (a)	Expenses Relative to Sale \$ (b)	Proceeds of Sale \$ (c)	Gains/Profit [c-(a + b)]

7. OTHER BENEFITS FROM EMPLOYMENT (including but not limited to Housing and Travelling)					
Name and Address of Employer	Recipient's (Declarant/Spouse/Dependents)	Name	Description of Benefit	Value	\$

8. OTHER income not previously declared (including but not limited to receipts by way of commissions, bonuses, pensions, trust, annuities)					
Source of Income and Address	Recipient's (Declarant/Spouse/Dependents)	Name	Description of Income	Value	\$

PART 3

DETAILS OF ASSETS OF DECLARANT, SPOUSE AND DEPENDANTS

<p>1. real property</p> <p>A) LAND AND BUILDINGS (including townhouses and condominiums)</p>

Address and Description of property, including Land and Floor Areas	In whose Name held (Declarant/Spouse/Dependents)	Date of acquisition	Original Cost \$	Cost of Additions \$	Estimated Value as at date of declaration

B) LAND (Without Buildings)

Address, Description and Area of Land	In whose Name held (Declarant/Spouse/Dependents)	Date of acquisition	Original Cost \$	Estimated Value as at date of declaration

2. AMOUNTS HELD IN BANKS AND FINANCIAL INSTITUTIONS

(not including Unit Trust and Mutual Funds)

Name and Address of Institution	Type of Account	In whose Name held (Declarant/Spouse/Dependents)	Account Number	Balance as at date of declaration

3. unit trust and mutual funds			
Name and Address of Institution	In whose Name held (Declarant/Spouse/Dependents)	Number of Units Held	Value as at date of declaration \$

4. Cash and valuables held in safety deposit boxes			
Name and Address of Institution	Description of Cash/Valuables	In whose Name held (Declarant/Spouse/Dependents)	Value \$

5. life insurance policies					
Company	Type of Policy	In whose Name held (Declarant/Spouse/Dependents)	Annual Premium Paid \$	Sum Assured \$	Cash Surrender Value \$

6. company shares and stock			
A) COMPANY SHARES AND STOCK QUOTED (i.e. Traded on the Stock Exchange)			
Name of Company	Stock Units/ Shares Held	In whose Name held (Declarant/Spouse/Dependents)	Market Value as at date of declaration \$

B) COMPANY SHARES AND STOCK (UNQUOTED)				
Name and Address of Company	Nature of Business	Stock Units/ Shares Held	In whose Name held (Declarant/Spouse/Dependents)	Estimated Value \$

7. INVESTMENT IN PARTNERSHIPS, JOINT VENTURES AND OTHER BUSINESSES				
Name and Address of	Nature of Business	Percentage Ownership	In whose Name held (Declarant/Spouse/Dependents)	Investment as at date of declaration

Company or Business				

8. Other assets

A) MOTOR VEHICLES

Make and Model	Registration Number	Purchase Price \$	In whose Name held (Declarant/Spouse/Dependents)	Sum Assured \$	Estimated Value as at date of declaration

B) MONEY LOANED

Name and Address of Borrower	Amount Lent	Date Lent	Name of Lender (Declarant/Spouse/Dependents)	Balance due as at date of declaration

C) GOVERNMENT AND CORPORATE BONDS

Issuing Organisation	In whose Name held (Declarant/Spouse/Dependents)	Date of Purchase	Interest Rate	Maturity	Estimated Value as at date of declaration

				Date	

D) CREDIT UNIONS

Name and Address of Credit Union	Type of Account (Shares/Saving/Fixed Deposit)	In whose Name held (Declarant/Spouse/Dependents)	Account Number	Balance due as at date of declaration

E) Any other assets not previously declared (including but not limited to Boats, Jewelry, Paintings, Coin Collections, etc.

Description	Location	In whose Name held (Declarant/Spouse/Dependents)	Value as at date of declaration

PART 4

DETAILS OF LIABILITIES OF DECLARANT, SPOUSE AND DEPENDENTS

1. MORTGAGE LOANS						
Name and Address of Lender	Name of Borrower (Declarant/Spouse /Dependents)	Property/Asset Mortgaged	Original Loan and Date Incurred	Interest Rate and Term	Amount Paid for the Year	Balance Owing as at date of declaration

2. Other liabilities (including but not limited to Judgment Debts)						
Name and Address of Organisation/Person Owed	Name of Debtor (Declarant/Spouse /Dependents)	Date Debt Incurred	Original Debt \$	Amount Repaid during Year \$	Amount Owing as at date of declaration	

PART 5**DECLARATION**

I declare that I have given a full return of the particulars, as are known to me, of the income from every source whatsoever, and of the assets and liabilities, of my spouse, my dependents and myself, required to be filed in accordance with the provisions of the Civil Asset Recovery Act.

Date this _____ day of _____, 20__

Signature of Declarant