

BELIZE:

CRIMINAL RECORDS (REHABILITATION OF OFFENDERS)
ACT, 2024

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No. 11 of 2024

I assent,

(H.E. DAME FROYLA TZALAM)
Governor-General

19th April 2024

AN ACT to provide for certain convictions to become spent and be expunged from criminal records; to provide against the disclosure of such convictions; and to provide for matters connected therewith or incidental thereto.

(Gazetted 27th April, 2024).

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 I

Preliminary

1. This Act may be cited as the

Short title.

**CRIMINAL RECORDS (REHABILITATION OF
OFFENDERS) ACT, 2024.**

Interpretation.**2. In this Act–**

“Board” means the Criminal Records (Rehabilitation of Offenders) Board established in accordance with section 18;

“conviction” includes any finding in any criminal proceedings that an offence has been committed any person;

“expunged conviction” means any spent conviction expunged from the records under section 25;

“Minister” means the Minister responsible for human development;

“rehabilitation period” means any period specified under section 5 as a rehabilitation period for the conviction to which it relates, commencing and terminating on such dates as are provided for in this Act;

“rehabilitated person” means any person who is treated as a rehabilitated person under section 3;

“sentence” includes any order, not being an order dismissing the case, made by a court with respect to a conviction and directing anything to be done or not to be done by the offender;

“specified offence” means–

Schedule 1.

(a) any offence specified in Schedule I; and

(b) any offence to which, having regard to the sentence imposed, section 3 does not apply;

“spent conviction” means any conviction treated as a spent conviction under section 3.

PART II

Spent Convictions

3.—(1) Subject to the provisions of this Act, a person who has been convicted of an offence to which this section applies shall, at the expiration of the appropriate rehabilitation period, be treated as a rehabilitated person in respect of the conviction for that offence and, for the purposes of this Act, the conviction shall be treated as a spent conviction.

Rehabilitated persons and spent convictions.

(2) In relation to a conviction that occurred before the commencement of this Act, the provisions of this Act shall be deemed to have been in force at the time of such conviction and continued in force thereafter.

(3) Subject to sections 6 and 9, this section—

(a) shall apply in relation to any offence for which a person is convicted where the sentence imposed by the court—

(i) does not include a term of imprisonment;
or

(ii) if it includes a term of imprisonment, that term does not exceed three years; and

(b) shall not apply to any offence specified in Schedule I.

Schedule I.

(4) For the purposes of sub-section (3), where a sentence includes a term of imprisonment only as an alternative to another penalty, that term of imprisonment shall be disregarded.

(5) Subject to sub-section (6), a finding in service disciplinary proceedings that a person commits an offence in respect of any act or omission which was the subject of those proceedings shall be treated as a conviction and any

punishment awarded in respect of any such finding shall be treated as a sentence.

CAP. 135.

(6) Sub-section (5) shall apply to—

(a) any offence consisting in the commission of a civil offence within the meaning of the Defence Act and to any offence under sections 35, 47, 48, 57, and 58 of that Act; and

(b) the following punishments—

(i) a term of imprisonment for a period not exceeding five years;

(ii) cashiering;

(iii) discharge with ignominy from His Majesty's service;

(iv) dismissal from His Majesty's service;

CAP. 135.

(v) any punishment not specified in the preceding paragraphs which is treated under the Defence Act as being less than any of the punishments specified in the preceding paragraphs; and

(vi) fine.

Act to apply to convictions in country other than Belize.

4. Where a person has been convicted and sentenced in any country other than Belize for an offence against or arising under the law of that country, the provisions of this Act shall apply in like manner as they apply in relation to a conviction and sentence in Belize if—

(a) there is kept and maintained in the Criminal Records Office of Belize particulars of that conviction and sentence; and

- (b) the circumstances constituting the offences would if they had occurred in Belize constitute an offence against the laws of Belize.

5. Where a person is convicted of an offence to which section 3 applies and the person was eighteen or more years of age at the time that the offence was committed, the applicable rehabilitation period with respect to that conviction shall be determined as follows—

Rehabilitation periods for persons of eighteen or more years of age.

- (a) where the sentence imposed is for an offence listed in Schedule II, the rehabilitation period shall be seven years;
- (b) where the sentence imposed is for an offence listed in Schedule III, the rehabilitation period shall be five years; and
- (c) for any other offence not listed in Schedules I, II or III, the rehabilitation period shall be five years.

Schedule II.

Schedule III.

Schedules I, II and III.

6. Where a person is convicted of an offence to which section 3 applies and the person was under eighteen years of age at the time that the offence was committed, the applicable rehabilitation period with respect to that conviction shall be determined as follows—

Rehabilitation periods for persons under the age of eighteen years.

- (a) where the sentence imposed is for an offence listed in Schedule II, the rehabilitation period shall be five years;
- (b) where the sentence imposed is for an offence listed in Schedule III, the rehabilitation period shall be three years; and
- (c) for any other offence not listed in Schedules I, II or III, the rehabilitation period shall be three years.

Schedule II.

Schedule III.

Schedules I, II and III.

Compliance with conditions of sentence necessary for rehabilitation.

Commencement of rehabilitation period.

7. Notwithstanding the provisions of section 3 and 5, a person shall not be treated as a rehabilitated person if that person has failed to comply with any condition of sentence imposed on that person in respect of that conviction.

8.-(1) Subject to sub-section (2), the rehabilitation period applicable to an offence shall commence from the date of the termination of the sentence of imprisonment, or the payment of fine, or the compliance with any condition of sentence imposed in respect of that offence, as the case may be.

(2) Where in respect of a conviction for an offence an order is made imposing on the person convicted more than one penalty for that offence, the rehabilitation period shall commence on the date on which all the penalties are satisfied and, for the purposes of this sub-section, if any such penalty includes disqualification, disability or prohibition, that aspect of the penalty shall be deemed not to be satisfied until the disqualification, disability or prohibition, as the case may be, ceases.

(3) Where the sentence imposed on any person for an offence that is not a specified offence is a suspended sentence, the rehabilitation period shall commence on the earlier of the following dates, that is to say—

- (a) the date on which the sentence of imprisonment would have terminated had the court not granted a suspended sentence; or
- (b) the date of termination of the operational period, as defined in section 37 of the Alternative Sentencing Act, of the suspended sentence, unless the person is convicted of another offence during the operational period of the suspended sentence, in which case the provisions of section 10 (1) shall apply.

9. Without prejudice to section 8 (2), where in respect of two or more offences, a person has been sentenced to serve terms of imprisonment concurrently or consecutively, the rehabilitation period in respect of each of the offences shall not commence until the termination of all the sentences.

Commencement of rehabilitation period applicable to concurrent and consecutive sentences.

10.-(1) Where during the rehabilitation period applicable to a conviction, a person is convicted of a further offence—

Effect of other conviction or proceedings during the rehabilitation period.

- (a) if the further conviction is for a specified offence, the offence which is the subject of the earlier conviction period shall cease to be one to which section 3 applies and the rehabilitation period applicable to the earlier conviction shall cease to have relevance under this Act; or
- (b) if the further conviction is for an offence other than a specified offence and the rehabilitation period applicable to either of the convictions would, but for the provisions of this section, have ended earlier than the period so applicable in relation to the other, the rehabilitation period which would have ended the earlier shall be extended so as to end at the same time as the other rehabilitation period.

(2) Where proceedings against the convicted person in respect of another offence are incomplete at the time when the conviction would, but for the provisions of this subsection, have become spent—

- (a) such conviction shall be incapable of becoming spent while such proceedings are incomplete unless the proceedings have been adjourned sine die and remain so adjourned for a period of at least three years; and
- (b) the rehabilitation period shall be deemed to continue until the proceedings are completed

or the period of three years under sub-section (2)(a) has elapsed, whereupon sub-section (1) shall mutatis mutandis apply.

Reference to conviction not to be taken to refer to spent conviction.

11. Where reference is made or required to be made, other than in this Act, to a conviction, such reference shall not, unless any enactment makes express provision to the contrary, be taken to be a reference to a spent conviction.

Inadmissibility in proceedings of evidence relating to spent conviction.

12.—(1) Subject to sections 14 and 15, in any proceedings before a judicial authority exercising jurisdiction or function in Belize—

- (a) no evidence shall be admissible to prove that a person has been charged with, or prosecuted for, or convicted of, or sentenced for, any offence which was the subject of a spent conviction;
- (b) a person shall not in any such proceedings be asked and if asked, shall not be required to answer any questions relating to the past of that person which cannot be answered without acknowledging or referring to a spent conviction or any circumstances ancillary to it; and
- (c) where a person has been asked in any proceedings a question relating to the past of that person and that person inadvertently discloses a spent conviction or any circumstances ancillary to the spent conviction, such disclosure shall be disregarded by the judicial authority.

Disclosure of criminal conviction for insurance not applicable to spent conviction.

13.—(1) Any requirement in a contract of insurance which relates to the disclosure condition of a conviction for a criminal offence shall not apply in respect of a spent conviction.

(2) A contract of insurance applied for, or entered into, shall not be avoided or cancelled on the ground of the failure

by a person to disclose any particulars of a criminal offence which is the subject of a spent conviction.

(3) The provisions of sub-sections (1) and (2) shall apply in like manner with respect to a contract of marine insurance.

14. Nothing in section 12 shall affect the determination of ability in any issue, or prevent the admission or requirement of any evidence, relating to any previous conviction of a person or to circumstances ancillary to it in—

Admissibility in criminal and other proceedings of evidence relating to spent conviction.

- (a) any criminal proceedings before a court, including any appeal or reference in a criminal matter;
- (b) any service disciplinary proceedings or in any proceedings on appeal from any service disciplinary proceedings;
- (c) any proceedings or enquiries relating to adoption or to the guardianship, wardship, marriage, custody, care and control of, or access to, any minor or to the provision by any person of accommodation, care, or schooling for any minor; or
- (d) any proceedings in which that person is a party or witness, if on the occasion when the issue or the admission or requirement of the evidence falls to be determined, that person consents to the determination of the issue or, as the case may be, the admission or requirement of the evidence notwithstanding the provisions of section 12.

Circumstances where person shall disclose particulars of spent conviction.

15.-(1) A person shall, if requested, disclose particulars of any spent conviction when seeking to—

- (a) be made a member of a professional body of any of the professions specified in Part I of Schedule IV;
- (b) be appointed to any office of employment specified in Part II of Schedule IV; or
- (c) become engaged in any business of the type specified in Part III of Schedule IV.

Schedule IV.

(2) A disclosure of particulars of a spent conviction under sub-section (1) shall be made—

- (a) to any person duly authorised by the—
 - (i) professional body; or
 - (ii) organisation responsible for the office of employment; or
- (b) in relation to any business as aforesaid, to any person as may be designated by the Minister for that purpose.

(3) The Minister may, by order published in the *Gazette*, amend Schedule IV.

Schedule IV.

(4) The particulars of a spent conviction disclosed to a duly authorised person pursuant to this section may be published or communicated pursuant to the following conditions only, that is to say—

- (a) the publication or communication shall be in accordance with rules or regulations for the time being in force of the professional body, office

of employment or business, as the case may be, of which the person making the disclosure under sub-section (1) was aware when he made the disclosure; and

- (b) the rules or regulations shall not authorise the general disclosure or publication of the particulars aforesaid other than to any person who, by virtue of the position or relationship of that person with the professional body, office of employment or business, as the case may be, is authorised by the rules or regulations to have such particulars communicated to that person.

(5) Any person who contravenes sub-section (4) commits an offence.

16.—(1) A person who is required under section 15 to disclose particulars of a spent conviction and fails to make such disclosure with the intent to deceive any person authorised to make enquiries for the purposes recognized by that section commits an offence.

Offence for misrepresentation pursuant to section 15.

(2) A person shall not be convicted of an offence under this section unless the court is satisfied that a benefit was conferred on that person and that such benefit would not have been so conferred if that person had not committed the act alleged to constitute the offence.

(3) For the purposes of sub-section (2), a benefit shall be deemed to have been conferred on a person against whom an allegation of an offence under this section is made on proof that that person was—

- (a) conferred with membership of a professional body of any of the professions specified in Part I of Schedule IV;

Schedule IV.

- (b) appointed to any office or employment of the nature specified in Part II of Schedule IV; or
- (c) authorised to become engaged in any business specified in Part III of Schedule IV.

PART III

Expungement of Spent Convictions

Interpretation
for Part III.

17. In this Part, “records” means the records kept and maintained in the Criminal Records Office in relation to the conviction of any person for a criminal offence or such other record as may be prescribed.

Establishment
of Criminal
Records
(Rehabilitation
of Offenders)
Board.

18.—(1) For the purposes of this Part, there shall be established a Board to be called the Criminal Records (Rehabilitation of Offenders) Board.

Schedule V.

(2) The provisions of Schedule V shall have effect as to the constitution of the Board.

Functions of
Board.

19.—(1) Subject to the provisions of this Act, the functions of the Board shall be to—

- (a) receive and consider applications for the expungement from the records of spent convictions and to grant or reject such applications;
- (b) consider any representations made to it by or on behalf of the person who has applied to the Board for the expungement from the records of a spent conviction;
- (c) review, from time to time, the cases of applicants to the Board for the expungement from the records of spent convictions;

- (d) issue directions to the Criminal Records Office of Belize and any person having custody of the records with respect to the expungement from the records of spent convictions;
- (e) make reports to the Minister at such intervals as the Minister may require upon the discharge by the Board of its functions; and
- (f) carry out such other functions as the Minister may direct as being, in opinion of the Minister, necessary for the purposes of this Act.

(2) Hearings by the Board shall be held in camera and if the Board thinks fit, each applicant may be given permission to appear at the hearing.

20. Subject to section 21, a rehabilitated person may upon the expiration of the rehabilitation period make an application, in the form set out in Schedule VI, to the Board for the expungement from the records of a spent conviction.

Eligibility of rehabilitated person to apply to the Board for expungement. Schedule VI.

21.—(1) Where a person has been convicted of three or more—

Restrictions on eligibility.

- (a) indicatable offences arising out of more than one incident; or
- (b) summary offences, all of which involved an offence under the Misuse of Drugs Act, other than an offence under section 7 (restriction on possession of controlled drugs) where the sentence imposed on conviction of the offence was a fine not exceeding one thousand dollars or such other amount as the Minister may by order prescribe, or an offence under section 12 of the Misuse of Drugs Act (prohibition of certain activities, etc., relating to certain drugs),

CAP. 103.

the person shall as of the third such conviction, notwithstanding that the applicable rehabilitation period may have elapsed in relation to any of those convictions, be dealt in accordance with sub-section (2).

(2) A person described in sub-section (1) shall not be eligible to—

- (a) be treated as a rehabilitated person in respect of any of the convictions referred to in sub-section (1) and neither shall any of those convictions be capable of being treated as spent;
- (b) apply for the expungement from the records of any other conviction that has already become spent;
- (c) be treated as a rehabilitated person in relation to any subsequent conviction, and neither shall any subsequent conviction be capable of being treated as spent.

Schedule I.
CAP. 101.

(3) Notwithstanding the provisions of Schedule I, where a person has been convicted under section 47 of the Criminal Code in respect of unlawful sexual intercourse and that conviction is one to which section 3 applies—

- (a) the person shall, after the applicable rehabilitation period, be eligible to apply to the Board for the expungement from the records of that conviction; and
- (b) pursuant to section 24, the person shall, in the course of the application, be required to tender to the Board such evidence as the Board may require so as to satisfy itself, with regard to the offence, that the person—

- (i) was not in a position of trust or authority towards the other party, and the other party was not in a relationship of dependency with the applicant;
- (ii) did not use, threaten to use, or attempt to use violence, intimidation, or coercion in relation to the other party; and
- (iii) was less than four years older than the other party,

and the Board shall not approve the application for expungement unless it is satisfied that the requirements under sub-paragraphs (i) to (iii) have been met.

(4) Where the conviction of a person is expunged consequent upon the Board being satisfied in the manner specified in sub-section (3), then with effect from the date of the direction of the Board for expungement, the registration, reporting, notification, or other obligations of the person arising in relation to that conviction under the Criminal Code and any regulations made thereunder shall cease, and the Board shall, in writing, notify the Commissioner of Police and the Minister responsible for Home Affairs accordingly.

CAP. 101.

(5) In this section, “other party” means the person with whom the convicted person engaged or attempted to engage in sexual intercourse.

22.—(1) Every application made under section 20 shall be in writing and shall state—

Application shall be in writing, etc.

- (a) the full name and age of the applicant;
- (b) the offence for which the applicant was convicted and the sentence imposed by the court in respect of that offence;

- (c) the date and place of conviction;
- (d) the court before which the applicant was convicted;
- (e) the date on which, where applicable, the applicant completed the serving of the sentence, including the date on which any period of disqualification, disability or prohibition ceased and the extent to which any condition attaching to such sentence has been complied with;
- (f) the date from which the conviction was treated as a spent conviction and the date from which, by virtue of the expiry of the additional rehabilitation period, the applicant became eligible to make the application;
- (g) any other written representation on which the applicant relies in support of the application; and
- (h) such other information as may be prescribed.

Board to make enquiries.

23. The Board shall cause proper investigations to be made to ascertain the facts stated in every application made pursuant to section 20, and shall cause investigations to be made to ascertain the behaviour of the applicant since the date of the conviction of the applicant.

Board if satisfied shall make direction for spent conviction to be expunged from the records.

24. If the Board, upon completion of its investigations, is satisfied, having regard to the—

- (a) facts and representations on which the applicant relies in support of his application;
- (b) behaviour of the applicant since the conviction; and

- (c) results of any enquiries made by the Board into any matter appertaining to the application,

that the applicant has been rehabilitated, then, if the Board is also satisfied that no interest of justice or of national security would be prejudiced thereby, it shall issue a direction that the spent conviction, in respect of which the application is made, be expunged from the records.

25. A direction issued pursuant to section 24 in respect of a spent conviction shall be in writing addressed to any person having custody or control of the records and on such direction being delivered to that person, that person shall immediately expunge the spent conviction from the records.

Effect of direction by the Board.

26. A rehabilitated person shall in relation to any expunged conviction for all purposes in law be deemed to be a person who has never been charged with, prosecuted for, convicted of, or sentenced for, the offence to which that conviction relates.

Legal status of person where spent conviction expunged from the records.

27. The Board shall in writing inform every person making an application under section 20 or section 28, as the case may be, of the outcome of the application.

Board to inform applicant writing.

28. A person whose application for the expungement of a spent conviction has been rejected may reapply after the expiration of one year from the date of such rejection or such lesser period as may be determined by the Board.

Applicant may reapply where application rejected.

29.—(1) Where a person reapplies for the expungement of a spent conviction under section 28 and that application is rejected, that person may appeal to the Minister within sixty days from the date of such rejection or such longer period as may be permitted by the Minister.

Appeal to Minister.

(2) Where an appeal is made under sub-section (1), the Minister shall review all the circumstances of the case

and, if the Minister is of the opinion that the Board has failed to give due consideration to any matter which, if that consideration had been given and having regard to all other circumstances of the case, would have constituted sufficient reason for granting the application, the Minister shall direct that the case be remitted to the Board.

(3) In relation to any appeal under sub-section (1), where the Minister is satisfied that—

- (a) due consideration had been given to the application, the Minister shall reject the appeal; or
- (b) the decision of the Board is unjust or perverse, the Minister shall allow the appeal and reverse the decision of the Board.

(4) Where, having regard to a decision made under sub-section (3), a direction is required to be made for the expungement from the records of a spent conviction, such direction shall be in the like manner and shall have effect as a direction made by the Board under section 24.

(5) The Minister shall in writing advise the applicant of the outcome of the appeal.

Automatic
expungement.

CAP. 103.

30.—(1) Sub-section (2) applies to a specified person convicted of an offence under a prescribed enactment, or an offence under section 7 of the Misuse of Drugs Act (restriction on possession of controlled drugs) where the sentence imposed on conviction of the offence is a fine not exceeding fifty thousand dollars or such other amount as the Minister may by order prescribe.

(2) Subject to sub-section (3), a specified person shall be entitled to the expungement from the records of any conviction referred to in sub-section (1) whether or not the rehabilitation period with respect to the conviction has expired.

(3) On receiving an application for expungement of any conviction referred to in sub-section (1), the Board shall, unless it is satisfied that the conviction was not for an offence falling within sub-section (1), issue a direction that the conviction be expunged from the records which direction shall be treated as one made in accordance with section 24.

(4) The Minister may prescribe the procedure and any other details necessary for automatic expungement under this section.

(5) For the purposes of sub-section (1), “prescribed” means prescribed by the Minister by order subject to affirmative resolution.

PART IV

Miscellaneous

31. Nothing contained in this Act shall be construed as affecting any right vested in the Governor General by virtue of section 52 of the Belize Constitution, or by prerogative or otherwise.

Provisions of Act not to affect any right of Governor General. CAP. 4.

32.—(1) Subject to the provisions of this Act, any person who, in the course of duties, has, or at any time has had custody of, or access to, any official record or the information contained in the record, commits an offence if that person knows or has reasonable cause to suspect that any information that person has obtained in the course of those duties is specified information and that person discloses it to another person, otherwise than in the course of those duties.

Offence of unauthorised disclosure.

(2) A credit bureau within the meaning of section 2 of the Credit Reporting Act commits an offence if it knowingly discloses any specified information in any credit report or credit information it provides under that Act.

5 of 2023.

(3) In any proceedings for an offence under sub-section (1) or (2), it shall be a defence for the defendant to show that the disclosure was made to—

- (a) the rehabilitated person or to another person at the express request of the rehabilitated person; or
- (b) a person whom the defendant reasonably believed to be the rehabilitated person or to another person at the express request of a person whom the defendant reasonably believed to be the rehabilitated person.

(4) No proceedings for an offence against sub-section (1) or (2) shall be instituted except by or with the consent of the Director of Public Prosecutions.

(5) Nothing in sub-section (4) shall prevent the arrest, or the issue of a warrant for the arrest, of any person in respect of an offence against sub-section (1), or the remanding in custody, or on bail, of any person charged with an offence under sub-section (1) or (2).

(6) Any person who—

- (a) obtains any specified information from any official record by fraud, dishonesty or any bribe or unlawful means; or
- (b) falsifies any specified information on any official record,

commits an offence.

(7) For the purposes of this section—

“official record” means any record kept for the purposes of its functions by any court, police force, government department, local or public authority or any record kept for

the purposes of Belize Defence Force, being in either case a record containing information about persons convicted of offences; and

“specified information” means information to the effect that a named or otherwise identifiable rehabilitated living person has committed or has been charged with, or prosecuted for, or convicted of, or sentenced for, an offence which is the subject of a spent or expunged conviction.

33.—(1) Subject to the provisions of this Act, any person who dismisses or excludes any other person from any office, profession, occupation, or employment because of a spent or expunged conviction which that person knows or has reasonable cause to suspect is a spent or expunged conviction and which is not required to be disclosed under any law commits an offence.

Offence for exclusion from employment, etc.

(2) Subject to the provisions of this Act, any person who with malice discloses any spent or expunged conviction or the existence of any record or fact of the conviction commits an offence.

(3) Any person who offers a bribe to any member of the Belize Police Department or to any other person having custody or control of the criminal records to falsify a criminal record so as to show a conviction as a spent or expunged conviction commits an offence.

(4) Any insurance company registered in Belize which knowingly attempts to avoid a policy of insurance made with the company because of non-disclosure of a spent or expunged conviction commits an offence.

34.—(1) A person who commits an offence under section 15(5), 32 and 33 shall be liable on summary conviction before a magistrate to a fine not exceeding fifteen thousand dollars and, in default, to a term of imprisonment not exceeding three years.

Penalties.

(2) A person who commits an offence under section 16 shall be liable on summary conviction before a magistrate to a fine not exceeding one thousand five hundred dollars and, in default, to a term of imprisonment not exceeding one year.

Custody of records.

35. The Criminal Records Office shall be responsible for—

- (a) keeping, separate and apart from other criminal records, a record of all spent convictions; and
- (b) ensuring that there is a clear indication, on the criminal record of any person, that a conviction has become a spent conviction for the purposes of this Act.

Regulations.

36.—(1) The Minister may make regulations prescribing anything required by this Act to be prescribed and for the better carrying out of the provisions of this Act.

(2) The Minister may, by order published in the Gazette, vary the circumstances in which spent convictions may be disclosed.

Power of Minister to amend Schedules I, II or III and monetary penalties.

37. The Minister may, by order published in the Gazette, amend—

- (a) Schedule I, II or III; or
- (b) any monetary penalty imposed by this Act.

Commencement.

38.—(1) This Act shall come into force on a date appointed by the Minister by Order published in the *Gazette*.

(2) An order under sub-section (1) may appoint different dates for the commencement of different provisions of this Act.

SCHEDULE I

[section 3]

Offences for which Convictions may not be Expunged

1. Murder.
- CAP. 143. 2. Any offence under the Firearms Act.
3. Attempt to Murder.
- CAP. 103. 4. Any offence under section 5 and 8 of the Misuse of Drugs Act.
- CAP. 108:01. 5. Any offence under section 11 and 12 of the Trafficking in Persons (Prohibition) Act.
- CAP. 101. 6. Any offence under section 46, 47, 47A, 47B, 62, 63 (subject to section 21 of this Act), 45A, 47F, 47G, 49, 50, 51, 57, 77, 77A, 132, 147, 148, 153, 213, 214, 215, 284 of the Criminal Code.
7. Seditious acts.
- CAP. 104. 8. Any offence under section 5, 7, 68, and 70 of the Money Laundering and Terrorism (Prevention) Act.
- 3 of 2013. 9. Any offence under section 3, 4, 7, and 11 of the Commercial Sexual Exploitation of Children Act.
- CAP. 102. 10. Any offence under the Crime Control and Justice Act.

SCHEDULE II

[sections 5 and 6]

List of offences which have a seven year rehabilitation period for an offender above eighteen years of age and five year rehabilitation period for an offender under eighteen years of age

Offence	Source of Offence
	Criminal Code, section:
1. Aggravated assault	45
2. Abandonment of infant	60
3. Grievous harm	81
4. Use of deadly means of harm	83
5. Administering noxious matter	84
6. Abandonment likely to cause grievous harm	92
7. Burglary	148
8. Abstracting of electricity	152
9. Going equipped for stealing, etc.	173
10. Procuring, making, etc. of documents by force	183
11. Possession of counterfeited or incomplete notes	195
12. Threat of death or grievous harm	238
13. Written threats	239
14. Hindrance of inquests	265
15. Exciting prejudice as to a trial	268
16. Compounding crime	275
17. Noxious trades and other interferences with public rights	328

Firearms Act, section:

18. Dealing with gas discharging weapon

16

SCHEDULE III

[sections 5 and 6]

List of offences which have a five year rehabilitation period for an offender above eighteen years of age and three year rehabilitation period for an offender under eighteen years of age

Offence	Source of Offence
	Criminal Code, section:
1. Common Assault	44
2. Intentional Harm	79
3. Wounding	80
4. Throwing, etc., at a train	88
5. Obstructing trains	89
6. Interference with signals, etc.	90
7. Negligent harm	93
8. Negligent wound or grievous harm	94
9. Negligence by person in charge of dangerous things	95
10. Manslaughter by negligence	108
11. Abetment of suicide	109
12. Abortion	111
13. Destroying or damaging of property	132
14. Threats to destroy or damage property	133
15. Possessing anything with intent to damage/destroy property	134
16. Theft	146
17. Removal of articles from places open to the public	150

18. Taking motor vehicle or other conveyance without authority	151
19. Obtaining property by deception	153
20. Dishonestly obtaining wrongful credit	155
21. Obtaining pecuniary advantage by deception	156
22. Obtaining services by deception	157
23. Evasion of liability by deception	158
24. Making off without payment	159
25. False accounting	162
26. False Statement by company directors	164
27. Suppression of document	165
28. Frauds in the sale of land	166
29. Boundaries, documents and accounts	167
30. Removing goods to evade legal process	168
31. Frauds as to tickets	169
32. Handling stolen goods	171
33. Forgery of passport	178
34. Forgery of other documents	179
35. Utters forged documents	180
36. Claiming upon a forged document	181
37. Possessing false documents	182
38. Punishment for selling medals resembling current coin	189
39. Damaging current coin	190
40. Uttering damaged coin	191

41.	Forging hallmarks	199
42.	Forging trademarks	200
43.	Riot	226
44.	Rioting with weapons	227
45.	Unlawful assembly	229
46.	Provocation of riot	230
47.	Rioting after proclamation	231
48.	Obstructing proclamation	232
49.	Forcible entry	234
50.	Forcible detainer	235
51.	Provocation to fight	236
52.	Unlawfully carrying arms	237
53.	Disturbance of lawful assemblies	241
54.	Obstructing public officers	242
55.	Obstructing lawful acts by violence	243
56.	Causing public terror	244
57.	False statutory declarations/other false statements without oath	252
58.	Contradicting previous evidence	255
59.	Deceit of courts	260
60.	Fictitious suits	261
61.	Disobedience to summons	264
62.	Neglect to hold inquests	266
63.	Disturbance of court	267

64. Contempt of judicial orders	269
65. Rescue in other cases	271
66. Refusal to aid officers	273
67. Corruptly accepting reward for restoring property, etc.	276
68. Refusal of office	281
69. False presence of office	282
70. False declarations, etc., for office	283
71. Corruption, oppression and extortion	284
72. False certificates	285
73. Destruction, etc., of documents	286
74. Oppression by gaolers	287
75. Withholding public money	288
76. Bribery of officers	289
77. Agreement for influencing officers (misdemeanor)	290
78. Corrupt promise by judicial officers or jurors (misdemeanor)	291
79. Corrupt selection of jurors (misdemeanor)	292
80. Disturbance of elections	294
81. Corruption, intimidation and personation	295
82. Unlawful voting	296
83. Falsification etc., of votes, etc.	297
84. Marriage to a person previously married	314
85. False presence of impediment to marriage	319
86. Hindering burials	324

87.	Disturbing markets, etc., by false news	325
88.	Cruelty to animals	326
89.	Selling unwholesome food	327

Stamp Duties Act, section:

90.	Forgery of dies or stamp	11
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Post Office Act, section:

91.	Post office employee opening or delaying delivery of packet, etc.	34
92.	Stealing, etc. of postal packet	35
93.	Stealing out of packet	36
94.	(a) Stealing or unlawfully taking away packet, etc.	37
	(b) Stopping mail with intent, etc.	
95.	Stealing from postal packet	38
96.	Handling mail bag or postal packet	39
97.	(a) Fraudulent retention or secretion of mail bag or postal packet	40
	(b) Refusal to deliver up, etc.	
98.	Criminal diversion of letters from addressee	41
99.	Accessories before the fact	42

Debtors Act, section:

100.	(a) Obtaining credit by fraud	8
	(b) Making or causing to be made gift, delivery, transfer or change of property	
	(c) Concealing or removing property	

Bankruptcy Act, section:

101. All offences

Motor Vehicles and Road

Traffic Act, section:

102. Driving or being in charge when under the influence of alcohol or drugs 74(1)

103. Driving or being in charge with alcohol concentration above the prescribed limit 75(1)

104. Failure to accompany police officer to hospital for test 76(3)

105. Reckless driving 82(1)

106. Careless driving 83(1)

107. Taking vehicle without consent of owner 85(1)

108. Interfering with motor vehicle 86(1)

109. Carrying of certain persons on bicycle 87(1)

110. Restrictions on cyclist riding abreast or holding on to other moving vehicles 88

111. Duty to stop, give aid and report in case of accident 89

Firearms Act, section:

112. Sale to persons intoxicated or of unsound mind 30

113. Possession of firearm while under the influence of alcohol 42

Misuse of Drugs Act, section:

114. Possession of a controlled drug other than for trafficking 7

115. Offence allowing premises to be frequented by drug traffickers 11

116. Prohibition of certain activities, etc., relating to certain drugs 12

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| 117. Contravention of directions relating to the safe custody of controlled drugs | 13 |
| 118. Contravention of direction prohibiting practitioner, etc., from possessing, supplying, etc., controlled drugs by medical practitioners convicted of certain offences | 15 |
| 119. Contravention of direction prohibiting practitioner, etc., prescribing, supplying, etc., controlled drugs by medical practitioners in other cases | 16 |
| 120. Failure to comply with notice requiring information relating to prescribing, supplying, etc., of drugs | 17 |
| 121. Giving false information in purported compliance with notice requiring information relating to prescribing, supplying etc., of drugs | 17 |
| 122. Supplying substance other than controlled drugs | 18 |
| 123. Contravention of regulations (other than regulations relating to addicts) | 20 |
| 124. Contravention of terms of licence or other authority (other than licence issued under regulations relating to addicts) | 20 |
| 125. Giving false information in purported compliance with obligation to give information imposed under or by virtue of regulations | 20 |
| 126. Giving false information, or producing false document, etc., for the purpose of obtaining issue or renewal of licence or other authority | 20 |
| 127. Assisting or inducing commission outside of Belize of an offence punishable under a corresponding law | 22 |
| 128. Obstructing the exercise of power of search, etc., or concealing books, drugs, etc. | 25 |

SCHEDULE IV

[sections 15 and 16]

PART I

Professions

1. Attorney-at-Law.
2. Certified or Chartered Accountant.
3. Dentist.
4. Medical Practitioner.
5. Midwife.
6. Optician.
7. Pharmacist.
8. State Registered Nurse.
9. Teacher.
10. Veterinary Surgeon.
11. Social Service Practitioner.

PART II

Offices and Categories of Employment

Offices of Employment	Categories of Employment
Judicial Service	All
Civil Service	All

Military Service (Civilian)	All
Military Service	All
Belize Police Department	All
Department of Correctional Services	All
Department of Human Services	All
Community Rehabilitation Department	All
Women and Family Support Department	All
Banks (Commercial)	All
Insurance Companies	All
Hospitals	All
Educational Institutions (including independent schools)	All
Private Nursing Homes	All
Juvenile Correctional Centres and Places of Safety	All
Unit Trust Schemes	All
Security Services Organisations	Director, Manager, Security Guards

PART III

Nature of Business

1. Dealing in Bonds and other Securities.
2. Stockbroking.
3. Firearms Dealer.

SCHEDULE V

[section 18]

The Criminal Records (Rehabilitation of Offenders) Board

Constitution of Board.

1.—(1) The Board shall consist of such number of persons not being less than three or more than five as the Minister may appoint from time to time.

(2) The Board shall include at least one of each of the following—

(a) a person who is an attorney-at-law of at least ten years standing or who holds or has held judicial office as a—

(i) Judge of the Court of Appeal;

(ii) Judge of the High Court; or

(iii) a Magistrate;

(b) a person appearing to the Minister to be interested in the rehabilitation of persons convicted of criminal offences, being a—

(i) psychiatrist or psychologist;

(ii) social worker; or

(iii) Minister of Religion; and

(c) a person connected with, or having knowledge of the keeping and maintenance of records of persons convicted of criminal offences, namely—

(i) the Commissioner of Police or a representative; or

(ii) a senior civil servant.

Seal.

2.—(1) The Board shall have a seal which shall be kept in the custody of the chairman or the secretary and shall be affixed to instruments pursuant to a resolution of the Board in the presence of the chairman or any other member of the Board and the secretary.

(2) The seal of the Board shall be authenticated by the signature of the chairman or a member of the Board authorized to act in that behalf and such seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the chairman or any other member authorized to act in that behalf, or the secretary.

3. Subject to the provisions of this Schedule, the appointment of members of the Board shall be for a period not exceeding three years office of and each member shall be eligible for reappointment. chairman d the Board members.

Tenure of office of members.

4.-(1) The Minister shall appoint a member of the Board to be the chairman of the Board.

Chairman.

(2) In the case of the absence or inability to act of the chairman, the Minister may appoint any other member to perform the functions of chairman.

(3) In the case of the absence or inability to act at any meeting of the chairman or a person appointed under sub-paragraph (2), the other members at the meeting shall elect one of their number to act as chairman at the meeting.

5. The Minister may appoint any person to act temporarily in the place of any member in the case of the absence or inability to act of that member.

Temporary appointments.

6.-(1) If any vacancy occurs among the members of the Board. such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

Filling of vacancies.

(2) In the making of appointments pursuant to this paragraph regard shall be had to the requirements of paragraph 1 (2).

7.-(1) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt by the Minister of the instrument.

Resignations.

(2) Any member other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Board.

8. The Minister may at any time revoke the appointment of any member of the Board.

Revocation of appointments.

Publication of membership.

9. The names of all members of the Board as first constituted and every change in membership shall be published in the *Gazette*.

Procedure and meetings.

10.—(1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Board shall determine.

(2) Minutes of each meeting of the Board shall be kept in proper form.

(3) The decision of the Board shall be by a majority of the Board and shall be in writing.

(4) The chairman or, in the case of the absence or inability to act of the chairman, the person appointed or elected to act as chairman in accordance with the provisions of sub-paragraph (2) or (3) of paragraph 4, as the case may be, shall preside at the meetings of the Board, and when so presiding shall, in addition to an original vote, have a casting vote in any case in which the voting is equal.

(5) The quorum of the Board shall be two.

(6) Subject to the provisions of this Schedule the Board shall regulate its own proceedings.

(7) The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members or by any defect in the appointment of a member.

Remuneration of members.

11. There shall be paid to the chairman and members such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Protection of members.

12. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board in respect of any action done *bona fide* in pursuance or execution or intended execution of the functions of the Board.

Office of chairman or member not a public office.
CAP. 4.

13. The office of chairman or member shall not be a public office for the purpose of the Belize Constitution.

SCHEDULE VI

*[section 20]**Application for Expungement from the Records of a Spent Conviction*

1. Last Name Mr./Mrs./Miss

2. First Name Middle Name Male Female

3. Date of Birth Age Place of Birth
(dd/mm/yyyy)

4. Current Address

5. Previous address(es) within the last five (5) years

6. Occupation

7. Name and address of employer (if any)

8.

Offence for which convicted	Sentences	Date and place convicted	Court convicted
(i)			
(ii)			
(iii)			
(iv)			
(v)			
(vi)			
(vii)			

9. Provide the date on which, where applicable, you completed the serving of your sentence, including the date on which any period of disqualification, disability or prohibition ceased and the extent to which any condition attaching to such sentence has been complied with.

10. Provide the date from which the conviction was treated as a spent conviction and the date from which, by virtue of the expiry of the additional rehabilitation period, you became eligible to make this application.

11. Are you re-applying? Yes No

12. Explain the reason for expungement?

13. Names, addresses and contact number(s) of two (2) persons to be contacted on behalf of applicant.

(i) _____

(ii) _____

14. Names, addresses and contact number(s) of two (2) referees to provide recommendations (no family members).

(i) _____

