



BELIZE

INTERPRETATION ACT

CHAPTER 1

REVISED EDITION 2011

**SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011**

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CHAPTER 1

INTERPRETATION ACT

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CHAPTER 1

INTERPRETATION

CAP.1
R.E. 1980-1990.
18 of 1980.
22 of 1998.
42 of 1999.
15 of 2003.
S.I. 71 of 1981.

[4th September, 1981]

PART I

Preliminary

- 1.** This Act may be cited as the Interpretation Act. Short title.
- 2.**-(1) Save where the contrary intention appears either from the context of this Act or any other Act or instrument, the provisions of this Act shall apply to this Act and to any other Act in force whether such other Act comes or came into operation before or after the commencement of this Act and to any instrument made or issued by virtue of this Act. Application.
- (2) This Act binds the State.
- 3.**-(1) In this and in any other Act, unless the contrary intention appear Interpretation.
- “Act” in relation to a legislative measure, means any Act and any subsidiary legislation made under that Act;
- “act”, when used with reference to an offence or civil wrong, includes a series of acts, an illegal omission and a series of illegal omissions;
- “admiralty” means the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of the Lord High Admiral of the United Kingdom;
- “adult” means any person who has attained the age of eighteen years;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air;

“alien” means a person who is neither a citizen of Belize nor a Commonwealth citizen;

“amend” includes repeal, revoke, cancel, add to, vary and the doing of all such things simultaneously or by the same Act or instrument;

“attorney-at-law” means an attorney-at-law admitted and enrolled under the Legal Profession Act, Cap. 320 or any other law for the time being in force;

“Attorney-General” means the Attorney-General of Belize as defined in section 42 of the Belize Constitution, Cap. 4;

“Auditor-General” means the person appointed as such under section 109 (1) of the Belize Constitution, Cap. 4;

“bank holiday” means any day listed as a bank holiday in the Second Schedule to the Holidays Act, Cap. 289 or any day appointed as a bank holiday under section 9 of the Holidays Act, Cap. 289;

“Belize City Council” means the Belize City Council established under the Belize City Council Act, Cap. 85;

“British Islands” means the United Kingdom, the Channel Islands and the Isle of Man;

“Cabinet” means the Cabinet constituted under section 44 of the Belize Constitution, Cap. 4;

“cent” means a cent in Belizean currency;

“Chief Forest Officer” means the Chief Forest Officer appointed by the Governor-General under the Forests Act, Cap. 213;

“Chief Justice” means the Chief Justice of Belize appointed under the Belize Constitution, Cap. 4;

“Colony” means any part of Her Majesty’s dominions outside the British Islands except,

- (a) countries having fully responsible status within the Commonwealth;
- (b) territories for whose external relations a country other than the United Kingdom is responsible,

and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature are deemed for the purposes of this definition to be one colony;

“Commissioner of Police” means the Commissioner of Police appointed under section 107 (1) of the Belize Constitution, Cap. 4;

“Comptroller of Customs” or “Comptroller” means the Comptroller of Customs appointed by the Governor-General under the Customs Regulation Act, Cap.49;

“Consolidated Revenue Fund” means the Consolidated Revenue Fund established by section 4 of the Finance and Audit Act, Cap.15;

“Constitution” means the Belize Constitution, Cap.4;

“consul” and “consular officer” means any person including the head of a consular post, recognised by the competent authority of the receiving state as entrusted in that capacity with the exercise of consular functions;

“contravene” in relation to any requirement or condition prescribed in any Act or in any grant, permit, licence, lease or authority granted under or by virtue of any Act, includes a failure to comply with that requirement or condition;

“court” means any court of competent jurisdiction;

“Court of Appeal” means the Court of Appeal of Belize established under the Court of Appeal Act, Cap. 90;

- “Crown Agents” means all or any of the persons designated Crown Agents in the United Kingdom for Overseas Governments and Administrations;
- “daily penalty” means a penalty for each day on which the offences continued after conviction thereof;
- “definition” means the interpretation given by an Act to any word or expression;
- “Director of Public Prosecutions” means the Director of Public Prosecutions appointed by the Governor-General under section 108(1) of the Belize Constitution, Cap. 4;
- “district” means any division of Belize or subdivision thereof thus defined in any Act or proclamation;
- “district court” means a district court established under the Inferior Courts Act, Cap. 94;
- “dollar” means a dollar in Belizean currency;
- “enactment” means an Act or subsidiary legislation or any provision in an Act or subsidiary legislation;
- “estate” includes any estate or interest, charge, right, title, claim, demand, lien or encumbrance at law or in equity;
- “financial year” means, in respect of any matters relating to the revenue, expenditure and accounts of Belize, City Councils, Town Councils or public bodies the twelve months ending on the 31 March, inclusive;
- “function” includes jurisdictions, powers and duties;
- “Gazette” means the Government Gazette of Belize and includes any supplement thereto and any special or extraordinary issue thereof;
- “General Registry” or “Registry” means the General Registry established under the General Registry Act, Cap. 327;
- “Government” means the Government of Belize;

“Governor-General” means the Governor-General of Belize appointed by Her Majesty under section 30 of the Belize Constitution and includes an Acting Governor-General appointed by Her Majesty under section 31 of the Belize Constitution and the Deputy Governor-General appointed by the Governor-General under section 33(1) of the Belize Constitution, Cap. 4;

“Government Printer” means any printer authorised by or on behalf of the Government to print any Act or any other document of the Government;

“House” means the Senate or the House of Representatives, as the context may require;

“Imperial Parliament” or “Parliament” means the Parliament of the United Kingdom;

“indictment” means a written accusation signed by the Director of Public Prosecutions or other authorised person and presented to the Supreme Court charging any person or persons with the commission of one or more crimes, and includes any criminal information triable by a jury;

“indictable offence” means an offence triable on indictment;

“inferior court” means a court established under the Inferior Courts Act, Cap. 94;

“instrument” includes any publication in the Gazette having legal effect;

“judge” means the Chief Justice, the President of the Court of Appeal, a Judge of the Court of Appeal or a Judge of the Supreme Court;

“judicial district” means a judicial district created under the Inferior Courts Act, Cap. 94;

“land” includes land of any tenure, mines and minerals, whether or not held apart from the surface, buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way) and other corporeal hereditaments, and an easement, right, privilege or benefit in, over or derived from land, but, not an undivided share in land;

“laws” includes any legislative enactment and any proclamation, rule, regulation, by-law, order in council, order, statutory instrument or rule of court made under the authority of any law, and any command, enjoinder or prohibition by any authority, superior or subordinate, having power to give or make the same;

“magistrate” means a magistrate appointed under the Inferior Courts Act, Cap. 94 and includes a travelling magistrate;

“master” in relation to a ship, includes any person, except a pilot, having charge or command of a ship;

“Minister” means a Minister of the Government appointed under section 40 of the Belize Constitution, Cap.4 and includes the Prime Minister and the Deputy Prime Minister;

“month” means a calendar month;

“oath” or “affidavit” in the case of a person for the time being allowed by law to affirm or declare instead of swearing, includes an affirmation and declaration;

“or”, “other” and “otherwise” shall be construed disjunctively and not as implying similarity, unless the expression “similar” or some equivalent expression, is added;

“peace officer” includes a magistrate, justice of the peace, any police officer, special constable and every other person lawfully assisting or called in aid of any such person whilst so assisting or aiding any of them;

18 of 1998.

“Permanent Secretary” or “Chief Executive Officer” means the Permanent Secretary of a Ministry or department of government and includes,

- (a) in the case of the Ministry of Finance, the Financial Secretary;
- (b) in the case of the Attorney General’s Ministry, the Solicitor General; and

- (c) in the case of the Office of the Prime Minister, the Secretary to the Cabinet.

“person” means a natural person or a legal person and includes any public body and any body of persons, corporate or unincorporated, and this definition shall apply notwithstanding that the word “person” occurs in a provision creating or relating to an offence or for the recovery of any fine or compensation;

“Police Department” means the Police Force established under the Police Act, Cap 138; 42 of 1999.

“police officer” and terms of expression referring to ranks in the Belize Police Department shall bear the meanings assigned to them by the Police Act, Cap.138; 42 of 1999.

“power” includes any privilege, authority and discretion;

“preliminary inquiry” means an inquiry held by a magistrate under, and in accordance with Part III of the Indictable Procedure Act, Cap.96;

“prescribed” when used in or with reference to any Act, means prescribed by that Act or by subsidiary legislation made thereunder;

“print” includes every mode of duplicating whether photocopying, letter press, stereotype, lithography or otherwise;

“proclamation” means proclamation by the Governor-General under the public seal and published in the Gazette or if it is not possible so to publish, by publication in a local newspaper or by any other reasonable means;

“property” includes,

- (a) money, goods, choses in action and land; and
- (b) obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as defined in paragraph (a) of this definition;

“public holiday” means any day listed as a public holiday in the First Schedule to the Holidays Act, Cap. 289 or any day appointed as a public holiday under section 9 of the Holidays Act, Cap. 289;

“public seal” means the public seal of Belize;

“Public Service Commission” means the Public Service Commission constituted under section 105 of the Belize Constitution, Cap. 4;

“publication” means,

- (a) all written and printed matter;
- (b) any record, tape, wire, perforated roll, cinematograph film or other contrivance by means of which any words or ideas may be mechanically, electronically or electrically produced, reproduced, represented or conveyed;
- (c) anything whether of a similar nature to the foregoing or not, containing any visible representation, or by its form, shape, or in any manner, capable of producing, reproducing, representing or conveying words or ideas; and
- (d) every copy and reproduction of any publication as defined in paragraphs (a), (b) and (c) of this definition;

“Registrar” means the Registrar of the Supreme Court;

“Registrar General” means the Registrar General appointed under the General Registry Act, Cap. 327;

“registered” when used with reference to a document, means registered under the provisions of any law applicable to the registration of such a document;

“regulation” includes any rule, by-law, order, form or notice, issued or made under the authority of any law;

“rule” includes regulation and has the same meaning as that term;

“sell” includes offer or exposure for sale, barter and exchange;

“sign” with its grammatical variations and cognate expressions with reference to a person who is unable to write his name, includes “mark” with its grammatical variations and cognate expressions;

“subsidiary legislation” means any proclamation, regulation, rule, order, resolution, rule of court, by-law, or other instrument made under or by virtue of any Act and having legislative effect;

“statute” means any Act, Ordinance, statutory instrument or other subordinate legislation for the time being having the force of law in Belize;

“statutory declaration” if made,

- (a) in Belize, means a declaration under the Oaths Act, Cap.130;
- (b) in any part of the Commonwealth except Belize, means a declaration made before a justice of the peace, notary public, or other person having authority therein under any legal provision for the time being in force in such part to take or receive a declaration;
- (c) in any other place, means a declaration before a notary public exercising his office in that place, and having a valid commission, or a person having authority under any Act for the time being in force to take or receive any declaration;

4 of 1996.

“street” and “road” means,

- (a) any highway, street, road, bridge, thoroughfare, parade, square, court, alley, lane, bridle-way, footway, passage or tunnel; and
- (b) any open place, whether situate on and leased from the Crown or not, used or frequented by the public or to which the public have or are permitted to have access;

“subject to affirmative resolution” when used in relation to any subsidiary legislation shall mean that such subsidiary legislation shall not come into operation unless and until affirmed by a resolution of each House;

“subject to negative resolution” when used in relation to any subsidiary legislation shall mean that such subsidiary legislation shall, as soon as may be after it is made, be laid before the Senate and the House of Representatives and if either the Senate or the House at the very next sitting after any such subsidiary legislation has been so laid resolves that the subsidiary legislation shall be annulled, the subsidiary legislation shall be void as from the date of the resolution, but without prejudice to the validity of anything done thereunder or to the making of a new instrument or document;

“summary conviction” means a conviction by a summary jurisdiction court;

“summary conviction offence” means an offence punishable by a summary jurisdiction court;

“summary jurisdiction court” or “court of summary jurisdiction” means a summary jurisdiction court established under the Inferior Courts Act, Cap.94;

“Summary Jurisdiction Acts” means the Acts relating to summary jurisdiction offences and regulating the practice and procedure of a summary jurisdiction court;

“Supreme Court” means the Supreme Court of Belize established under section 94 of the Belize Constitution, Cap. 4;

“swears” and “sworn” includes the words “affirm” and “affirmed” respectively;

“territorial waters” means such part of the sea adjacent to the coast of Belize as is deemed by international law to constitute the territorial waters of Belize;

“Territory” means the Territory of Belize;

“United Kingdom” means the Kingdom of Great Britain and Northern Ireland;

“vessel” includes ship, boat, lighter and craft of every kind, whether navigated by steam or otherwise;

“warrant” means a warrant under the hand of the person having authority to issue the same;

“writing” includes typewriting, printing, photocopying, lithography and any other means of representing or reproducing words in any form;

“will” includes any testamentary disposition;

“year” means a calendar year.

(2)(a) In this and in any other Act, the expression “Commonwealth” means Antigua and Barbuda, Australia, The Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, Cameroon, Canada, Cyprus, Dominica, Fiji, The Gambia, Ghana, Grenada, Guyana, India, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Maldives, Malta, Mauritius, Mozambique, Namibia Nauru, New Zealand, Nigeria, Pakistan, Papua-New Guinea, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Tuvalu, Uganda, United Kingdom of Great Britain and Northern Ireland, Vanuatu, Western Samoa, Zambia and Zimbabwe.

(b) The Attorney General may from time to time, by Order published in the Gazette, add any country to, or delete any country from, the countries specified in subsection (2) (a) of this section.

(3) An Order signed by the Attorney General under subsection (2) (b) above,

(a) that on a date specified in the Order, a country was or was not a Commonwealth country; or

- (b) that on a date specified in the Order, a country had voluntarily left the Commonwealth, or had been expelled or suspended therefrom, or had joined the Commonwealth,

shall be conclusive proof in proceedings before any court or any person acting judicially or administratively in respect of the matters stated in the Order.

(4) Where an Order made under subsection (2) (b) above is not produced before the court or the person referred to in subsection (3) above, the fact that a country is specified in subsection (2) (a) above shall be conclusive proof before that court or persons that that country is a Commonwealth country, and the fact that a country is not so specified shall be conclusive proof that that country is not a Commonwealth country.

(5) All existing law, whether a rule of law, a provision of an Act or of any other enactment, that applies in relation to a Commonwealth country shall, on that Commonwealth country becoming a republic, continue to have the same effect, until the National Assembly or some other authority having power to alter that law otherwise provides, as if the Commonwealth country had not become a republic.

Grammatical variation and cognate expressions.

4. Where any word or expression is defined in any Act such definition shall extend to the grammatical variations and cognate expressions of such word or expression.

Provisions for gender and number.

5.-(1) Words and expressions importing the masculine gender include the feminine.

(2) Words and expressions in the singular include the plural and words and expressions in the plural include the singular.

PART II

General Provisions as to Act

6. Every Act shall be a public Act and shall be judicially noticed as such.

Act to be Public Act.

7.-(1) Every section of an Act shall have effect as substantive Sections and enactment without introductory words.

Sections and Schedules.

(2) Every Schedule to or table in any Act and any notes to such Schedule or table shall be construed and have effect as part of such Act.

8.-(1) Where any Act is referred to, it shall be sufficient for all purposes to cite such Act by of Act.

Citation of Act.

- (a) the title, short title or citation thereof;
- (b) its number among the Acts of the year in which it was enacted; or
- (c) by any Chapter number lawfully given to it under the authority of any Act providing for the issue of a revised or other edition of the laws of Belize.

(2) Any reference made to any Act, in accordance with subsection (1) of this section, may be made according to the title, short title, citation, number or chapter number used in copies of Acts printed “by the Government”.

9.-(1) Where it is provided that any Act may, as to the whole or any part thereof, be cited with any other Act or with any group of Acts, all such Acts shall be read and construed together, and any such group shall be construed as including such first mentioned Act.

Collective citation.

(2) Where it is provided that two or more Acts may together be cited by a collective short title or citation containing therein the years of the first and last of such Acts, such short title or citation shall be construed to include all the Acts covered by the same, or any of them.

Reference to Act as amended.

10.-(1) Where in any Act a reference is made to another Act, such Reference shall be deemed to include a reference to such last mentioned Act as the same may from time to time be amended.

(2) Where any Act repeals and re-enacts, with or without modification, any provision of a former Act, references in any other Act to the provision so repealed shall be construed as references to the provision so re-enacted.

Citation of part of Act.

11. In any Act a description or citation of a portion of an Act shall be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

Construction of reference to Act, section, etc.

12.-(1) Any reference in any Act to “any Act” or to “any enactment” shall be construed as a reference to any Act for the time being in force.

(2) Where in any Act there is a reference to a section, Part, Chapter or Schedule by number or letter only, and not in conjunction with the title or short title of any other Act, such reference shall be construed as a reference to the section, Part, Chapter or Schedule of that number or letter contained in the Act in which such reference occurs.

(3) Where in any section of any Act there is a reference to a subsection, paragraph, subparagraph or other division by number or letter only, and not in conjunction with the number of any section of that or of any other Act, such reference shall be construed as a reference to the subsection, paragraph or other division of that number or letter contained in the section in which such reference occurs.

(4) Subsections (2) and (3) shall apply *mutatis mutandis* to subsidiary legislation.

(5) Any reference to an Act in any Act shall include a reference to any subsidiary legislation made under the Act to which reference is made.

Marginal notes.

13.-(1) Where any section, subsection or paragraph of any Act is taken verbatim from or is substantially similar to, a section, subsection or

paragraph of any imperial enactment, there may be added to the marginal note of the section, subsection or paragraph of the Act a reference, in abbreviated form, to such section, subsection or paragraph of the imperial enactment.

(2) A reference added under subsection (1) shall not have any legislative effect and shall not in any way vary, limit or extend the interpretation of any Act.

14. In the measurement of any distance for the purposes of any Act or statutory instrument that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

Measurement of distances.

15.-(1) In any Act, unless the contrary intention appears, the expression “rules of court” means rules made by the authority having for the time being power to make rules or orders regulating the procedure of the Court of Appeal or the Supreme Court.

Meaning of “rules of court”.

(2) The power of such authority to make rules of court shall, unless the contrary intention appears, include a power to make rules of court for the purpose of any Act which directs or authorises anything to be provided for by rules of court.

16. Where any Act authorises or requires any documents to be served or any notice to be given by post or by registered post, whether the expression “serve” or “give” or “send” or any other expression is used, unless the contrary intention appears, the service or notice shall be deemed to be effected by properly addressing, pre-paying the postage thereon and dispatching it by post or by registered post, as the case may be, to the last known postal address of the person to be served or given notice, and, unless the contrary is proved, such service or notice shall be deemed to have been effected at the time at which the document or notice would be delivered in the ordinary course of post.

Service by post.

17. Where any act or omission constitutes an offence under two or more Acts, or under any other law for the time being in force in Belize, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those laws but shall not be liable to be punished twice for the same offence.

Offences under two or more Acts.

Meaning of “commencement”.

18.-(1) In this and in every other Act or a statutory instrument, the word “commencement”, when used with reference to an Act or statutory instrument means the time at which the Act or statutory instrument, comes into operation.

(2) Where an Act or statutory instrument is expressed to come into operation on a particular day, it shall come into operation immediately on the expiration of the last preceding day.

Exercise of statutory powers between passing and commencement of Act.

19. Where an Act is not to come into operation immediately on the passing thereof, and confers power to make any appointment, to make, grant or issue any instrument, including any statutory instrument, to give notices, to prescribe forms and to do any other thing for the purposes of the Act, that power may, unless the contrary intention appears, be exercised at any time after the passing of the Act so far as may be necessary or expedient for the purpose of bringing the Act into operation at the commencement thereof:

Provided that any instrument made under the power shall not, unless a contrary intention appears in the Act, or the contrary is necessary for bringing the Act into operation, come into operation until the Act itself comes into operation.

Construction of statutory Instruments, etc.

20.-(1) Where an Act confers power to make, grant or issue any statutory instrument, expressions used in that instrument shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power.

(2) A power to make, grant or issue any statutory instrument shall include the power to prescribe forms for carrying into effect

- (a) the statute conferring the power; and
- (b) the statutory instrument itself,

and also to amend or annul any such forms and to substitute other forms for those in force under any provision whatever relating to the subject matter of the statutory instrument.

PART III

Subsidiary Legislation

21. Where an Act confers power on any authority to make subsidiary legislation, the following provisions shall, unless the contrary intention appears, have effect with reference to the making thereof,

General provisions with regard to power to make subsidiary legislation.

- (a) when any subsidiary legislation purports to be made in exercise of a particular power of powers, it shall be deemed also to be made in exercise of all other powers thereunto enabling;
- (b) no subsidiary legislation shall be inconsistent with the provisions of the Act under which it is made;
- (c) subsidiary legislation may at any time be amended by the same authority and in the same manner by and in which it was made.

Provided that where such authority has been replaced wholly or in part by another authority, the power conferred upon the original authority may be exercised by the replacing authority concerning all matters or things within its jurisdiction as if it were the original authority;

- (d) where any Act confers power on any authority to make subsidiary legislation for any general purpose and also for any special purpose incidental there to, the enumeration of special purposes shall not be deemed to derogate from the generality of the powers conferred with reference to the general purpose;
- (e) subsidiary legislation may provide that a contravention or breach thereof shall be punishable on summary conviction by such fine not exceeding five hundred dollars or by such term of imprisonment not exceeding six months as may be specified in the subsidiary legislation or by both;

- (f) subsidiary legislation may amend any forms contained in the Act under which such subsidiary legislation is made and may prescribe new forms for the purpose thereof and for the purposes of such subsidiary legislation;
- (g) subsidiary legislation may provide for the imposition of fees and charges in respect of any matter with regard to which provision is made in such subsidiary legislation or in the Act under which subsidiary legislation is made;
- (h) all such instruments shall be published in the *Gazette* and shall, upon such publication or from such date as may be mentioned therein, have the force of law; and
- (i) a copy of the *Gazette* containing any such instrument, or a copy of any such instrument purporting to be printed by the Government Printer, shall be *prima facie* evidence in all courts and for all other purposes whatever of the due making and tenor of such instrument.

Effect of subsidiary legislation.

22. Subsidiary legislation shall have the same force and effect and be as binding and shall be construed for all purposes as if it had been contained in the Act under which it was made.

Acts done under subsidiary legislation deemed done under Act.

23. An act shall be deemed to be done under an Act or by virtue of the powers conferred by an Act or in pursuance or execution of the provisions of or under the authority of an Act, if it is done under or by virtue of or in pursuance or execution of the provisions of or under the authority of subsidiary legislation made under any power contained in that Act.

Saving of rights of the Crown.

24. No enactment shall in any manner whatever affect the right of the Crown, unless it is therein expressly stated, or unless it appears by necessary implication, that the Crown is bound thereby.

Effect of substitutionary provisions.

25. Where an Act repeals in whole or in part any former enactment and substitutes provisions for the enactment repealed, the repealed enactment shall, unless the contrary intention appears, remain in force until the substituted provisions come into operation.

26. Where an Act repeals a repealing enactment, it shall not be construed as reviving any enactment previously repealed, unless words are added reviving that enactment.

Repealed provisions not received by subsequent repeal.

27. Where an Act repeals and re-enacts, with or without modification, any provisions of a former Act, references in any other Acts to the provisions so repealed shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted.

Reference to repealed provisions.

28.-(1) Where any Act repeals any other enactment, then, unless the contrary intention appears, the repeal shall not,

Other effects of repeal.

- (a) revive anything not in force or existing at the time at which the repeal takes effect;
- (b) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed;
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed;
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (e) affect any investigation, legal proceeding or remedy in respect of any right, privilege, obligation, liability, penalty, forfeiture or punishment.

(2) Any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed.

(3) Where any Act authorising the making of any statutory instrument repeals a previous Act under which any statutory instrument was lawfully made and was in force at the commencement of the repealing Act, the statutory instrument made under the repealed Act shall, until it has been annulled or replaced by a statutory instrument made under the repealing or any other Act, remain in operation so far as it is not inconsistent with

the provisions of the repealing Act or of any statutory instrument made thereunder.

Expressions in statutory instrument have same meaning as in enactment.

29. Where an enactment confers power to make any statutory instrument or issue any statutory document, then unless a contrary intention appears,

- (a) expressions used in the statutory instrument or document have the same respective meanings as in the enactment; and
- (b) the expression “the Act” if used in the statutory instrument or document shall be construed as referring to the Act under which the instrument is made or the document issued, as the case may be.

Effect of expiration of Acts on civil proceedings.

30. The expiration of an Act shall not affect any civil proceedings previously commenced under such Act, and every such proceeding may be continued and everything in relation thereto may be done in all respects as if the Act continued in force.

PART IV

Powers

Exercise of powers and duties.

31.-(1) Where an Act confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where an Act confers a power or imposes a duty on the holder of an office as holder, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office.

(3) Where an Act confers a power to make any subsidiary legislation or do any act, the power shall, unless the contrary intention appears, be construed as including the power exercisable in the like manner and subject to the like conditions, if any, to amend, vary, rescind, revoke or suspend such subsidiary legislation, or to abstain from doing the act.

(4) Where an Act confers upon any person or authority a power to make appointments to any office or place, the power shall, unless the contrary intention appears, be construed as including a power to remove or suspend any person appointed and to appoint another person temporarily in the place of any person so removed or suspended or in place of any sick or absent holder of such office or place.

32. Where in any Act a time is prescribed for doing any act or taking any proceeding and power is given to a court or other authority to extend such time, then, unless the contrary intention appears, the power may be exercised by the court or other authority although the application for the same is not made until after the expiration of the time prescribed.

Construction of a power to extend time.

33.-(1) Any fine, penalty or forfeiture imposed by law may be sued and proceeded for by any person whomever, unless the right to sue or proceed shall by such law be expressly conferred on some public officer or other person.

Penalties, how sued for and applied.

(2) The imposition of a penalty or fine by or under any Act shall not relieve any person from liability to answer in damages to a person injured.

(3) All duties, fees, fines, penalties, forfeitures or the proceeds thereof upon sale, or so much thereof respectively as shall not be otherwise expressly applied and appropriated shall be paid into the Consolidated Revenue Fund, and be appropriated to the use of Her Majesty for the public use of Belize.

34. Where in any Act a penalty is prescribed for an offence under that Act, such provision shall imply

Penalties prescribed to be deemed maximum penalties.

- (a) that such offence shall be punishable upon conviction by a penalty not exceeding the penalty prescribed; and
- (b) if the amount of the fine is unspecified, that such offence shall, without prejudice to any law against excessive or unreasonable fines or assessments, be punishable by a fine of any amount within the jurisdiction of the court.

Disposal of forfeits.

35.-(1) Where under any Act any movable property is adjudged by any court or other authority to be forfeited, it shall be forfeited to the Crown, and the net proceeds thereof, if it is ordered by a competent authority to be sold, shall be paid into the Consolidated Revenue Fund, unless other provision is made.

(2) Nothing in this section shall affect any provision in any Act whereby any portion of any forfeit or of the proceeds of any forfeit is expressed to be recoverable by any person or may be granted by any authority to any person.

Repeal or alternation in the same session.

36. Any Act may be altered, amended or repealed in the same session of the National Assembly, any law or usage to the contrary notwithstanding.

Construction of amending Act.

37. An Act amending another Act shall, unless the contrary intention appears, be construed with such Act and as part thereof.

Copy of Act.

38. A copy of every Act printed, or purporting to have been printed by the authority of the Governor-General, shall be admitted in evidence in all cases whatever, and it shall not be necessary in any case to prove that such copy was printed by such authority.

Divisions of Act.

39. Where an Act is divided into parts, titles or other divisions, the fact and particulars of the division shall with or without express mention thereof in the Act, be noticed in all courts and for other purposes whatever.

Reference to preamble of Act, schedule, part of Act.

40.-(1) The preamble of an Act may be referred to for assistance in explaining the scope and objects of the Act.

(2) Where forms are prescribed, slight deviations therefrom not affecting the substance or calculated to mislead shall not vitiate them.

(3) Every Schedule or table to an Act or part of an Act shall, together with any notes thereto, be construed and have effect as part of the Act.

Date Act comes into force.

41.-(1) Every Act enacted by the National Assembly shall take effect and come into force on the date it receives the assent of the Governor-General, unless some other date is therein specified for its coming into

force, or unless its coming into operation has been postponed by the National Assembly.

(2) The date on which any Act has been assented to by the Governor-General shall be printed in some conspicuous place on every copy of the Act and shall, subject to subsection (1) of this section, be taken notice of in all courts and for all purposes as the date such Act becomes law.

42. (1) Wherever in any enactment there is a reference to imprisonment with or without hard labour, or to imprisonment with hard labour, it shall be construed as a reference to imprisonment only.

Type of imprisonment.

(2) Any enactment under which imprisonment may be awarded shall be construed as providing that any person imprisoned thereunder shall work at such labour as the Officer-in-Charge of the prison may direct.

43. Where under the provisions of any Act the fiat, authorisation, sanctuary, consent, approval or authority of the Governor-General, Attorney-General, Director of Public Prosecutions or any Minister is necessary before any prosecution or action is commenced, or for any purpose whatever in connection with any proceeding or before any other thing is done, any document purporting to bear the fiat, authorisation, sanctuary, consent, approval or authority of the Governor-General, Attorney General, Director of Public Prosecutions or a Minister shall, until the contrary is proved, be received as evidence in any proceedings without proof being given that the signature of such fiat, authorisation, sanctuary, consent, approval or authority is that of the Governor-General, Director of Public Prosecutions or such Minister.

Evidence of signature of fiat, etc.

PART V

Boards and Committees

44. Where any Act confers power upon any person to appoint any persons to be members of any board, tribunal, commission, committee or similar body, the person so appointing may appoint a Chairperson, a deputy

Power to appoint chairman, etc.

Chairperson, a vice-Chairperson and a secretary of such board, tribunal, commission, committee or similar body.

Power to appoint public officer to board, etc.

45.-(1) Where any Act confers power upon any person to appoint any persons to be members of any board, tribunal, commission, committee or similar body, the person so empowered may appoint any public officer, by his official designation, to be a member of such board, tribunal, commission, committee or similar body, and, on such appointment and until such appointment shall be revoked or otherwise determined, the person for the time being holding the public office in question shall be a member of such board, tribunal, commission, committee or similar body.

(2) Where, under any Act, power is given to the Governor-General or a Minister to appoint any board, tribunal, commission, committee or similar body, the Governor-General or the Minister, in the absence of any provision to the contrary, may appoint the Chairperson of the board, tribunal, commission, committee or similar body.

(3) If the Governor-General, in the absence or incapacity of any person holding any public office, appoints any person to act in that office, the person so appointed shall, during his tenure of the office, have and exercise all the powers, authorities, rights and privileges and perform all the duties appertaining thereto, and all acts, matters and things done and performed by that person during the temporary tenure shall be as legal and valid as if done and performed by an officer entitled to hold that office permanently.

Appointment of alternates.

46. Where any board, tribunal, commission, committee or similar body is established by or under any Act, any person who is empowered by such Act to appoint any or all of the members thereof may,

- (a) appoint one or more duly qualified persons to be alternate members of the same, and any one such alternate member may attend any meeting of the same when a substantive member is temporarily unable to attend for any reason; and
- (b) appoint a duly qualified person to be temporary member of the same in the place of any substantive member who

is precluded by illness, absence from Belize or any other cause from exercising his functions as such, and when attending any meeting of such board, tribunal, commission, committee or similar body, such alternate or temporary member shall be deemed for all purposes to be a member of the same.

47. Where any board, tribunal, commission, committee or similar body is established by or under any Act, the powers of such board, tribunal, commission, committee or similar body shall not be affected by

Power of board etc., not effected by vacancy.

- (a) any vacancy in the membership thereof;
- (b) any defect in the appointment or qualification of a person purporting to be a member thereof; or
- (c) any minor irregularity in the convening of any meeting thereof.

48. Where any board, tribunal, commission, committee or similar body is established by or under any Act then, unless the contrary intention appears, such board, tribunal, commission, or similar body may regulate its own procedure by standing orders.

Powers of boards, etc. to regulate procedure.

49. Except as may be otherwise expressly provided in any Act, no member of any board, tribunal, commission, committee or similar body shall incur any personal civil liability in respect of anything done or suffered in good faith and without negligence by such member in the exercise or purported exercise of the statutory powers or duties of the board, tribunal, commission, committee or similar body of which he is a member.

Members of board, etc to incur no personal liability.

50. A member of any board, tribunal, commission, committee or similar body who directly or indirectly has a pecuniary interest in any matter under consideration by such board, tribunal, commission, committee or similar body, shall be bound to declare such interest and shall not participate in any vote regarding such matter.

Declaration of pecuniary interest.

Procedure when Minister has interest.

51. A Minister who has any pecuniary interest, whether directly or indirectly, in any matter in relation to which he has any statutory or other powers or functions as such Minister shall forthwith declare such interest to the Governor-General and shall thereupon withdraw from the exercise of any such powers or functions in relation to such matter; and the Governor-General may take such action as may be necessary to arrange for the exercise of such powers and functions by another Minister.

Power of majority and exercise of powers.

52.-(1) Where any Act confers a power or imposes a duty upon a body or number of persons consisting of or being not less than three, such power may be exercised or duty performed in the name of that body or number of persons by a majority of those persons.

(2) Whenever such body or number of persons is assembled, the Chairperson or other member presiding shall have a casting as well as a deliberative vote in all matters in which a decision is taken by vote by whatever name such vote may be called.

(3) The exercise of any power vested in such body or number of persons may be signified either by the Chairperson or other person presiding at the meeting or other deliberation at which such power was exercised or at which, as the case may be, authority to exercise it was conferred, or by any person from time to time authorized by such body or persons to signify the exercise of such power.

Seal.

53. Where any Act constitutes any board, tribunal, commission, committee, or similar body to be a body corporate having perpetual succession and a common seal, then such common seal shall be affixed by the Chairperson of such board, tribunal, commission, committee or similar body, or by any member thereof appointed by the Chairperson for that purpose and shall be authenticated by the signature of the Chairperson or such member.

Power to take evidence and administer oath implied.

54. Whenever any court, judge, magistrate, justice of the peace, officer, commissioner, arbitrator or other person is authorised by law or by consent of the parties to hear or determine any matter or thing, a power and authority to take evidence and to administer an oath or take an affirmation shall be implied, and any person giving false evidence may

be prosecuted for perjury in like manner as if such false evidence had been given in any trial before the Supreme Court.

PART VI

Miscellaneous

55. In computing time for the purposes of any Act

Computation of time.
27 of 1985.

- (a) a period of days from the happening of any event or the doing of any act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done;
- (b) if the last day of the period is a Saturday, Sunday or public holiday the period shall include the next following day, not being a public holiday;
- (c) where any act or proceeding is directed or allowed to be done or taken on a certain day, then if that day is Saturday, Sunday or public holiday, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next following day, not being a Saturday, Sunday or public holiday; and
- (d) where an act or proceeding is directed or allowed to be done or taken within any time not exceeding six days, no Saturday, Sunday or public holiday shall be reckoned in the computation of that time.

56. Any summons, notice, warrant or other process may be issued, served or executed and any arrest, search or seizure may be carried out or made on any day, whether a Sunday or public holiday or not, and at any hour of the day or night.

Time for service
of summons, etc.

57.-(1) Every enactment shall be construed as always speaking and anything expressed in the present tense shall be applied to the circumstances as they occur, so that effect may be given to each enactment according to its

Enactment always
speaking.

true spirit, intent and meaning.

(2) The expression, “now”, “next”, “heretofore”, or “hereafter” shall be construed as referring to the time when the enactment containing the expression came into force.

Construction of “shall” and “may”.

58. In an enactment “shall”, shall be construed as imperative and the expression “may” as permissive and empowering.

Power of Governor-General or Minister to delegate authority.

59.-(1) When by any law the Governor-General or a Minister is empowered to exercise any powers or perform any duties, he may, unless by law expressly prohibited from so doing, depute any person by name or the person for the time being holding the office designated by him to exercise such powers or perform such duties on his behalf subject to such conditions, exceptions and qualifications as the Governor-General or the Minister may prescribe and thereupon or from the date specified by the Governor-General or the Minister the person so deputed shall have and exercise such powers and perform such duties.

(2) Nothing in this section shall authorise the Governor-General or the Minister to depute any persons to hear any appeal or to make regulations, rules or orders under the power in that behalf conferred upon the Governor-General or the Minister by any Act.

Signification of orders of Governor-General.

60.-(1) When power is given to the Governor-General to make any order or give any direction, it shall be sufficient, unless it is otherwise expressed, for such order or direction to be signified under the hand of a Minister.

(2) Notwithstanding the provisions of subsection (1), any proclamation, warrant or other instrument issued under the Public Seal of Belize shall be signed by the Governor-General himself.

Provision for future change of titles.

61. Whenever the Governor-General considers it necessary to change the title of any public officer, he shall cause a notice to that effect to be published in the Gazette setting out the former title and the substituted title of such officer, and thereupon the substituted title shall replace the former title wherever the former appears in any law in force or in any deed or other instrument made or issued pursuant to or consequent upon such law.

62. One printed copy of every Act and statutory instrument shall be supplied to and be preserved in the several offices of the Cabinet, the House of Representatives and the Senate, and the Supreme Court, and shall be supplied to each of the following functionaries,

Deposit of laws.

- (a) the Governor-General,
- (b) the Prime Minister,
- (c) the Judges,
- (d) each Minister,
- (e) the Solicitor General, the Director of Public Prosecutions and the Chief Parliamentary Counsel;
- (f) every Magistrate,
- (g) any other public officer to whom the Governor-General, may direct such supply to be made,

to be by them respectively kept and preserved for the use of themselves and their successors in office.

63. Where by any law, the fiat, authorisation, consent, approval or authority of the Director of Public Prosecutions is required before any prosecution or other action is commenced, it shall be sufficient if such fiat, authorisation, consent, approval or authority is obtained and produced to the court before the commencement of the trial, and nothing in any such provision shall prevent the laying of any information or complaint for an offence, or the issue or execution of a warrant for the arrest of any person in respect of such an offence, or the remanding in custody or on bail of any person charged with such an offence.

Fiat of D.P.P. sufficient if obtained before trial.

64.-(1) In ascertaining the meaning of any provision of an Act, the matters which may be considered shall, in addition to those which may be considered for that purpose apart from this section, include the following, that is to say,

Aids to interpretation

- (a) all indications provided by the Act as printed by authority, including cross-headings, punctuation and side-notes, and the short title of the Act;
- (b) any relevant treaty or other international agreement which is referred to in the Act;
- (c) any relevant report of a commission, committee or other body which had been presented or made to or laid before the National Assembly or either House before the time the Act was passed;
- (d) any provision of the Caribbean Community Treaty and any Community instrument issued under the Treaty, where relevant.

(2) The weight to be given for the purposes of this section to any such matter as is mentioned in subsection (1) shall be no more than is appropriate in the circumstances.

(3) Nothing in this section shall be construed as authorising the consideration of reports of proceedings in the National Assembly for any purpose for which they could not be considered apart from this section.

65. The following shall be included among the principles to be applied in the interpretation of Acts where more than one construction of the provisions in question is reasonably possible, namely,

- (a) that a construction which would promote the general legislative purpose underlying the provision is to be preferred to a construction which would not; and
- (b) that a construction which is consistent with the international obligations of the Government of Belize is to be preferred to a construction which is not; and
- (c) that, in the absence of any express indication to the contrary, a construction which would exclude retrospective effect is to be preferred to a construction which would not.

Principles of interpretation.

66. Sections 64 and 65 above shall apply with the necessary modifications, to subsidiary legislations.

Application to subordinate legislation.

67.-(1) Where in any Act, rule, regulation, order or other instrument having legal effect, the term “Minister” is defined as the Minister responsible for a specific subject or department of Government, the same shall be read and construed for all purposes as the Minister for the time being responsible for the matter in question who has been assigned responsibility for such matter by the Governor- General under section 41 of the Belize Constitution, Cap. 4.

Construction of definition of “Minister” in any Act or subsidiary legislation.
15 of 2003.

(2) Where there is a conflict between the definition of the term “Minister” as contained in any Act, rule, regulation, order or other instrument having legal effect, and the allocation of portfolios to Ministers by the Governor-General under section 41 of the Belize Constitution, Cap. 4, the Minister who for the time being has been so assigned responsibility by the Governor-General for the matter in question shall prevail over any contrary Minister specified in any such Act or subsidiary legislation, and may validly exercise all the powers and functions appertaining to the Minister under such laws notwithstanding anything to the contrary contained therein.