



BELIZE

**CONTRACTOR-GENERAL ACT
CHAPTER 6**

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

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

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CHAPTER 6**CONTRACTOR-GENERAL**

6 of 1993.
S.I. 18 of 1999.

[5th January, 1994]

PART I*Preliminary*

Short title.

1. This Act may be cited as the Contractor-General Act.

Interpretation.

2.—(1) In this Act, unless the context otherwise requires, “contractor” includes any person, firm or entity with whom a public body enters into any agreement for the carrying out of any building or other works or for the supply of any goods or services and includes a person who carries out such works or supplies such goods or services for or on behalf of any public body pursuant to a licence, permit or other concession or authority issued or granted to that person by a public body;

“Contractor-General” means the Contractor-General appointed under section 3 of this Act;

“Council” means the Belize Advisory Council established under section 54 of the Constitution Cap. 4;

“functions” includes powers and duties;

“The Minister” means the Minister responsible for Finance;

“prescribed licence” means any licence, certificate, quota, permit or warrant issued or granted pursuant to any enactment by a public body or an officer thereof;

“principal officer” means ,

- (a) in relation to a Ministry, the Permanent Secretary of that Ministry;
- (b) in relation to a Department, the Head of that Department; and
- (c) in relation to any other public body - the Chief Executive Officer, general manager, or other similar officer of that body;

“public body” means,

- (a) a Ministry, department or agency of Government;
- (b) a City Council or a Town Council;
- (c) a statutory body or authority; or
- (d) any company registered under the Companies Act, Cap. 250, being a company in which the Government or an agency of Government holds not less than fifty-one *per centum* of the ordinary shares;

“public contract” means a contract awarded by a public body and includes any licence, permit or other concession or authority issued by a public body or agreement entered into by a public body for the carrying out of any building or other works or for the supply of any goods or services;

“public officer” or “public service” has the meaning assigned to it under section 131 of the Belize Constitution, Cap. 4;

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

(2) The references in this Act to a Ministry, department or agency of Government include a reference to the Minister, Minister of State, members or officers of that Ministry, department or agency.

PART II

Establishment of the Office of Contractor-General

The Contractor-General.

3.-(1) For the purposes of this Act, there is hereby constituted an office to be known as the Contractor-General.

(2) The Contractor-General shall be appointed by the Governor-General, acting on the recommendations of both Houses of the National Assembly contained in resolutions passed in that behalf.

(3) Notwithstanding anything to the contrary contained in this Act; the office of Contractor-General shall not be deemed to be an office in the public service.

(4) The Contractor-General shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, or public administration.

Independence of Contractor-General.

4.-(1) In the exercise of the powers conferred upon him by this Act, the Contractor-General shall not be subject to the direction or control of any other person or authority and no proceedings of the Contractor-General shall be called in question in any court of law by way of certiorari or any other means.

(2) Nothing in subsection (1) of this section shall be construed as preventing the assignment to a Minister of responsibility for such aspects of the administration of this Act as are necessary or desirable to facilitate liaison between the National Assembly and the Contractor-General.

Tenure of office.

5.-(1) Subject to the provisions of this Act, a person appointed as Contractor-General shall hold office for a period of three years and shall, at the expiration of such period, be eligible for reappointment.

(2) A person appointed as Contractor-General may at his own request be relieved of office by the Governor-General and shall in any case,

subject to the provisions of subsections (3) and (4) of this section, vacate office on attaining the age of sixty-five years.

(3) The Governor-General, acting on the recommendations of the National Assembly as aforesaid, may permit a Contractor-General who attains the age of sixty-five years to continue in office until he has attained such later age, not exceeding seventy years, as may be agreed between them.

(4) Notwithstanding that he has attained the age at which he is required by or under the provisions of this section to vacate his office, the Contractor-General may continue in office for such period after attaining that age as the Governor-General, acting on the recommendations of the National Assembly as aforesaid, may specify, in order to enable the Contractor-General to give his decision or do any other thing in relation to any investigation he was conducting before he attained that age.

(5) Nothing done by the Contractor-General shall be invalid by reason only that he has attained the age at which he is required by this section to vacate his office.

6.-(1) The Contractor-General may be removed from office only for,

Removal from office.

- (a) inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause); or
- (b) misbehaviour; or
- (c) trading with a public body without the prior approval, by resolution, of each House of the National Assembly,

and shall not be so removed except in accordance with the provisions of this section.

(2) For the purposes of this section, a Contractor-General trades with a public body if, while holding office as such, he becomes party to, or is

a partner in a firm or a director or manager of a company which to his knowledge becomes a party to any contract with a public body.

(3) If each House of the National Assembly by Resolution decides that the question of removing the Contractor-General from office ought to be investigated then,

- (a) the Governor-General shall refer the matter to the Belize Advisory Council which shall sit as a tribunal presided over by the Chairperson of the Council; and
- (b) the Council shall enquire into the matter and report on the facts to the Governor-General and advise the Governor-General whether the Contractor-General ought to be removed under this section.

(4) Where the question of the removal of the Contractor-General from office has been referred to the Council, the Governor-General may suspend the Contractor-General from performing the functions of his office and any such suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect if the Council advises the Governor-General that the Contractor-General ought not to be removed from office.

7.-(1) No person shall be qualified for appointment to the office of Contractor-General if he,

- (a) is a member of the House of Representatives or the Senate; or
- (b) is a member of a local authority; or
- (c) is an un-discharged bankrupt; or
- (d) has at any time been convicted of any offence involving dishonesty or moral turpitude; or

Disqualifications
for appointment
etc.

- (e) is a party to, or partner in a firm, or a director or manager of a company which to his knowledge is a party to any contract with a public body.

(2) The Contractor-General shall vacate office if any circumstances arise that, if he were not Contractor-General would cause him to be disqualified for appointment as such, by virtue of subsection (1) of this section.

8. A person appointed as Contractor-General shall be a full-time officer and,

Restriction on employment.

- (a) shall not be employed in any other capacity during any period in which he holds office as Contractor-General; and
- (b) shall not, at any time after he has ceased to hold office as Contractor-General, be eligible for appointment in the public service.

9.-(1) Where a vacancy arises in the office of Contractor-General, the Governor-General, acting on the recommendations of the National Assembly, may designate a person to act in that office during such vacancy, until a substantive appointment is made.

Filling of vacancy.

(2) Where by reason of illness, absence from the country or other sufficient cause, a person appointed as Contractor-General is unable to perform his functions under this Act, he may appoint a member of his staff to perform those functions for a period not exceeding two months, but if the Contractor-General is unable or fails to appoint such a person or if it is necessary that such a person be appointed for a period in excess of two months, the Governor-General, acting on the recommendations of the National Assembly, may appoint a suitable person to perform those functions.

10.-(1) Subject to subsection (2) of this section, the Contractor-General shall receive such emoluments and be subject to such other terms and conditions of service as may from time to time be prescribed by or under

Remuneration of Contractor-General.

any law or by resolution of the National Assembly, such emoluments being not less than the emoluments which may, from time to time, be payable to a judge of the Supreme Court.

(2) The emoluments and terms and conditions of service of the Contractor-General, other than allowances that are not taken into account in computing pension, shall not be altered to his disadvantage during the period of his appointment or reappointment, as the case may be.

(3) The emoluments for the time being payable to the Contractor-General by virtue of this Act shall be charged on and paid out of the Consolidated Revenue Fund.

Pensions and gratuities. First Schedule.

11. The provisions of the First Schedule to this Act shall have effect with respect to the pension and other benefits to be paid to or in respect of a person who has held the office of Contractor-General.

Appointment of officers, etc.

12.—(1) The Contractor-General may appoint and employ for the purposes of this Act, on such remuneration and on such terms and conditions as may be approved by the National Assembly, such officers and agents as may be considered necessary to assist him in the proper performance of his functions under this Act.

(2) The Governor-General or the Public Services Commission, as the case may be, may, subject to such conditions as may be imposed, approve the secondment to the staff of the Contractor-General, of any officer in the public service, provided that in relation to any pension, gratuity, allowances and other rights as a public officer, such officer shall be deemed to be in the public service while so employed.

Oath of secrecy.

13. Every person appointed to the staff of the Contractor-General shall, before he performs any function assigned to him under or by virtue of this Act, take and subscribe an oath to be administered by the Contractor-General in the form set out in the Second Schedule to this Act.

Second Schedule.

PART III

Powers and Functions of Contractor-General

14.-(1) Subject to the provisions of this Act, the functions of the Contractor-General shall be as follows,

Functions of the Contractor-General.

- (a) to monitor the award and the implementation of public contracts with a view to ensuring that,
 - (i) such contracts are awarded impartially and on merit;
 - (ii) the circumstances in which each contract is awarded or, as the case may be, terminated, do not involve any impropriety or irregularity;
 - (iii) without prejudice to the functions of any public body in relation to any contract, the implementation of each such contract conforms to the terms thereof;
 - (iv) there is no fraud, corruption, mismanagement, waste or abuse in the awarding of contracts by a public body;
- (b) to investigate any such fraud, mismanagement, waste or abuse;
- (c) to develop policy guidelines, evaluate programme performance and monitor actions taken by a public body with respect to the award, execution and termination of contracts; and
- (d) to monitor the grant, issue, suspension or revocation of any prescribed licence, with a view to ensuring that the circumstances of such grant, issue, suspension or revocation do not involve impropriety or irregularity

and, where appropriate, to examine whether such licence is used in accordance with the terms and conditions thereof.

(2) For the purpose of the discharge of his functions under this Act, the Contractor-General shall be entitled,

- (a) to be advised of the award and, where applicable, the variation of any public contract by the public body responsible for such contract;
- (b) subject to section 19 of this Act, to have access to all books, records, documents, stores or other property belonging to a public body, whether in the possession of any officer of a public body or a contractor or any other person;
- (c) to have access to any premises or location where work on a public contract has been, is being or is to be carried out;
- (d) to have access to all books, records, documents or other property used in connection with the grant, issue, suspension or revocation of any prescribed licence whether in the possession of any public officer or any other person;
- (e) to have access to any premises or location where he has reason to believe that any such books, records, documents or other property as are referred to in paragraph (d) above or any property which is the subject of a prescribed licence, may be found;
- (f) to enter any premises occupied by any person in order to make such enquiries or to inspect such document, record or property as he considers necessary to any matter being investigated by him; and

- (g) without prejudice to the provisions of sections 18 and 19 of this Act, to retain any such document, record or other property referred to in paragraph (f) above.

(3) For the purpose of subsection (2) of this section, the Contractor-General shall have power to require any public body to furnish in such manner and at such times as may be specified by the Contractor-General, information with regard to the award of any contract and such other information in relation thereto as the Contractor-General considers desirable.

(4) For the purposes of paragraph (d) and (e) of subsection (2) of this section, the Contractor-General shall have power to require any public officer or any other person to furnish in such manner and at such times as may be specified by the Contractor-General, information with regard to the grant, issue, suspension, or revocation of any prescribed licence and such other information in relation thereto as the Contractor-General considers desirable.

15. The Contractor-General shall, where it is necessary and desirable, conduct an investigation into any or all of the following matters,

Scope of investigation.

- (a) the selection of contractors;
- (b) tender procedures relating to contracts awarded by public bodies;
- (c) the award of any public contract;
- (d) any allegation of fraud, mismanagement, waste or abuse involving public contracts;
- (e) the implementation of the terms of any public contract;
- (f) the circumstances of and the practices and procedures relating to the grant, issue, use, suspension or revocation of any prescribed licence.

Initiation of investigation.

16.—(1) An investigation pursuant to section 15 of this Act may be undertaken by the Contractor-General on his own initiative or as a result of representations made to him, if in his opinion such investigation is warranted.

(2) The Contractor-General may receive and investigate complaints or information from an employee of a public body concerning the possible existence of an activity constituting a violation of law, rules, or regulations; or mismanagement, gross waste of funds, fraud, corruption or other impropriety relating to the award or termination of any contract; or the grant, issue suspension or revocation of any prescribed licence.

(3) The Contractor-General shall not, after receipt of a complaint or information from an employee under subsection (2) of this section, disclose the identity of the employee without the consent of the employee, unless the Contractor-General determines that such disclosure is unavoidable during the course of the investigation.

Procedure in respect of investigations.

17.—(1) The Contractor-General may adopt whatever procedure he considers appropriate to the circumstances of a particular case and, subject to the provisions of this Act, may obtain information from such persons and in such manner and make such enquiries as he thinks fit.

(2) Nothing in this Act shall be construed as requiring the Contractor-General to hold any hearing and no person shall be entitled as of right to comment on any allegations or to be heard by the Contractor-General.

(3) Regulations made under this Act may prescribe the practice and procedure to be adopted at any hearing.

(4) Where, for the purpose of an investigation, the Contractor-General requires a person to attend before him, that person shall be entitled to be paid for any expenses incurred by him by reason of such attendance and by way of compensation for the trouble and loss of time suffered by him.

18.—(1) Subject to the provisions of subsection (5) of this section and section 19 (1) of this Act, the Contractor-General may at any time require any officer or member of a public body or any other person who, in his opinion, is able to give any assistance in relation to the investigation of any matter pursuant to this Act, to furnish such information and produce any document or thing in connection with such matter as may be in the possession or under the control of that officer, member or other person.

Evidence.

(2) Subject as aforesaid, the Contractor-General may summon before him and examine on oath,

- (a) any person who has made representations to him; or
- (b) any officer, member or employee of a public body or any other person who, in the opinion of the Contractor-General, is able to furnish information relating to the investigation, and such examination shall be deemed to be a judicial proceeding and the appropriate provisions of the Criminal Code , Cap. 101(relating to perjury and obstruction of public justice) shall apply to all statements made in such proceedings.

(3) For the purpose of an investigation under this Act, the Contractor-General shall have the same powers as a Judge of the Supreme Court in respect of the attendance and examination of witnesses and the production of documents.

(4) Subject to the provisions of this Act, any obligation to maintain secrecy or any restriction on the disclosure of information or the production of any document or paper or thing imposed on any person by or under any law shall not apply in relation to the disclosure of information or the production of any document or thing by that person to the Contractor-General for the purpose of an investigation; and accordingly, no person shall be liable to prosecution for an offence under any such law by reason only of his compliance with a requirement of the Contractor-General under this Act.

(5) No person shall, for the purpose of an investigation, be compelled to give any evidence or produce any document or thing which he could not be compelled to give or produce in proceedings in any court of law.

Restriction on disclosure of certain matters.

19.—(1) Where the Secretary to the Cabinet at the direction of Cabinet certifies that the giving of any information or the answering of any question or production of any document or thing, would,

- (i) involve the disclosure of the deliberations or proceedings of the Cabinet, or any committee thereof, relating to matters of a secret or confidential nature and is likely to be injurious to the public interest;
- (ii) prejudice the relations of Belize with the government of any other country or with any international organization;
- (iii) prejudice the detection of offences; or
- (iv) prejudice the security or defence of Belize, the Contractor-General shall not further require such information or answer to be given or such document or thing to be produced.

(2) Except as provided in subsection (1) of this section, no law which authorizes or requires the refusal to answer any question or the withholding of any information or document or thing on the ground that the answering of the question or the disclosure of the information, document or thing would be injurious to the public interest, shall apply in respect of any investigation by or proceedings before the Contractor-General.

Procedure after investigation.

20.—(1) After conducting an investigation under this Act, the Contractor-General shall, in writing, inform the principal officer of the public body concerned and the Minister having responsibility therefore, of the result of that investigation and make such recommendations as he considers necessary in respect of the matter which was investigated.

(2) Where any report of the Contractor-General reflects adversely upon any person, the Contractor-General shall, so far as practicable, inform that person of the substance of the report.

(3) Where the Contractor-General has made a recommendation under subsection (1) of this section, and within the time specified or a reasonable time thereafter, he is of the opinion that no adequate action has been taken in pursuance of his recommendation, he shall expeditiously lay before the National Assembly a special report on the case.

21.—(1) Subject to subsection (2) of this section, where the Contractor-General finds, during the course of his investigation or on the conclusion thereof, that there is evidence of a breach of duty or misconduct, irregularity, impropriety, breach of trust or criminal offence on the part of an officer or member of a public body, he shall refer the matter to the person or persons competent to take such disciplinary or other proceeding as may be appropriate against that officer or member and in all such cases shall lay a special report before the National Assembly.

Disciplinary action
against officers.

(2) In every case where the Contractor-General finds that there is evidence of the commission of a criminal offence he shall, in addition to taking action as prescribed in subsection (1) of this section, refer the matter to the Director of Public Prosecutions.

22.—(1) Notwithstanding the investigative powers conferred upon the Ombudsman under the Ombudsman Act, Cap. 5, the Contractor-General shall have power to investigate any allegation of fraud, corruption, mismanagement, waste, abuse or other impropriety or irregularity in the award, execution or termination of any contract; or in the grant, issue, suspension or revocation of any prescribed licence.

Power of Con-
tractor-General to
investigate not-
withstanding Om-
budsman Act.

(2) In carrying out his investigations, duties and responsibilities under this Act, the Contractor-General shall have particular regard to the activities and functions of the Ombudsman with respect to investigations under the Ombudsman Act, Cap. 5, with a view to avoiding duplication of functions and ensuring effective coordination and cooperation between his office and that of the Ombudsman.

(3) In this section, “Ombudsman” means the Ombudsman appointed under the Ombudsman Act, Cap. 5.

Proceedings of Contractor-General not to be void for want of form.
Privilege.

23. The proceedings of the Contractor-General shall not be rendered void for want of form.

24.—(1) Except in the case of proceedings for an offence under section 30 (c) of this Act, no proceedings whatsoever shall lie against the Contractor-General or any person concerned with the administration of this Act, for anything he may do or report or say in the performance of his functions under this Act.

(2) Anything said or information supplied or any document or thing produced by any person for the purpose or in the course of any investigation by or proceedings before the Contractor-General under this Act, shall be absolutely privileged in the same manner as if the investigation or proceedings were proceedings in a court of law.

(3) For the purposes of the Libel and Defamation Act, Cap 169 any report made by the Contractor-General under this Act and any fair and accurate comment thereon shall be deemed to be privileged.

PART IV

Miscellaneous

Secrecy of information.

25.—(1) The Contractor-General and every person concerned with the administration of this Act shall regard as secret and confidential all documents, information and things disclosed to them in the execution of any of the provisions of this Act, except that no disclosure,

- (a) made by the Contractor-General or any person aforesaid in proceedings for an offence under section 30 of this Act or under the appropriate provisions of the Criminal Code, Cap. 101 (relating to perjury and obstruction of public justice) by virtue of section 18 (2) of this Act; or

- (b) which the Contractor-General thinks necessary to make in the discharge of his functions or for the purpose of executing any of the provisions of sections 20, 21 and 29 of this Act, shall be deemed inconsistent with any duty imposed by this subsection.

(2) Neither the Contractor-General nor any such person aforesaid shall be called upon to give evidence in respect of, or produce, any document, information or thing, aforesaid in any proceedings other than proceedings mentioned in subsection (1) of this section.

(3) Nothing in this section shall prevent disclosure by any person of information furnished to him pursuant to section 20 of this Act.

26.—(1) Without prejudice to the provisions of section 9 (2) of this Act, the functions of the Contractor-General, except those under sections 20, 21, 28 (2) and 29 of this Act, may be performed by any member of his staff authorized for that purpose by the Contractor-General.

Performance of functions of Contractor-General by members of his staff.

(2) Nothing in subsection (1) of this section, shall be construed as affecting the responsibility of the Contractor-General for functions performed on his behalf pursuant to subsection (1) of this section.

27. The funds of the office of Contractor-General shall consist of,

Funding.

- (a) such sums as may from time to time be appropriated by the National Assembly for the purposes of the office of Contractor-General; and
- (b) all other moneys which may in any manner become payable to or vested in the Contractor-General in respect of any matter incidental to his functions.

28.—(1) The accounts and financial transactions of the office of Contractor-General shall be audited annually by the Auditor General and a statement of accounts so audited shall form part of the annual report referred to in section 29 of this Act.

Accounts; etc.

(2) The Contractor-General shall, before a date specified by the Minister,

- (a) submit to the Minister a statement of accounts in a form satisfactory to the Minister and audited in accordance with the provisions of subsection (1) of this section;
- (b) submit to the Minister for approval, estimates of revenue and expenditure for the ensuing financial year.

Reports.

29.—(1) The Contractor-General may at any time be required by the National Assembly to submit a report thereto in respect of any matter being investigated by him.

(2) The Contractor-General shall submit to the National Assembly an annual report relating generally to the execution of his functions and may at any time submit a report relating to any particular matter or matters investigated, or being investigated by him which, in his opinion, require the special attention of the National Assembly.

(3) Reports under this section shall be submitted to the Speaker of the House of Representatives and the President of the Senate who shall, as soon as possible, have them laid on the Table of the respective Houses.

(4) The Contractor-General may, in the public interest, from time to time publish in such manner as he thinks fit, reports relating to such matters as are mentioned in subsection (2) of this section and any case which is the subject of a special report under section 21 of this Act, but no such report shall be published until after it has been laid pursuant to subsection (3) of this section.

Offences.

30. Any person who,

- (a) wilfully makes any false statement to mislead, or misleads or attempts to mislead the Contractor-General or any other person in the execution of his functions under this Act; or

- (b) without lawful justification or excuse,
 - (i) obstructs, hinders or resists the Contractor-General or any other person in the execution of his functions under this Act; or
 - (ii) fails to comply with any lawful requirement of the Contractor-General or any other person under this Act;
- (c) deals with documents, information or things mentioned in subsection (1) of section 25 of this Act, in a manner inconsistent with his duty under that subsection; or
- (d) otherwise than in the course of his duty, directly or indirectly, by himself or by any other person, in any manner whatsoever, wilfully influences or attempts to influence the decision of the Contractor-General with regard to any complaint made to him or to any investigation made by him, commits an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

31.—(1) Nothing in this Act shall be construed as limiting or affecting any remedy or right of appeal or objection given to any person by any other law.

Remedy under any other provision of law unaffected.

(2) The Contractor-General may initiate or continue any investigation and report thereon pursuant to this Act notwithstanding any legal proceedings relating to the subject matter of the investigation.

32.—(1) The Contractor-General may make regulations to provide for any matter in respect of which it may be necessary or desirable to make regulations for the better carrying into effect of the provisions of this Act, and, without prejudice to the generality of the foregoing, such regulations may provide for,

Regulations.

- (a) any matter required by this Act to be prescribed; and
- (b) the circumstances in which and the manner in which information relating to public contracts shall be furnished to the Contractor-General.

(2) The Contractor-General may make the contravention of any regulation made by him under the preceding subsection an offence punishable by a fine not exceeding one thousand dollars or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

(3) All regulations made by the Contractor-General under this section shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

Oath of allegiance
and office.

33. Before entering upon his duties under this Act, the Contractor-General shall take and subscribe the oath of allegiance and office before the Governor-General.

Application to
Contractor-Gen-
eral.

34. The Prevention of Corruption Act, Cap.105, shall apply to the Contractor-General and the Contractor-General shall be required to make a statutory declaration of his assets, liabilities and income and comply with all other requirements of the said Act.

FIRST SCHEDULE

CONTRACTOR-GENERAL ACT
 Pensionable Emoluments of
 Contractor General
[Section 11]

1. In this Schedule,

Interpretation.

“pensionable emoluments” has the same meaning as in the Pensions Act, Cap. 30; “the Act” means the Contractor-General Act.

2.-(1) Where a person holding the office of Contractor-General retires in pensionable circumstances, he shall be paid pension and gratuity in accordance with this Schedule.

Entitlement of pensions and gratuities in respect of service as Contractor-General.

(2) For the purposes of this paragraph and paragraph 4 of this Schedule, a person retires in pensionable circumstances if he retires,

- (a) on or after the expiration of seven years from the date of his appointment to the office of Contractor-General; or
- (b) by reason of ill-health prior to such expiration; or
- (c) on his attaining the age at which he is required by or under the provisions of section 5 of this Act to vacate office.

(3) For the purposes of this Act, a person retires from the office of Contractor-General on the ground of ill-health where,

- (a) he retires on medical evidence, to the satisfaction of the Governor-General, that he is incapable by reason of any infirmity of mind or body of discharging the duties of his office, and that such infirmity is likely to be permanent; or

- (b) he is removed from office, in accordance with section 6(4) of this Act for inability, arising from infirmity of mind or body, to perform the functions of his office.

(4) A person who, pursuant to section 6 of this Act, is removed from the office of Contractor-General for misbehaviour or for any cause other than inability arising from infirmity of mind or body or who retired otherwise than in pensionable circumstances may be granted by the Governor-General such pension and gratuity as the Governor-General thinks fit not exceeding the pension and gratuity to which he would have been entitled had he retired in pensionable circumstances from such office and for the purposes of subparagraph (5) of this paragraph, the date of such removal from office or retirement shall be deemed to be the date of retirement in pensionable circumstances.

(5) Pension payable in accordance with this paragraph shall,

- (a) be charged on and payable out of the Consolidated Revenue Fund; and
- (b) be paid monthly in arrears with effect, subject to paragraph 4 of this Schedule, from the date of retirement in pensionable circumstances and shall, subject to the provisions of this Act, continue to be paid during the lifetime of the person entitled thereto.

Rate of pension.

3. The rate of pension payable pursuant to paragraph 2 of this Schedule to any person shall,

- (a) if the person has retired after completing not less than seven years service as Contractor-General or, at any time, on the ground of ill-health, be at an annual rate equivalent to his pensionable emoluments at retirement; and
- (b) in any other case, be an annual rate equivalent to the sum of one-half of his pensionable emoluments at the date of retirement and one three hundred and sixtieth

of such pensionable emoluments in respect of each month of service as Contractor-General,

Provided that the rate of pension shall not exceed the annual rate of such pensionable emoluments.

4. Where in accordance with paragraph 2 of this Schedule, a person retires in pensionable circumstances before he has attained the age of fifty years,

Special provision where Contractor-General retires before attaining age fifty.

- (a) the date with effect from which any pension due to him under this Act shall be payable, shall be the date on which he attains that age, but, if he elects pursuant to paragraph 5 of this Schedule to take a reduced pension and commuted pension gratuity, nothing in this paragraph shall prevent payment of the commuted pension gratuity at any time prior to the attainment of that age; and
- (b) if he dies before attaining that age, and he has not made an election to receive a reduced pension gratuity as aforesaid, he shall for the purpose of paragraph 6 of this Schedule be deemed to have died while holding the office of Contractor-General.

5.-(1) Any person to whom a pension (in this paragraph referred to as “the original pension”) is payable pursuant to paragraph 2 of this Schedule may, at his option exercisable at his retirement in pensionable circumstances or within such period prior or subsequent to his retirement as the Governor-General may allow, be paid, *in lieu* of the original pension, a reduced pension at the rate of three-fourths of the annual rate of the original pension together with a gratuity (in this Act referred to as a “commuted pension gratuity”) equal to twelve and one-half times one-quarter of the original pension.

Reducing pension and gratuity.

(2) The option referred to in subparagraph (1) above shall be irrevocable unless the Governor-General, on such terms as he considers reasonable, otherwise permits.

Gratuity on death.

6.—(1) Where a person dies while holding the office of Contractor-General there shall be paid to his legal personal representatives, a gratuity of an amount equivalent to,

- (a) one year's pensionable emoluments;
- (b) the commuted pension gratuity for which the person aforesaid had a right to opt pursuant to paragraph 5 of this Schedule on the assumption that he retired in pensionable circumstances at the date of his death, whichever is the greater.

(2) Where a person dies while in receipt of a pension pursuant to paragraph 2 of this Schedule, there shall be paid to his legal personal representatives a gratuity of an amount equivalent to one year's pensionable emoluments of that person at the date of his retirement or removal from office.

Pension to dependents when a Contractor-General dies as a result of injuries received or a disease contracted in the discharge of his duties.

7. Where a person holding the office of Contractor-General dies as a result of injuries received,

- (a) in the actual discharge of his duties;
- (b) in circumstances in which the injury is not wholly or mainly due to or seriously aggravated by his own serious and culpable negligence or misconduct; and
- (c) on account of circumstances specifically attributable to the nature of his duty, while serving in that office, it shall be lawful for the Governor-General to grant to the deceased Contractor-General's widow, children, parents or other dependents such awards as would have been made under the Pensions Act, Cap. 30 if the office of Contractor-General were a pensionable office for the purposes of that Act.

Retirement consequent upon injury or disease.

8. Where a Contractor-General,

- (a) is permanently injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct;
- (b) contracts a disease to which he is exposed specifically by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct;
- (c) is permanently injured as a result of an accident or damage to an aircraft while travelling by air in pursuance of official instructions and the injury was not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct;
- (d) while proceeding by a route approved by the Governor-General to or from Belize at the commencement or termination of his service therein, or of a period of secondment, duty leave, or leave therefrom, is permanently injured as the result of damage or any act of violence to the vessel, aircraft or vehicle in which he is travelling, if the Governor-General is satisfied that that damage or act is attributable to circumstances arising out of any war in which Belize is engaged, then, for the purpose of calculating any pension under this Act, any period of service as Contractor-General shall be deemed to be increased by twenty *per centum*.

9. A pension or gratuity payable under this Act shall not be assignable or transferable except for the purpose of satisfying,

Pension, etc., not to be assigned.

- (a) debt due to the Government; or
- (b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife

or former wife or minor children, of the person to whom the pension or gratuity is payable, and shall not be liable to be attached, sequestered or levied upon, for or in respect of any debt due or claim whatever except a debt or claim due to the Government.

Pension to widow.

10.—(1) Where a person dies while holding the office of Contractor-General or while entitled to a pension under paragraph 2, there shall be paid to his widow a pension at an annual rate equivalent to one-fifth of the pensionable emoluments of the person aforesaid at the date of his death or, if at that date he was entitled to received a pension under paragraph 2, at the date of his retirement or, as the case may be, removal from office in accordance with this Act.

(2) Pension payable to a widow pursuant to subparagraph (1) above shall,

- (a) be charged on and paid out of the Consolidated Revenue Fund; and
- (b) be paid monthly in arrears with effect from the date of her husband's death and shall, subject to the provisions of this Act, continue to be paid during her lifetime.

(3) In paragraph 7 of this Schedule and subparagraphs (1) and (2) of this paragraph, references to a widow shall, in the case of a female-appointed Contractor-General, be deemed to include references to a widower and cognate expressions shall be construed accordingly, and similarly, references to a husband shall be deemed to include references to a wife.

Recommendations
of National As-
sembly.

11. In the exercise of his powers under this Schedule, the Governor-General shall act in accordance with the recommendations of the National Assembly.

SECOND SCHEDULE

CONTRACTOR- GENERAL ACT

Oath of Office of Assist

Contractor-General.

[Section 13]

Ido swear (or solemnly and sincerely affirm and declare) that I will faithfully perform any functions assigned to me under the Contractor-General Act, Cap. 6, and I will not, on any account, at any time whatsoever, except in so far as provisions of the Act authorize, directly or indirectly ,reveal or make known any information or the nature or contents of any documents communicated to me in the performance of any functions assigned to me by virtue of the Act.

SO HELP ME GOD.