



BELIZE

**NATIONAL FORENSIC SCIENCE SERVICE ACT
CHAPTER 39:02**

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CHAPTER 39:02

**NATIONAL FORENSIC SCIENCE SERVICE
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CHAPTER 39:02

NATIONAL FORENSIC SCIENCE SERVICE

13 of 2004.
S.I.140 of 2007.

[1st January, 2008]

Short title.

1. This Act may be cited as the National Forensic Science Service Act.

Interpretation.

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

“Executive Director” means the Executive Director appointed under section 5 of this Act;

“Minister” means the Minister who has been assigned responsibility for forensic science by the Governor General under the Belize Constitution;

“Service” or “National Forensic Science Service” or “NFSS” means the National Forensic Science Service established under section 3 of this Act.

Establishment of National Forensic Science Service

3. There shall be and is hereby established within the Ministry for the time being responsible for forensic services, a department of Government to be called the National Forensic Science Service.

Functions of National Forensic Science Service

4.–(1) Subject to the provisions of this Act, the Service shall have the functions and duties of carrying out forensic-procedures in relation to criminal and civil matters and, without prejudice to the generality of the foregoing, such functions and duties shall include the following,

(a) provision of an impartial, reliable and efficient forensic science service based on established scientific principles;

(b) assisting law enforcement agencies, in particular, the Police Department, in criminal investigations by

providing scientific evidence used by the judicial system for the due administration of justice;

- (c) examining and determining the nature of seized substances using the classification specified in the Misuse of Drugs Act, Cap. 103;
- (d) carrying out DNA tests in both criminal and paternity cases;
- (e) quantifying the concentration of alcohol in body fluids for offences specified in the Motor Vehicles and Road Traffic Act, Cap. 230; and
- (f) increasing the participation of the Service in criminal investigations in conjunction with the Police Department by improving and establishing analytical methodologies through the acquisition of necessary instrumentation and training.

(2) The Minister may by Order published in the *Gazette* require the Service to perform and provide additional duties and functions not specified in subsection (1) of this section, where such additional duties and functions will, in his opinion, facilitate the more efficient administration of this Act.

5.—(1) There shall be appointed an Executive Director who shall be responsible for the administration of this Act and for the efficient conduct and administration of the Service.

Appointment and duties of Executive Director.

(2) The Executive Director shall be appointed by the Public Services Commission pursuant to section 106 of the Belize Constitution, Cap. 4 and without prejudice to the generality of subsection (1) above, shall perform and discharge the following duties and functions, namely,

- (a) having primary responsibility for the use of all monies appropriated to the Service from time to time by the National Assembly;

- (b) carrying out all necessary measures to ensure the proper and efficient functioning of the Service;
- (c) overseeing and ensuring that all forensic equipment are kept in good operating order and state of repair, and are used for the sole benefit of the Service;
- (d) submitting to the Minister, on such dates as the Minister may specify, reports and information on the operations of the Service during the previous year, and including in any such reports,
 - (i) information on the conditions of forensic equipment and other property of the Service, especially the mechanical condition and adequacy of such equipment;
 - (ii) detailed information on the income and expenditure of the Service during the previous year;
 - (iii) information related to such other aspects of the Service, not specifically referred to in subparagraphs (i) and (ii) above, and recommendations relating to the information supplied in such reports.

Appointment of staff.

6.—(1) The Public Services Commission, acting pursuant to section 106 of the Belize Constitution, Cap. 4, may appoint such number of public officers to the Service as may be necessary for the proper administration of this Act.

(2) Without prejudice to the generality of subsection (1) above, officers appointed pursuant to that subsection may include, but shall not be limited to, pathologists, medical examiners, radiologists, odontologists, anthropologists, criminologists, ballistic experts, sketch artists, fingerprint experts, judicial photographers, forensic analysts, administrative officers and other staff.

7.–(1) The post of Executive Director, and the posts of other officers and employees, appointed pursuant to sections 5 and 6 of this Act, who are on the administrative, technical, professional, clerical and secretarial staff shall be pensionable under the Pensions Act, Cap. 30, notwithstanding anything to the contrary in that Act or any other enactment.

Declaration of pensionable posts.

(2) An officer holding a post referred to in subsection(1) of this section, shall be a public officer within the meaning assigned to the expression “public officer” in section 131 of the Belize Constitution, Cap. 4.

(3) Any person holding an ancillary post of the semi-skilled or unskilled category shall be governed by and entitled to retirement benefits under the Government (Open Vote) Workers Regulations, in Statutory Instrument No. 145 of 1992.

8.–(1) It shall be an offence for any person to threaten, intimidate or exert any pressure, either directly or indirectly, on any member of staff of the Service with the intent of influencing the outcome of any forensic examination carried out or to be carried out by him or any other member of the Service.

Offence to intimidate, etc., a member of Service.

(2) A person guilty of an offence under subsection (1) of this section, shall be liable on summary conviction to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

9.(1) The Minister may make Regulations generally for the better carrying out of the provisions of this Act and, without prejudice to the generality of the foregoing, may make Regulations in respect of any or all of the following,

Regulations.

- (a) the training to be carried out by officers and employees of the Service;
- (b) the establishment of forensic procedures and the circumstances for carrying out such training;
- (c) fees and charges for the provision of forensic-service;

(d) generally for the better administration of the Service.

(2) Regulations made by the Minister under this section shall be subject to negative resolution of the House of Representatives.

(b) the establishment of forensic procedures and the circumstances for carrying out such training;

(c) fees and charges for the provision of forensic-service;

(d) generally for the better administration of the Service.

(2) Regulations made by the Minister under this section shall be subject to negative resolution of the House of Representatives.