



**BELIZE**

**BELIZE NATIONAL COAST GUARD  
SERVICE ACT  
CHAPTER 131:01**

**REVISED EDITION 2011  
SHOWING THE SUBSTANTIVE LAWS AS AT 31<sup>ST</sup>  
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.



**CHAPTER 131:01**

**BELIZE NATIONAL COAST GUARD  
SERVICE**

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CHAPTER 131:01

BELIZE NATIONAL COASTGUARD  
SERVICE

19 of 2004  
S.I. 88 of 2005

*[6<sup>th</sup> July, 2005]*

PART I

*Preliminary*

1. This Act may be cited as the Belize National Coast Guard Service.

Short title.

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

Interpretation.

“Board” means the Coast Guard Service Board established under section 8 of this Act;

“Coast Guard Service” means the Belize National Coast Guard Service established under section 3 of this Act;

“Commandant” means the Commandant of the Coast Guard Service appointed under section 5 of this Act and referred to as a “naval force” in section 110.04 of the Belize Constitution;

“Minister” means the Minister for the time being with responsibility for Home Affairs;

“other security forces” means,

(a) in respect of Belize, the Belize Police Department and the Belize Defence Force; and

(b) in respect of any other country, the police and military forces of that country, including the coast guard authorities of that country, where applicable.

## PART II

*Establishment, Duties, Functions and  
Command etc. of the Coast Guard Service.*

Establishment of  
the Coast Guard  
Service.

**3.—(1)** There shall be and is hereby established in and for Belize a Belize National Coast Guard Service (hereinafter referred to as “the Coast Guard Service”) which shall be organized, trained and equipped for discharging the duties and functions specified in this Act.

(2) The Coast Guard Service shall be governed by the provisions of this Act and any Regulations made there under.

(3) The Minister may establish the Headquarters of the Coast Guard Service, and such other support units and individual operating units such as will enable the Coast Guard Service to fully and effectually perform the functions and discharge the duties imposed upon it by or under this Act.

Functions and du-  
ties of the Coast  
Guard Service.

**4.—(1)** The Coast Guard Service shall primarily be employed as a coast-watching force, maintaining a state of readiness to function as a maritime specialized force for enforcement of Belize maritime law, resource protection, safety at sea and operations at sea.

(2) Without prejudice to the generality of subsection (1) of this section, but notwithstanding the provisions of any other law to the contrary, it shall also be the duty and function of the Coast Guard Service to enforce, or assist in the enforcement of,

(a) the provisions of any law relating to,

(i) customs and revenue collection, including the prevention of “smuggling of contraband”, which expression shall for the purposes of this Act be read to include the smuggling of narcotics, firearms, counterfeit coinage or securities, or any other goods, items or merchandise possessed or carried contrary to the laws of Belize;

- (ii) safety at sea;
  - (iii) immigration and nationality;
  - (iv) quarantine;
  - (v) fisheries;
  - (vi) the protection of Belize's territorial sea, continental shelf, exclusive economic zone and fishery zones in accordance with the Belize Constitution, Cap. 4, the Maritime Areas Act, Cap. 11, the United Nations Law of the Sea Convention (UNCLOS) and other International Conventions of the Sea to which Belize is a party;
  - (vii) pollution and pollution prevention;
  - (viii) navigation, including navigation in any inland water way in Belize, or at any harbour or port;
  - (ix) narcotics trafficking and possession;
  - (x) port security and safety;
  - (xi) preservation and exploitation of the maritime environment;
- (b) the prevention of persons from boarding, holding or clinging to any vessel without the permission of the master of the vessel, and if necessary, the removal of such persons from the vessel;
- (c) the preservation of national security and order in Belize, territorial waters;

- (d) the conducting and carrying out of maritime search and rescue operations;
- (e) the collection of information concerning intelligence activities directed against Belize, or concerning international terrorist activities conducted using the sea, international narcotics trafficking using the sea, and other hostile activities directed against Belize by foreign states, organizations, persons and/or their agents through the sea;
- (f) the production and dissemination to relevant government departments of the information collected pursuant to paragraph (e) above;
- (g) the performance of such other intelligence activities as may be directed by the Minister from time to time,
- (h) recreational boating safety in order to foster the use and enjoyment of all waters in Belize;
- (i) merchant vessel inspection and documentation in conformity with the provisions of the Safety of Life at Sea Convention (SOLAS), the International Convention on Load Lines (ILC) and the International Convention on Tonnage Measurement of Ships and regulating the carriage of bulk cargoes and dangerous goods by merchant ships, and any other bilateral or multilateral treaty or agreement to which Belize is a party providing for proliferation security initiatives in the sea;
- (j) measures for the safety of merchant vessel personnel (seafarers) and the safe and efficient operation of vessels on which they work.



(3) In performing its functions under subsection (2) (a) (i), (iii), (iv), (v), (vii), (ix), (x), (xi), (h), (l), and (j) of this section, the Coast Guard Service shall act under the instructions of the relevant Government Ministry, Department or regulatory agency with statutory responsibility over the subject, save and except in cases of emergency.

5.—(1) The Governor-General, acting in accordance with the advice of the Prime Minister, shall appoint an officer in whom the command of the Coast Guard Service shall be vested (hereinafter called “the Commandant”) and, subject to the terms of such appointment, such officer shall have overall command of the Coast Guard Service.

Command and membership of the Coast Guard Service.

(2) For the purposes of executing the duties and functions of the Coast Guard Service, the Commandant may with the approval of the Minister,

- (a) determine the material requirements necessary for the operation of the Coast Guard Service, including the order in which ships, aircrafts, surface craft, weapons and other operating facilities are constructed, maintained, repaired and/or overhauled;
- (b) organize, train, equip, prepare and maintain the Coast Guard Service in a state of alertness, readiness and preparedness to discharge any duties or perform any function imposed or conferred upon it by or under this Act;
- (c) make appropriate recommendations necessary to fulfil current and future requirements of the Coast Guard Service in areas of manpower, materials, weapons, facilities and services, including without limitation the determination of quantities, military performance requirements and the priority timetables and places in which such requirements will be needed;

- (d) maintain water patrols;
- (e) establish or cause to be established, and maintain, operate or discontinue the maintenance, operation or repair of shore establishments for the Coast Guard Service;
- (f) assign ships, aircrafts, vehicles, aids to navigation, equipment, appliances and supplies to Coast Guard Service units or shore establishments, as the case may be, or transfer any of the foregoing from one unit or shore establishment to another;
- (g) authorize the carrying on of scientific investigations or experiments for and on behalf of the Coast Guard Service in respect of plans, devices and other inventions related to the performance of any maritime function, and cooperate and coordinate such activities with other governmental agencies, non- governmental agencies, private parties and other entities;
- (h) authorize the carrying on of any studies or investigations that may be of assistance to the Coast Guard Service in the performance and discharge of any of its powers, duties or functions;
- (i) collect, or cause to be collected, and publish and distribute, or cause to be published and distributed, information concerning the maritime operations of the Coast Guard Service;
- (j) design or cause to be designed, or construct or cause to be constructed, or accept as a gift, or otherwise acquire any aircraft, ship, weapon, small craft, patrol boat or other thing needed by the Coast Guard Service in discharging or

performing any of its powers, duties or functions, and repair and maintain or cause to be repaired and maintained, or equip and operate or cause to be equipped and operated such aircraft, patrol boat, other small craft, vehicle, ship, weapon or other thing as aforesaid;

- (k) acquire or accept as a gift or otherwise and maintain and repair or cause to be maintained and repaired any aid to navigation, appliance, equipment and supplies needed by the Coast Guard Service in discharging or performing its duties, powers and functions;
- (l) equip, operate, maintain, supply and repair shore establishments and units of the Coast Guard Service;
- (m) establish, equip, operate and maintain shops, depots, docks and yards for the manufacture, construction and repair of aids to navigation, equipment, apparatus, ships, vehicles and aircraft which are not normally or economically obtainable from private contractors, and for the maintenance and repair of any other property or machinery used by the Coast Guard Service;
- (n) rent or lease, for periods not exceeding five years at any one time, such real property under the control of the Coast Guard Service as may not be required for immediate use and deposit any monies obtained there to the credit of the Consolidated Revenue Fund;
- (o) establish, install, operate, maintain, repair, purchase or lease, subject to the Belize Telecommunications Act, Cap. 229 and the Electricity Act, Cap. 221, such telecommunications lines

and electricity lines and cables as may be necessary for the operations of the Coast Guard Service and arrange for the acquisition by the Coast Guard Service of such facilities, apparatus, equipment, structures, appurtenances, accessories and supplies used for, or useful in connection with, the installation, operation, maintenance, or repair of such lines and cables; and

(p) establish, install, operate, maintain and repair radio transmission and receiving stations for the purposes of the Coast Guard Service.

(3) The Coast Guard Service shall also be comprised of such other officers as may be transferred thereto on the commencement of this Act from the Belize Defence Force, the Belize Police Department, the Customs and Excise Department, the National Fire Service, the Department of Immigration and Nationality Services, the Belize Port Authority and/or the Fisheries Department, or who may be appointed to the Coast Guard Service by the Security Services Commission acting pursuant to a recommendation of the Coast Guard Service Board established under section 8 of this Act.

(4) Officers of the Coast Guard Service appointed pursuant to subsection (3) of this section, shall be in such numbers as to achieve organizational hierarchy within the Coast Guard Service and may include Commanding Officers, Group Commanders, Patrol Commanders, Captains of the Port and Boarding Officers.

(5) All powers, duties and functions conferred upon the Coast Guard Service shall be vested in the Commandant unless provided otherwise in this Act or any Regulations made thereunder, and the Commandant may, in executing such powers, duties and functions, delegate them or any of them to any of the officers appointed pursuant to subsection (3) of this section.

(6) The Minister may make Regulations setting out the hierarchical structure of the Coast Guard Service, and providing therein the duties of any of the officers referred to in subsection (4) of this section.

6.—(1) The Security Services Commission may permit any member of the Coast Guard Service to proceed to a place or places outside Belize for the purpose of undergoing training or instruction, or for duty or employment.

Overseas training  
of members.

(2) The Security Services Commission may place any member of the Coast Guard Service at the disposal of the coast guard authorities of any other country or territory for the purpose of having such member attached to the coast guard authorities of such country or territory for duty or training or both.

(3) The Minister may enter into an agreement with the coast guard authorities of any other country or territory to permit a member of the coast guard service of that country to be attached to the coast guard authorities of Belize for training or employment.

7.—(1) As a separate branch of the security forces of Belize, the Coast Guard Service may, with the approval of the Minister, and with or without reimbursement for the cost thereof, send personnel, officers and members to any other security forces of Belize, or receives personnel, officers and members from any other security force of Belize, for the purpose of joint training or instruction operations.

Power of command  
of members if co-  
operating with oth-  
er security forces.

(2) Where personnel, officers and members of the Coast Guard Service are sent for training or instruction pursuant to subsection (1) of this section, they shall be subject to the general rules, directives and other laws governing the receiving security force.

(3) From time to time, as the Minister may direct, the Coast Guard Service shall conduct joint operations with other security forces of Belize or of other countries for the purpose of facilitating a cooperative and efficient approach to national, regional or international defence and security.

(4) In so far as powers of command depend on rank, any member of a security force who is individually acting with, or is a member of a force which is jointly acting with, the Coast Guard Service shall have the same powers of command as an officer of the Coast Guard Service of the same or similar rank.

(5) If the whole Coast Guard Service is for any reason required to act with any other security force of Belize, the Governor-General may place the Coast Guard Service or such part thereof as he may determine from time to time under the command of the officer commanding such other security force.

(6) Where any unit of the Coast Guard Service is acting in co-operation with any other security force in Belize, the Officer in command of the Coast Guard Unit may, in agreement with the commander of the other security force, define the powers of command and order of precedence of officers and other members of the Coast Guard Service unit and other security force.

### PART III

#### *Board and Officers, etc., of the Coast Guard Service.*

Establishment and  
membership of the  
Board.

**8.—(1)** There shall be and is hereby established a Coast Guard Service Board (hereinafter referred to as “the Board”) which shall consist of the following members,

- (a) the Minister responsible for the Coast Guard Service, who shall be the Chairperson of the Board;
- (b) such other Minister as may be appointed from time to time by the Prime Minister, who shall be the Deputy Chairperson of the Board;
- (c) the Chief Executive Officer to the Ministry responsible for the Belize National Coast Guard Service, who shall be the Secretary to the Board;
- (d) the Commandant of the Coast Guard Service;
- (e) the Commandant of the Belize Defence Force;

- (f) the Fisheries Administrator;
- (g) the Comptroller of Customs;
- (h) the Commissioner of Police;
- (i) one person representing the private sector, nominated jointly by the Belize Business Bureau and the Belize Chamber of Commerce and Industry, and appointed by the Prime Minister.

(2) If the Chairperson of the Board is for any reason unable to act through illness, absence or otherwise, the Deputy Chairperson shall perform the functions of the Chairperson if present.

(3) The Board may hold meetings and lawfully dispose of business thereat, and may carry out its duties and perform its functions as provided in this Act, notwithstanding any vacancy in its membership.

(4) The Board shall meet as often as is necessary to carry out its duties, functions and obligations as provided under this Act.

(5) Any question arising at a meeting of the Board shall be determined by a majority of the members present and voting at the meeting and in the event of an equality of votes, the Chairperson shall have a second or casting vote.

(6) Subject to the provisions of this Act, the Board may regulate its own procedure.

**9.—**(1) The Board, under the general direction and authority of its Chairperson, shall be responsible for formulating the general policy direction of the Coast Guard Service, the training and administration of the Coast Guard Service, the structural organization of the Coast Guard Service, and may additionally perform such other functions as may from time to time be assigned to it by the Governor-General by Order published in the *Gazette*.

Functions of the Board.

(2) The Board may from time to time make such recommendations to the Security Services Commission as it considers necessary regarding

the appointment, disciplinary control, transfer and removal of members of the Coast Guard Service, other than the Commandant.

Power to grant commissions.

**10.**—(1) The power to grant commissions in the Coast Guard Service shall be vested in the Governor-General, acting in accordance with the advice of the Security Services Commission.

(2) A commission may be granted either for a specified time or for an indefinite period of time.

(3) The commission granted to every officer shall be signed by the Governor-General and shall be in the form set out in the First Schedule to this Act.

(4) Upon being granted a commission, every officer shall be appointed by the Governor-General acting in accordance with the advice of the Security Service Commission.

(5) A member of the Coast Guard Service shall swear or affirm to the Oath of Allegiance and Office set out in the Second Schedule to this Act before assuming the duties of his office.

Resignation and dismissal of officers.

**11.**—(1) The Governor-General may, acting in accordance with the advice of the Security Services Commission, permit or allow an officer of the Coast Guard Service to resign his commission.

(2) The Governor-General may, acting in accordance with the advice of the Security Services Commission, terminate the commission of an officer of the Coast Guard Service for inefficiency or for any other cause.

Code of Conduct.

**12.** Members of the Coast Guard Service shall conduct themselves in such a way as not,

(a) to place themselves in positions in which they have or could have a conflict of interest;

(b) to compromise the fair exercise of their public or official functions and duties;



- (c) to use their office for private gain;
- (d) to demean their office or position;
- (e) to allow their integrity to be called into question;  
or
- (f) to endanger or diminish respect for, or confidence in the integrity of the Government.

#### PART IV

##### *Miscellaneous*

**13.—**(1) Subject to the Belize Constitution and this Act, the Security Services Commission may make Regulations for the better carrying out of the provisions of this Act.

Power to make  
Regulations.

(2) Without prejudice to the generality of subsection (1) of this section, such Regulations may provide for,

- (a) the recruitment of officers of the Coast Guard Service;
- (b) ranks in the Coast Guard Service;
- (c) the commissioning of officers in the Coast Guard Service;
- (d) discipline in the Coast Guard Service;
- (e) the appointment and promotion of officers in the Coast Guard Service;
- (f) the resignation, retirement and dismissal of officers from the Coast Guard Service;

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FIRST SCHEDULE

BELIZE NATIONAL COASTGUARD SERVICE ACT

Form of Commission

[Section 10 (3)]

I.....Governor-General of Belize, DO HEREBY GIVE TO .....GREETINGS and reposing especial trust in your loyalty, courage and good conduct, do by these presents constitute and appoint you to be an officer in the BELIZE NATIONAL COAST GUARD SERVICE for.....years from the.....day of ..... 20 .....to the ..... day of .....20.....\*

YOU ARE THEREFORE carefully and diligently to discharge your duties as such an officer in the rank of .....or in such other rank as you may from time to time hereafter be promoted or appointed and you are in such manner and on such occasions to exercise and well discipline in their duties, such officers as may be placed under your orders from time to time and use your best endeavours to keep them in good order and discipline. I do hereby command all such officers and soldiers to obey you as their superior officer, and you to observe and follow such orders and directions as from time to time you shall receive from me or any of your superior officers in pursuance of the trust hereby reposed in you.

GIVEN at.....this.....day of....., 20.....

(GOVERNOR-GENERAL)

\* Delete if inapplicable.

SECOND SCHEDULE

BELIZE NATIONAL COASTGUARD  
SERVICE ACT

Oath of Allegiance and Office

*[Section 10(5) ]*

I, .....  
do swear [affirm] that I will bear true faith and allegiance to Belize, and will uphold the Constitution and the law, and that I will conscientiously, impartially and to the best of my ability discharge my duties as [ ] in the National Coast Guard Service and will do right to all manner of people without fear or favour, affection or ill-will [So help me God].

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*Signature of the Officer taking the Oath.*