

BELIZE LEGAL ANNEX

REVIEWED LAWS:

- Constitution, 2000
- Prevention of Corruption in Public Life Act, 2000 (**)
- Prevention of Corruption Act, 2007 (entered into force February 2008)

(**) No longer applicable, replaced by Prevention of Corruption Act of 2007.

RELEVANT ARTICLES:

PART I

Preliminary

2. In this Act, unless the context otherwise requires “income” includes all receipts by way of salary, fees, wages, perquisites, profits, gain, emoluments, rents and interest whether they are received as money or as money’s worth, commission, bonus, pension, annuity or benefit and whether received in Belize or elsewhere, and shall include

- (a) details of contracts awarded by the Government or other public body;
- (b) leases or grants of land awarded by Government or any other body at the direction or nomination of Government;
- (c) private sector contracts of the amount of twentyfive thousand dollars or above;
- (d) details of any business interests; and
- (e) other benefits valued at more than five thousand dollars received from any source;

“person in public life” means

- (a) Members of the House of Representatives including the Speaker;
- (b) Members of the Senate including the President of the Senate; and
- (c) Members of local authorities (City Councils and Town Councils);

PART II

Integrity Commission

4. The Commission shall

- (a) examine and retain all declarations filed with the Secretariat under this Act;
- (b) make such inquiries as it considers necessary in order to verify or determine the accuracy of the declarations filed under this Act;
- (c) investigate complaints regarding noncompliance

with or breach of the provisions of this Act;

(d) perform such other functions as it is required by this Act to perform.

7. (1) There is established, for the purposes of this Act, a Secretariat to the Commission which shall consist of the following persons

(a) an Executive Director;

(b) an Administrative Secretary;

(c) a Senior Accounts Clerk;

(d) an in-house Legal Advisor;

(e) a Special (forensic) Investigator who is highly skilled and experienced to conduct investigations relating to financial crimes; and

(f) any other personnel reasonably necessary to carry out the functions of the Commission.

(2) The Executive Director is accountable and answerable to the Commission and he shall carry out all directions given to him by the Commission in pursuance of its functions.

(3) The Office of the Secretariat is charged with the administrative responsibilities of the Commission and shall perform any duties reasonably incidental to the office of the Commission, and which are assigned to it by the Commission.

(4) Without prejudice to the generality of the foregoing, the Office of the Secretariat shall

(a) receive, record and lay before the Commission, all declarations required to be filed under the provisions of this Act;

(b) prepare and keep an updated annual register of all declarations filed with its Office;

(c) keep proper accounts of receipts, payments, assets and liabilities of the Commission;

(d) attend the meetings of the Commission as the Commission may require;

(e) record proceedings of meetings and keep all papers and records of the meetings of the Commission;

(f) receive, record and lay before the Commission, complaints regarding non-compliance with, or breach of the provisions of this Act;

(g) generally perform such duties connected with the work of the Commission as the Commission may require.

8. (1) Subject to subsection (3), every member of the Commission and every other person having an official duty under this Act, or being employed in the administration of this Act, shall deal with all documents and information, and all other matters relating to a declaration, as secret and confidential, and shall make and subscribe a declaration to that effect before a Magistrate or a Justice of the Peace.
- (2) Every person required under subsection (1) of this section to deal with the matters specified therein as secret and confidential, who at any time communicates or attempts to communicate such information or anything contained in such documents to any person
- (a) other than a person to whom he is authorized under this Act to communicate it, or
- (b) otherwise than for the purposes of this Act; commits an offence and is liable on summary conviction to a fine not less than five thousand dollars or to imprisonment for a period not exceeding two years, or to both fine and imprisonment.
- (3) A person who receives any information or anything contained in such documents as aforesaid, knowing or having reasonable ground to believe, at the time when he receives it, that it is communicated to him in contravention of this Act, commits an offence unless he proves that the communication to him of the information or of anything contained in any document was contrary to his desire.
- (4) A person who commits an offence under subsection (3) is liable on summary conviction
- (a) if the information or anything contained in a declaration or other document is published, to a fine not less than ten thousand dollars or to imprisonment for a period not exceeding four years or to both fine and imprisonment; or
- (b) in any other case, to a fine not less than five thousand dollars or to imprisonment for a period not exceeding two years or to both fine and imprisonment.
- (5) No prosecution for an offence under this section may be instituted after five years following the commission of the offence.

PART III

Financial Disclosure

10. (1) A person in public life shall, in accordance with this Act, file with the Commission, a sworn declaration of

assets, income and liabilities in the manner prescribed in Form A of the Second Schedule.

(2) A declaration shall be filed pursuant to subsection

(1)

(a) in the case of a person who is a person in public life at the commencement, in respect of his assets, income and liabilities for the year ;

(b) in the case of a person who becomes a person in public life after the date of commencement of this Act, within three months of his becoming a person in public life, in respect of his assets, income and liabilities for the year ended on the previous 31st December, and thereafter on the 31st December in each year that the person is a person in public life, in respect of his assets, income and liabilities as at the 31st day of December in that year, so, however, that a declaration required to be furnished on the 31st day of December in any year shall be deemed to comply with the requirements of this subsection if it is furnished before the 1st day of March next following that date;

(c) in the case of every person who ceases to be a person in public life, at any time after the commencement of this Act, on the first anniversary of the date on which he ceases to be a person in public life in respect of his assets, income and liabilities, covering the period from the date of his last declaration to the date on which he is required by this paragraph to furnish a declaration.

(3) Notwithstanding the provisions of this section, the Commission may in any particular case for good cause extend the time for the furnishing of a declaration under this Act after the expiration thereof for a period not exceeding three months.

(4) Every declaration furnished pursuant to this section shall be verified by affidavit sworn before a Magistrate, Justice of the Peace, Commissioner of the Supreme Court, or the Registrar of the Supreme Court, as to the truth and accuracy of the contents of such declaration.

(5) The form of the declaration referred to in subsection (1) above may, at any time, be varied by the Prime Minister on the recommendation of the Commission by regulations made under this Act.

11. (1) A declaration required under this Act shall include

such particulars as are known to the declarant of the assets, income and liabilities of himself, of his spouse and of his children

Provided that

(a) if the spouse was not ordinarily living with the declarant for the entire period in relation to which the declaration is made; or

(b) if a child of the declarant was not ordinarily living with the declarants at any time during the period in relation to which the declaration is made,

the particulars required to be furnished by this subsection shall be limited to assets held by the spouse or child, as the case may be, in trust for, or as agent of the declarant, so, however, that nothing in this subsection shall be construed as precluding the Commission from requiring from a declarant any additional particulars the Commission may think fit.

(2) A declaration furnished pursuant to section 10 may be accompanied by a statement of affairs certified by a chartered accountant if the declarant so thinks fit.

(3) Where a person in public life holds money or other property in trust for another person, he may so state in his declaration, but shall not be required to disclose the terms of the trust.

(4) For the purposes of a declaration under this Act, the income, assets and liabilities of a person in public life include the income, assets and liabilities acquired, held or incurred by any other person

(a) as his agent or on his behalf;

(b) as his spouse's agent or on behalf of his spouse.

(5) For the purposes of a declaration under this Act, without prejudice to the generality of subsection (4) above

(a) assets include property, real and personal, including money, beneficially held in Belize or elsewhere by the declarant and his spouse and all rights or benefits enjoyed by the declarant and his spouse on a continuing basis; and

(b) liabilities include all the declarant's and the declarant's spouse's obligations to pay money or to transfer money to others in Belize or elsewhere.

12. (1) The Commission shall examine every declaration furnished to it and may request from the declarant any information or explanation relevant to a declaration made by him, which in its opinion, would assist it in its examination.

(2) Where upon an examination under subsection (1), the Commission is satisfied that a declaration has been fully made, it shall publish or cause to be published a certificate in the *Gazette* in the form prescribed by Form B in the Second Schedule within sixty days thereafter.

(3) Where the Commission publishes or causes to be published a certificate under subsection (2), any person may make a written complaint to the Commission in relation to that certificate.

14. (1) Where a person in public life fails to file a declaration under section 10 without reasonable cause or fails to furnish particulars under section 13, the Commission shall publish the fact in the *Gazette* and shall send a report to the Director of Public Prosecutions for further action.

(2) For purposes of this section, “knowingly failing to file a declaration” includes failure to make a disclosure of any material fact in the declaration.

19. (1) A person who, without reasonable cause,

(a) fails to file with the Commission, a declaration which he is required to file in accordance with the provisions of this Act;

(b) fails to give such information or explanation as the Commission may require under section 12 or 13;

(c) fails to give such information as a Tribunal may require under section 15,

commits a first offense and is liable on summary conviction to a fine not less than three thousand dollars. On a second or subsequent offence to a fine of not less than five thousand dollars or to imprisonment for a period of one year, or to both fine and imprisonment.

(2) Without prejudice to subsection (1) above, every person who, without reasonable cause,

(a) fails to file a declaration in accordance with the provisions of this Act;

(b) has not yet filed his declaration in the previous year in accordance with the provisions of this Act;

(c) fails to give such information or explanation as the Commission may require under section 12 or 13 within the time specified for submission;

(d) fails to give such information as a Tribunal may require under section 15,

is liable to pay to the Commission, an administrative fine of

one hundred dollars for each day that the declaration or information or explanation, as the case may be, remains outstanding.

(3) A person who

(a) knowingly makes any false statement in such declaration; or

(b) after a certificate in respect of a declaration has been published in the *Gazette* pursuant to section 12, publishes any statement whatever, whether orally or in writing, challenging the accuracy of that certificate or the honesty or credibility of the declarant, otherwise than by way of a complaint to the Commission; or

(c) having been granted access to a declaration under section 13, discloses or makes known to any person any information contained in such declaration otherwise than for the purpose of an inquiry under section 13; or

(d) makes any frivolous, vexatious or groundless complaint to the Commission in relation to a declaration or a certificate in respect of such declaration; or

(e) fails without reasonable cause to attend an inquiry being conducted by the Commission under section 15, or knowingly gives any false information in such inquiry, commits an offence and is liable on summary conviction to a fine not less than one thousand dollars and not less than five thousand dollars or to imprisonment for a period not exceeding six months, or to both fine and imprisonment.

(4) Where the offence under this section involves the non-disclosure of property corruptly acquired while in public life, the Court shall, in addition to the penalty specified in this section

(a) where the property involved is situated in Belize, declare that it be forfeited to the Government;

(b) where the property involved is situated outside Belize, order that an amount equivalent to the value of the property (the value to be assessed as directed by the Court), be paid by the person in public life to the Government.

(5) Property acquired from a person referred to under subsection (4) by a bona fide purchaser for value without notice of any offence by that person, is not liable to forfeiture, but an amount equivalent to the value of the property or

the price paid by the purchaser, whichever is the greater, shall be paid by the person in public life to the Government.

(6) Payment of all sums due to the Government pursuant to paragraph (b) of subsection (4) or to subsection (5), may be enforced in like manner as a debt due to the Government and any proceedings thereon on behalf of the Government may be taken.

(7) It shall be a defence for a person in public life to show that the failure envisaged in paragraphs (a), (b) and (c) of subsection (1), and paragraph (e) of subsection (3), was due to reasonable causes and the court shall, in each case, make a determination as to reasonable causes taking into account the circumstances of each case.

25. (1) Every person who, subject to subsection (2), acquires or holds a private interest in any contract, agreement or investment emanating from or connected with the public body in which he or she is employed or which is made on account of that public body, commits an offence of corrupt activities and is liable on summary conviction to a fine of not less than ten thousand dollars.

(2) Subsection (1) does not apply to a person

(a) who acquires or holds such interest as a shareholder of a listed company;

(b) whose conditions of employment do not prohibit him or her from acquiring or holding such interest; or

(c) in the case of a tender process, a public officer who acquires a contract, agreement or investment through a tender process and whose conditions of employment do not prohibit him from acquiring or holding such interest and who acquires or holds such interest through an independent tender process, or

(d) unless the person makes a disclosure of such interest to the relevant public body within thirty days of acquiring or holding such interest.

34. (1) Any person who has reasonable grounds to believe that a person

(a) is in breach of a provision of this Act;

(b) has committed an act of corruption, or of corrupt activities may make a complaint in writing to the Commission.

(2) The complaint shall state

(3) For the purposes of subsections (1) and (2) “the

prescribed manner” means an information, complaint or declaration under oath in writing

(a) to a constable;

(b) to the Commission; or

(c) where the employer of the person exercising the public function has established a procedure for that person to make disclosures of the kind mentioned in subsections (1) or (2), in accordance with that procedure.

BLANK DISCLOSURE FORM

SECOND SCHEDULE

FORM A

[Sections 10 and 61]

- NOTES:**
1. To be completed legibly in ink or typewritten.
 2. Complete all sections, leave no blank spaces.
 3. If space is insufficient under any section the required information may be supplied on a separate sheet and a note inserted under the section showing the total.

PLEASE FOLLOW ALL NOTES AND INSTRUCTIONS CAREFULLY

DECLARATION

of Assets and Liabilities at _____
(Declaration date)

and of income for the twelve months (or other period where appropriate) ended on that date.

NOTE: (a) Where any property is held by the declarant, the declarant's spouse or the declarant's child or children in trust for any other person, this should be indicated by a note to that effect.

(b) The declaration date should be the date as indicated above.

Name and address of declarant _____

Name and address of declarant's spouse _____

Names and addresses of declarant's child or children (under age 18).

1. Particulars of Bank accounts and/or Credit Unions held by declarant, declarant's spouse, declarant's child or children (under age 18).

Name of Bank or Credit Union	Address of Bank	Name in which account held	Account No.	Type of Account	Balance \$

NOTE: Letters of verification from banks and credit unions must be submitted showing balances on declaration date.

N.B. ALL INTEREST EARNED FOR THE PERIOD FROM BANK ACCOUNTS AND CREDIT UNIONS MUST BE SHOWN IN SECTION 12 (INCOME)

2. Particulars of cash in excess of \$500 held other than in a Bank or Credit Union by

	Where held	Amount \$
(a) Declarant		
(b) Declarant's Spouse		
(c) Declarant's child or children		

3. Particulars of bonds, stocks, shares and similar investment [including, private limited liability companies] held by declarant, declarant's spouse, declarant's child or children (under age 18).

Description of investment	Name in which held	Date of acquisition or purchase	Cost of acquisition or purchase \$	Dividends received in the year \$	Estimated Market Value or Book Value \$

N.B. ALL INCOME DERIVED FOR THE PERIOD FROM THE ABOVE INVESTMENTS MUST BE SHOWN IN SECTION 12.

4. Particulars of immovable property such as houses and land held by declarant, declarant's child or children (under age 18).

Description/Location (recording reference if available)	Name in which held	Whether leasehold or freehold	Date of acquisition or purchase	Purchase price and/or construction cost \$	Estimated Market Value \$

NOTE: Houses should be valued unfurnished and furniture included in section 5.

N.B. ANY INCOME DERIVED FROM THE ABOVE PROPERTIES FOR THE PERIOD MUST BE SHOWN IN SECTION 12.

5. Particulars of personal property such as furniture, appliances, clothing, jewelry, coins, stamps, works of art etc., owned by the declarant, declarant's spouse, declarant's child or children (under age 18).

NOTE: An aggregate sum should be shown for personal property. Any individual item or collection of items valued at \$2000.00 or more must be listed separately. (List motor vehicles, boats, and aircrafts under Section 8).

ITEM	OWNER	VALUE \$

6. Particulars of investments held in mortgages or business ventures other than investments shown in paragraph 3, by declarant, declarant's spouse, declarant's child or children (under age 18).

Type of investment	Owner of investment and percentage of ownership	Term of investment	Interest rate (if applicable) %	Amount of investment \$	Net Income for period \$

N.B. ALL INCOME SHOWN ABOVE MUST ALSO BE ENTERED IN SECTION 12.

NOTE: If money invested under item 6 is invested in a firm (in which any of the above is a partner), then state the estimated market value of that person's investment therein.

7. Other accounts receivable by the declarant, declarant's spouse, declarant's child or children (under age 18).

To whom owed	Date due	Due from	Purpose	Original amount \$	Interest earned \$	Balance outstanding at end of declaration period \$

N.B. IF ANY INTEREST WAS EARNED DURING THE PERIOD IT MUST BE SHOWN AS INCOME IN SECTION 12.

8. Particulars of motor vehicles, boats, and aircraft owned by the declarant, declarant's spouse, declarant's child or children (under age 18).

Name of owner	Description (including age)	Date of acquisition	Purchase price \$	Market value \$

N.B. IF ANY OF THE ABOVE MOTOR VEHICLES, BOATS OR AIRCRAFTS WERE INVOLVED IN THE PRODUCTION OF INCOME SUCH INCOME MUST BE SHOWN IN SECTION 12.

9. Particulars of Life or Endowment insurance policies held by the declarant, declarant's spouse, declarant's child or children (under age 18).

Name of insured person	Name of beneficiary	Insurance Company and date of issue	Description of policy	Date of maturity	Face Value \$	Amount of premium	Cash surrender value \$

10. Particulars of safety deposit box (not disclosed in Section 2 or 5).

	Where held	Contents	Estimated value \$
(a) Declarant's			
(b) Declarant's spouse			
(c) Declarant's children			

11. Particulars of any other property held in trust or otherwise for the declarant's spouse or the declarant's child or children (under age 18).

Description of property	Name of beneficial owner	By whom being held and in what capacity	Date of acquisition or transfer	Estimate Value \$

12. Particulars of income in respect of the relevant 12 month period ended on the 31st day of December or other period where appropriate including perquisites such as house, entertainment, travel on official business and constituency allowance etc.) of declarant, declarant's spouse, declarant's child or children (under age 18).

declaration is made by declarant, declarant's spouse, declarant's child or children (under age 18).

Description of each Asset (property, business or investment)	By whom acquired or by whom disposed	Price paid on acquisition \$	Price received on disposal \$

N.B. LIST ALL ACQUISITIONS UNDER THE RELEVANT SECTIONS.

16. Explanation of contents of this declaration (if declarant considers it necessary).
(See note No.3 on page 1).

I do hereby swear solemnly and sincerely declare that the particulars given by me herein are, to the best of my knowledge, true and accurate.

Signed at _____

this _____ day of _____

before _____

(Please print name)

(Signature of declarant)

(Magistrate/Justice of the Peace/Notary Public/
Commissioner of the Supreme Court.

CERTIFICATE

FORM B

[Section 12]

PREVENTION OF CORRUPTION IN PUBLIC LIFE

CERTIFICATE

NAME OF DECLARANT:

Total Assets and Liabilities of the Declarant, his spouse and children (if applicable) as at

.....

A.	TOTAL INCOME	\$ _____
	Assets	
	Personal Property	_____
	Freehold Property	_____
	Leasehold Property	_____
	Investment	_____
B.	TOTAL ASSETS	\$ _____
	Liabilities	
	Due after 12 months	_____
	Due within 12 months	_____
C.	TOTAL LIABILITIES	\$ _____
D.	NET WORTH (B – C)	\$ _____

The Commission, having examined the Declaration of the above-named person in public life, hereby certifies that, as far as it can determine, from the information provided, a full disclosure has been made in accordance with the provisions of the Act.

Any person may make a written complaint to the Commission in relation to this Certificate (Section 12(3)).

Chairman/Executive Director
INTEGRITY COMMISSION

DATED this _____ day of _____, 20_____.