

BELIZE:

THE PEOPLE'S CONSTITUTION COMMISSION ACT, 2022

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SCHEDULE



No. 28 of 2022

I assent,

(H. E. DAME FROYLA TZALAM)

Governor-General

17th November 2022

AN ACT to provide for the establishment of a People's Constitution Commission to draft and guide the process of promulgating a new Constitution for Belize or amendments to the Belize Constitution; and to provide for matters connected therewith or incidental thereto.

(Gazetted 18th November, 2022).

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

PART I

Preliminary

1. This Act may be cited as the

Short title.

**THE PEOPLE'S CONSTITUTION COMMISSION
ACT, 2022.**

Interpretation.

2. In this Act—

“Chairperson” means the—

- (a) Chairperson of the Commission appointed under section 4; and
- (b) Vice Chairperson, where the Vice Chairperson is performing the duties of Chairperson in the absence of the Chairperson;

“Commission” means The People’s Constitution Commission established under section 3;

“Member” means a member of the Commission, and includes the Chairperson and the Vice Chairperson;

“military service” means service in the Belize Defence Force or in any other military, naval or air force established for Belize;

“Minister” means the Minister responsible for constitutional and political reform;

“security services” means service in the Belize Police Department, the Coast Guard or the military service;

“Technical Committee” means a committee established by the Commission in accordance with section 11 (1).

PART II

Establishment of the Commission

Establishment
of the
Commission.

3.-(1) There is established The People’s Constitution Commission.

(2) The Commission shall perform the functions imposed, and exercise the powers conferred, on it under this Act.

4.-(1) The members of the Commission shall consist of a Chairperson and other persons nominated by the organizations and entities prescribed in the Schedule.

Composition
of the
Commission.
Schedule.

(2) The Prime Minister, after consultation with the Leader of the Opposition, shall appoint a Chairperson who shall be a person of high national standing and integrity.

(3) The other persons nominated pursuant to sub-section (1), shall be persons of high national standing and integrity.

(4) The Members shall, among themselves, choose a person to be the Vice Chairperson.

(5) In the absence or inability of the Chairperson, the Vice Chairperson shall temporarily perform the functions of the Chairperson.

(6) The Minister may amend the Schedule by Order published in the Gazette.

5.-(1) Subject to sub-section (2), Members shall be appointed by the Prime Minister, for a period not exceeding eighteen months and be eligible for reappointment.

Appointment of
Members.

(2) An appointment under sub-section (1) shall be by notice published in the *Gazette*.

(3) A person shall not be eligible for appointment as a Member if the person—

(a) is a serving member of the security services, whether in Belize or otherwise;

(b) has committed an offence involving fraud or other dishonesty, or has contravened any law designed to protect members of the public against financial loss due to dishonesty, incompetence or malpractice;

- (c) is not a citizen of Belize;
- (d) is a Minister, Minister of State, a member of the National Assembly;
- (e) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of his functions as a member of the Commission;
- (f) is certified to be insane or otherwise to be of unsound mind under any law; or
- (g) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth.

Functions
of the
Commission.

CAP. 4.

6.-(1) The functions of the Commission shall be to-

- (a) conduct a comprehensive review of the Belize Constitution; and
- (b) prepare and submit to the Prime Minister, a final report on its findings of the review.

(2) In carrying out its functions under sub-section (1), the Commission shall-

- (a) create and maintain a record of views and public opinion and take into account such views and opinions as it considers appropriate;
- (b) adhere to national values and ethos; and
- (c) safeguard and promote the following matters-
 - (i) the existence of Belize as a sovereign independent State;

- (ii) Belize's democratic system of governance, including its democratic values and respect for and promotion of the rule of law and fundamental rights and freedoms;
- (iii) the separation of powers, including the independence of the judiciary;
- (iv) national unity, cohesion and peace;
- (v) Belize's existence as a secular State in which all faiths are treated equally and encouraged to foster national cohesion and unity; and
- (vi) policies of state which promote—
 - (aa) the protection of unity, freedom, sovereignty and territorial integrity of Belize;
 - (bb) the elimination of economic and social privilege and disparity among citizens, whether by race, ethnicity, colour, creed, disability or sex;
 - (cc) gender equality;
 - (dd) the protection of the rights of the individual to life, liberty, basic education, basic health, the right to vote in elections, the right to work and the pursuit of happiness;
 - (ee) the protection of the identity, dignity and social and cultural values of citizens of Belize, including Belize's indigenous peoples;

- (ff) the preservation of the right of the individual to the ownership of private property and the right to operate private businesses;
- (gg) the prohibition of exploitation of man by man or by the state;
- (hh) fundamental rights and freedoms, generally;
- (ii) a just system of social security and welfare;
- (jj) the protection of the environment; and
- (kk) international peace, security and cooperation among nations, the establishment of a just and equitable international economic and social order in the world with respect for international law and treaty obligations in the dealings among nations.

(3) For the purpose of sub-section (2), the Commission shall afford the people of Belize, both within and outside the country to the extent practicable, the opportunity to freely express their opinions and make suggestions on matters they feel should be considered in the Constitution.

(4) The Commission may, where it considers it necessary, invite persons, including representatives of professional, civic, political and other organizations, to appear before the Commission to make presentations considered relevant for the purpose or as the Commission may specify.

7. In the performance of its functions, the Commission shall not be subject to the direction or control of any person or authority.

Independence
of the
Commission.

8.-(1) The Commission shall meet in such places and at such times as the Chairperson may determine.

Meetings and
procedures
of the
Commission.

(2) The Commission shall regulate its own procedure.

(3) The decisions of the Commission shall be by a majority of votes of Members present and voting and, in addition to an original vote, the Chairperson shall have a second or casting vote in any case in which the voting is equal.

(4) The quorum of the Commission shall be one half of its members plus one.

9.-(1) Subject to sub-section (2), the establishment of the Commission shall be for a period not exceeding eighteen months.

Term of the
Commission.

(2) The Prime Minister may, where he considers it necessary, and on the recommendation of the Chairperson, extend the term of the Commission for a period not exceeding six months.

10.-(1) A person shall cease to be a Member-

Vacating
office.

(a) upon that person's death;

(b) where that person resigns from office;

(c) upon that person's inability to perform his functions under this Act;

(d) where that person is removed by the organization or entity that nominated him;

- (e) where that person is absent for three consecutive sittings of the Commission, without leave of the Chairperson; or
- (f) where that person becomes otherwise disqualified by virtue of section 5(3).

(2) A Member of the Commission may at any time resign his office by instrument in writing, addressed to the Prime Minister and transmitted through the Chairperson, and the Chairperson may resign from the Commission by letter addressed to the Prime Minister, and from the date of the receipt by the Prime Minister of the instrument, that Member shall cease to be a Member of the Commission.

(3) The Prime Minister may at any time revoke the appointment of any Member, including the Chairperson.

(4) The Prime Minister may, upon the resignation of a Member, appoint any person to replace the Member for the unexpired term of the Member, in accordance with section 5.

Technical
Committees
of the
Commission.

11.-(1) The Commission may establish such Technical Committees as it considers necessary to facilitate and assist in the performance of its functions.

(2) The Commission shall appoint as members of a Technical Committee, persons with suitable qualifications and experience.

(3) A Technical Committee shall be—

- (a) comprised of such number of persons as the Commission may determine and may include Members of the Commission; and
- (b) chaired by a member nominated by the Commission.

(4) In appointing a Technical Committee, the Commission shall prepare and provide the Technical Committee with Terms of Reference.

(5) Except where the Commission determines otherwise, a Technical Committee shall determine its own procedure.

(6) The decisions of the Technical Committee shall be by a majority of votes of members present and voting.

(7) The quorum of a Technical Committee shall be one half plus one of its total membership.

12.-(1) Every member and the Head of the Secretariat shall, before assuming office, subscribe before a Commissioner of the Supreme Court to an oath or affirmation for the due execution of office.

Oath or
affirmation.

(2) A person who is appointed a member of a Technical Committee pursuant to section 11 shall, before assuming office, subscribe before a Commissioner of the Supreme Court to such oath or affirmation of confidentiality as the Commission may determine.

13. The following persons shall not be liable for any action for, or in respect of, any matter or thing done or omitted, in good faith, in the performance of their functions or the exercise of their powers under this Act—

Immunity.

(a) the Head of the Secretariat;

(b) staff of the Secretariat;

(c) a member of a Technical Committee; or

(d) any consultant, adviser or other expert appointed by the Commission.

Salaries and allowances.

14.—(1) The Head of the Secretariat and staff of the Secretariat shall be paid such salaries and allowances as may be determined by the Minister.

(2) The Members shall be paid such allowances as may be determined by the Minister.

(3) A member of a Technical Committee shall be paid such allowances as the Commission may, with the approval of the Minister, determine.

(4) The Commission shall pay any consultant, adviser or other expert it engages, such consultancy or other fee as the Commission may, with the approval of the Minister determine.

PART III

Administrative Provisions

The Secretariat, etc.

15.—(1) The Good Governance Unit in the Ministry of the Public Service, Constitutional and Political Reform and Religious Affairs shall be the Secretariat to the Commission and serve as the administrative office of the Commission.

(2) Subject to section 17, the Director of the Good Governance Unit shall be the Head of the Secretariat.

(3) The Head of the Secretariat may, with the approval of the Commission, appoint suitably qualified persons as staff of the Secretariat, necessary to effectively administer the work of the Commission.

(4) A person appointed pursuant to sub-section (3) shall, hold office on such terms and conditions as the Head of the Secretariat may, with the approval of the Minister, determine.

16.–(1) The Head of the Secretariat shall–

Functions of
the Head of the
Secretariat.

- (a) be responsible for the day to day administration of the Secretariat;
- (b) supervise and direct the work of the staff of the Secretariat;
- (c) arrange and facilitate the business of the Commission and any Technical Committee;
- (d) record or cause to be recorded, the sittings of the Commission and any Technical Committee; and
- (e) perform such other functions as the Chairperson or the Commission may assign to the Head of the Secretariat from time to time.

(2) In the performance of his functions under this Act, the Head of Secretariat shall be answerable to the Commission.

17.–(1) The Prime Minister may with the written recommendation of the Chairperson, remove the Head of Secretariat only for inability to perform the functions of his office, whether arising from infirmity of body or mind or from any other cause, or for misbehaviour.

Removal of
Head of the
Secretariat.

(2) Before making a recommendation under sub-section (1), the Commission shall prepare a report on the facts regarding the decision to remove the Head of the Secretariat, which report shall be submitted to the Prime Minister along with the recommendation of the Chairperson.

(3) Upon the removal of the Head of Secretariat, the Prime Minister, shall, after consultation with the Chairperson, appoint a suitably qualified person to be the Head of the Secretariat.

(4) A person shall not be eligible to be appointed or to hold office as the Head of the Secretariat unless the person—

- (a) has been awarded a degree from an accredited institution along with relevant experience to assist him to effectively perform his functions as Head of the Secretariat;
- (b) possesses excellent writing and communication skills.

Appointment of consultants, advisers, and experts.

18.—(1) The Commission may, where it considers it necessary for the due execution of its functions, identify and appoint persons with suitable qualifications and experience as consultants, advisers or experts to perform specific tasks for and on behalf of the Commission.

(2) A consultant, an adviser or expert, appointed under this Act, shall with the approval of the Minister, be appointed on such terms and conditions as the Commission may determine.

PART IV

Financial Provisions

Funds of the Commission.

19. The funds of the Commission shall consist of—

- (a) monies appropriated to the Commission by the National Assembly; and
- (b) donations received from any lawful source approved by the Minister.

Annual estimates, accounts, and audit.

20.—(1) The Head of Secretariat shall, after consultation with the Chairperson—

- (a) not later than two months after the commencement of operations of the Commission, prepare and submit to the Minister the budget estimates

for the year or part thereof of operation of the Commission;

- (b) not later than three months before the end of the financial year, prepare and submit to the Minister the budget estimates of the Commission for the ensuing year;
- (c) in respect of each financial year, or part thereof, prepare a statement of accounts of the Commission; and
- (d) not more than thirty days after the preparation of the statement of accounts of the Commission, submit the statement of accounts to the Auditor General for audit.

(2) The Auditor General shall—

- (a) at the conclusion of the audit under sub-section (1) (d), prepare a report within ninety days from receipt of the statement of accounts from the Commission; and
- (b) submit the report under paragraph (a), to the National Assembly, within thirty days of the conclusion of the report, or at the next practicable sitting of the National Assembly.

(3) The Minister shall, as soon as practicable after receipt of the Commission's budget estimates under sub-section (1) (a) or (b), transmit the budget estimates to the Minister responsible for finance for his consideration and approval.

(4) The Minister shall not alter the budget estimates of the Commission, but may make comments on the whole or any specific aspect of the budget estimates and submit such comments along with the Commission's budget estimates, to the Minister responsible for finance.

(5) The Head of the Secretariat shall keep proper records and books of the accounts of the Commission's income and expenditure.

(6) The audited accounts of the Commission and the Auditor General's report on those accounts shall form part of the Auditor General's overall annual report to the National Assembly.

PART V

Miscellaneous

Laying of
report.

21. The Prime Minister shall, within sixty days of receipt of the report submitted under section 6(1) (b), lay the report before the National Assembly.

Referendum.
CAP. 10.

22. A referendum shall be conducted where the National Assembly passes a resolution declaring that the matter stated in the report, whether the Belize Constitution should be repealed and replaced or amended, is of sufficient national importance that it should be submitted to the electors for their view through a referendum.

Dissolution
of the
Commission.

23.—(1) The Commission shall stand dissolved—

- (a) upon submission of the report to the Prime Minister in accordance with section 6(1) (b); or
- (b) on the expiration of the term of the Commission, or any extension of the term, whichever occurs first.

(2) Subject to sub-section (3), the Secretariat and all staff of the Secretariat, including any Technical Committee, if not dissolved earlier, consultant, adviser or other expert, established or employed by the Commission, shall cease to function upon the dissolution of the Commission.

(3) The Head of Secretariat may, with the approval of the Minister, continue in office after the dissolution of the Commission for the sole purpose of preparing the Commission's statement of accounts to submit to the Auditor General in accordance with section 20.

24. The Minister may, on the recommendation of the Commission make regulations for the effective implementation of this Act and for any other matter, which is consistent with the purposes of this Act.

Regulations.

SCHEDULE
[section 4]

1. Each of the following organizations and bodies shall nominate two persons and an alternate to serve as a member of the Commission to represent the following—

- (a) The People's United Party (national and municipal); and
- (b) The United Democratic Party (national and municipal).

2.-(1) Each of the following organizations and bodies shall nominate one person and an alternate to represent the following—

- (a) political parties other than those mentioned in 1(a) and (b);
- (b) Belize Chamber of Commerce and Industry;
- (c) Belize Business Bureau;
- (d) Belize Network of Non-Governmental Organizations;
- (e) National Trade Union Congress of Belize;
- (f) Belize National Teachers' Union;
- (g) Public Service Union;
- (h) National Association of Village Councils;
- (i) Bar Association of Belize;
- (j) University of Belize;
- (k) Belize Council of Churches;
- (l) Belize Agro-Productive Sector Group;

- (m)* Belize Medical and Dental Association;
- (n)* National Garifuna Council;
- (o)* Representative of Maya Organizations in Belize;
- (p)* Youth Leaders Alliance of Belize;
- (q)* National Student Union of Belize;
- (r)* LGBTQI+;
- (s)* The National Women's Commission;
- (t)* Office of the Prime Minister;
- (u)* The Independent Media.