

BELIZE:

BELIZE CONSTITUTION (NINTH AMENDMENT) ACT, 2021

ARRANGEMENT OF SECTIONS

1. Short title.
2. Amendment of section 98.
3. Amendment of section 102.
4. Insertion of section 110G.



No. 6 of 2021

I assent,

(STUART LESLIE)
Ag. Governor-General

6th May, 2021.

AN ACT to amend the Belize Constitution, Chapter 4 of the Substantive Laws of Belize, Revised Edition 2011; to provide for additional grounds for the removal of a judge; and to provide for matters connected therewith or incidental thereto.

(Gazetted 8th May, 2021).

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:

1. This Act may be cited as the

Short title.

BELIZE CONSTITUTION (NINTH AMENDMENT)
ACT, 2021,

CAP. 4.
 14 of 1985.
 26 of 1988.
 42 of 1999.
 2 of 2001.
 39 of 2001.
 23 of 2005.
 13 of 2008.
 4 of 2010.
 11 of 2011.

Amendment of
 section 98.

and shall be read and construed as one with the Belize Constitution, which, as amended, is hereinafter referred to as the principal Act.

2. Section 98 of the principal Act is amended by—

(a) repealing sub-section (2) and substituting the following—

“(2) Notwithstanding that he has attained the age at which he is required by or under this section to vacate his office, a person holding the office of a justice of the Supreme Court may be permitted to continue in office for so long after attaining that age as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age only for such period as may be stated in an instrument of appointment.”;

(b) repealing sub-section (3) and substituting the following—

“(3) A justice of the Supreme Court may be removed from office for—

(a) inability to perform the functions of his office (whether arising from infirmity of body or mind or from any other cause);

(b) persistently failing to give written decisions and reasons for the decision;

(c) persistently failing to give written decisions and reasons for the decisions within such time as may be prescribed by the National Assembly; or

(d) misbehaviour.”;

(c) repealing sub-section (4) and substituting the following—

“(4) A justice of the Supreme Court may be removed from office if the question of his removal from office for inability to perform the functions of his office, for persistently not writing decisions, for failing to give decisions and reasons for the decisions within such time as may be prescribed by the National Assembly or for misbehaviour, has been referred to the Judicial and Legal Services Commission in writing and the Judicial and Legal Services Commission, after considering the matter, recommends in writing to the Belize Advisory Council that the question of removal ought to be investigated.”; and

(d) repealing sub-section (8) and substituting the following—

“(8) The power to remove a justice of the Supreme Court from office for inability to perform the functions of his office, for persistently not writing decisions, for failing to give decisions and reasons for the decisions within such time as may be prescribed by the National Assembly or

for misbehaviour, vests in the Governor-General, acting in accordance with this section.”.

Amendment of
section 102.

3. Section 102 of the principal Act is amended by—

(a) inserting after sub-section (1), the following new sub-sections—

“(1A) Notwithstanding the expiration of the period of appointment of a Justice of Appeal to that office or upon his resignation, a person holding the office of a Justice of Appeal may be permitted to continue in office for so long after the expiration of the period of appointment or his resignation as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before the expiration of the period of appointment or his resignation.

(1B) A Justice of Appeal permitted to continue in office under sub-section (1A) shall continue only for such period as stated in an instrument of appointment.”;

(b) repealing sub-section (2) and substituting the following—

“(2) A Justice of the Court of Appeal may be removed from office for—

(a) inability to perform the functions of his office (whether arising from infirmity of body or mind or from any other cause);

- (b) persistently failing to give written decisions and reasons for the decision;
 - (c) persistently failing to give decisions and reasons for the decisions within such time as may be prescribed by the National Assembly; or
 - (d) misbehaviour.”;
- (c) repealing sub-section (3) and substituting the following—
 - “(3) A Justice of the Court of Appeal may be removed from office if the question of his removal from office for inability to perform the functions of his office, for persistently not writing decisions, for failing to give decisions and reasons for the decisions within such time as may be prescribed by the National Assembly or for misbehaviour, has been referred to the Judicial and Legal Services Commission in writing and the Judicial and Legal Services Commission, after considering the matter, recommends in writing to the Belize Advisory Council that the question of removal ought to be investigated.”; and
- (d) repealing sub-section (7) and substituting the following—
 - “(7) The power to remove a Justice of the Court of Appeal from office for inability to perform the functions of his office, for persistently not writing decisions, for

failing to give decisions and reasons for the decisions within such time as may be prescribed by the National Assembly or for misbehaviour, vests in the Governor-General, acting in accordance with this section.”.

**Insertion of
section 110G.**

4. The principal Act is amended by inserting the following new section after section 110F—

**“Power to
extend time to
give a decision
and reasons
for a decision.**

110G. The Judicial and Legal Services Commission shall have the power to extend the time prescribed by the National Assembly for the Supreme Court or the Court of Appeal, as the case may be, to give a written decision and reasons for the decision.