

BELIZE:

CROWN PROCEEDINGS (AMENDMENT)
ACT, 2017

ARRANGEMENT OF SECTIONS

1. Short title and construction.
2. Amendment of section 2.
3. Insertion of new sections.



No. 2 of 2017

I assent,

(SIR COLVILLE N. YOUNG)

Governor-General

31st January, 2017.

AN ACT to amend the Crown Proceedings Act, Chapter 167 of the Laws of Belize, Revised Edition 2011, to make provisions relating to enforcement of foreign judgments against the Crown; and to provide for matters connected therewith or incidental thereto.

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:

(Gazetted 31st January, 2017).

1. This Act may be cited as the

**CROWN PROCEEDINGS (AMENDMENT)
ACT, 2017,**

Short title
and
construction.

and shall be read and construed as one with the Crown Proceedings Act, Chapter 167 of the Substantive Laws of Belize, Revised Edition 2011, which as amended, is referred to as the principal Act.

CAP. 167.

Amendment of
section 2.

2. The principal Act is amended in section 2 by adding the following definitions in their proper alphabetical order

“foreign court” means a court of any country other than Belize;

“foreign judgment” means a judgment of a foreign court;

“**judgment**” means a judgment or order given or made before a court of competent jurisdiction in Belize or a foreign court, in any civil proceedings, whereby a sum of money is payable, and includes an award in proceedings on an arbitration;

Insertion of
new sections
29A and 29B.

3. The principal Act is amended by inserting immediately after section 29 the following sections,

“No execution
against the
Crown of
invalid foreign
judgment.

29A. No execution shall issue on the enforcement or attempted enforcement, whether in or outside of Belize, and whether by the institution of proceedings or otherwise, of a foreign judgment against the Crown, where the foreign judgment has been declared unlawful, void or otherwise invalid, by any court in Belize.

Offence to
seek
enforcement of
invalid foreign
judgment.

29B. - (1) Where it has been determined, by a court in Belize, that a foreign judgment is unlawful, void or otherwise invalid, a person who, whether in or outside of Belize, and whether by the institution of proceedings or otherwise, enforces or attempts to enforce the foreign judgment, commits an offence.

(2) A person who commits an offence under subsection (1) above is liable on summary conviction,

- (a) in the case of an individual, to a fine not exceeding one hundred and fifty thousand dollars, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment;
- (b) in the case of a legal person (whether a body corporate or unincorporate or other entity), to a fine not exceeding two hundred and fifty thousand dollars.

(3) An application shall lie to the Supreme Court to issue an injunction against a person restraining the person from commencing, intervening in or continuing any proceedings for enforcement of a foreign judgment, whether in or outside of Belize, on the basis that a competent court in Belize has declared such foreign judgment unlawful, void or otherwise invalid.

(4) Where an offence under this section is committed by a legal person (whether a body corporate or unincorporate or other entity), every person who, at the time of the commission of the offence acted in an official capacity for or on behalf of the legal person, whether as shareholder, partner, director, manager, advisor, secretary or other similar officer, or was purporting to act in any such capacity, is regarded as having committed that offence and is liable to be punished pursuant to subsection (2) (a), unless he adduces evidence to show that the offence was committed without his knowledge consent or connivance, and that

he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances."