

BELIZE:

STATUTORY INSTRUMENT

NO. 99 OF 2024

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Insertion of regulation 21A.

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REGULATIONS made by the Governor-General in exercise of the powers conferred upon her by section 18(9) of the Belize Constitution, Chapter 4 of the Substantive Laws of Belize, Revised Edition 2020, and all other powers thereunto him enabling.

(Gazetted 13th July, 2024)

1. These Regulations may be cited as the

Citation.

**BELIZE CONSTITUTION (EMERGENCY POWERS)
(AMENDMENT) REGULATIONS, 2024,**

and shall be read and construed as one with the Belize Constitution (Emergency Powers) Regulations, hereinafter referred to as the principal Regulations.

S.I. 94 of 2024.

2. The principal Regulations are amended by inserting after regulation 21, the following new regulation—

Insertion of regulation 21A.

“Establishment of Tribunal to review cases of detention.

21A.—(1) For the purposes of section 19(1)(c) of the Belize Constitution, there is established a Tribunal for the review of cases of detention under regulation 18, to be called the Emergency Powers Review Tribunal.

(2) The Tribunal shall consist of—

(a) one member appointed by the Chief Justice from among persons

who are legal practitioners, who shall be the chairperson of the Tribunal; and

- (b) two other members who shall be appointed by the Governor-General.

(3) Appointments of members of the Tribunal by the Governor-General shall be made in the Governor-General's own deliberate judgment.

(4) In the case of the temporary absence or inability to act of—

- (a) the chairperson of the Tribunal, the Chief Justice may appoint another person from among legal practitioners to act as chairperson of the Tribunal; and
- (b) any other member of the Tribunal, the Governor-General may appoint another person to act for that member.

(5) The appointment of any person as a member of the Tribunal shall be for such term and shall be subject to such conditions as may be determined by the Chief Justice or the Governor-General, as the case may be.

(6) A person appointed to the Tribunal shall be eligible for re-appointment.

(7) The Tribunal may regulate its own procedure.

(8) The Tribunal shall review the case of a person detained pursuant to regulation 18—

- (a) within one month of that person being detained; and
- (b) at intervals not exceeding three months, if there is the continued detention of that person beyond a period of one month.

(9) A person detained pursuant to regulation 18 shall—

- (a) be afforded reasonable facilities for private communication and consultation with a legal practitioner of his choice, who shall be permitted to make representations to the Tribunal; and
- (b) at the hearing of his case by the Tribunal, be permitted to appear in person or to be represented by a legal practitioner of his own choice.

(10) Hearings of the Tribunal shall be presided over by the chairperson.

(11) The chairperson shall—

- (a) inform the person detained of the grounds on which the order for detention has been made against him; and

- (b) furnish the person detained with such particulars as are in the opinion of the chairperson, sufficient to enable the person detained to present his case.

(12) On any review by the Tribunal of the case of a person detained pursuant to regulation 18, the Tribunal may make recommendations to the Minister concerning the necessity or expediency of continuing the detention of that person.

(13) The Minister shall not be obliged to act in accordance with the recommendations of the Tribunal and may—

- (a) direct that the order remain in force;
- (b) vary the order; or
- (c) revoke the order.”.

MADE by Her Excellency the Governor-General Froyla Tzalam this 11th day of July, 2024.



H.E. FROYLA TZALAM
Governor-General