



# Belize Act 1981

## 1981 CHAPTER 52

An Act to make provision for, and in connection with, the attainment by Belize of independence within the Commonwealth. [28th July 1981]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Fully responsible status of Belize**

- (1) On and after Independence Day Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Belize.
- (2) No Act of the Parliament of the United Kingdom passed on or after Independence Day shall extend, or be deemed to extend, to Belize as part of its law; and on and after that day the provisions of Schedule 1 to this Act shall have effect with respect to the legislative powers of Belize.

### **2 Power to provide new constitution for Belize**

- (1) Her Majesty may by Order in Council made before Independence Day provide a constitution for Belize to come into effect on that day.
- (2) An Order in Council under this section (in this section referred to as a " Constitution Order ") may include provision as to the manner in which the legislature of Belize may alter any provisions of that Order, or may alter any law which alters any of those provisions; and a constitution provided by a Constitution Order may include provision as to the manner in which the legislature of Belize may alter that constitution or any provisions of that constitution or may alter any law which alters that constitution or any provisions thereof.
- (3) In this section references to altering a constitution or to altering any provision or law include references—

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- (a) to revoking it, with or without re-enactment thereof or the making of different provision in lieu thereof;
  - (b) to modifying it, whether by omitting or amending any of its provisions or inserting additional provisions in it or otherwise; and
  - (c) to suspending its operation for any period, or terminating any such suspension.
- (4) A Constitution Order may contain such transitional or other incidental or supplementary provisions as appear to Her Majesty to be necessary or expedient.
- (5) Any Constitution Order shall be laid before Parliament after being made.

### **3 Operation of existing law**

- (1) Subject to the other provisions of this Act, all law to which this section applies, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, which is in force on Independence Day, or, having been passed or made before that day, comes into force thereafter, shall, unless and until provision to the contrary is made by Parliament or some other authority having power in that behalf, have the same operation in relation to Belize and persons and things belonging to or connected with Belize as it would have had apart from this subsection if there had been no change in the status of Belize.
- (2) This section applies to the law of, or of any part of, the United Kingdom, the Channel Islands and the Isle of Man and, in relation only to any enactment of the Parliament of the United Kingdom or any Order in Council made by virtue of any such enactment whereby any such enactment applies in relation to Belize, to law of any other country or territory to which that enactment or Order extends.
- (3) Subsection (1) above shall not apply in relation to the British Nationality Act 1981.
- (4) On and after Independence Day the enactments specified in Schedule 2 to this Act shall have effect subject to the amendments there specified.
- (5) Subsection (4) above and that Schedule shall not extend to Belize as part of its law.

### **4 Consequential modifications of the British Nationality Acts**

- (1) On and after Independence Day the British Nationality Act 1948 shall have effect as if in section 1(3) (Commonwealth countries having separate citizenship) there were added at the end the words " and Belize ".
- (2) Except as provided by section 5 below, any person who immediately before Independence Day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if he becomes on that day a citizen of Belize.
- (3) Except as provided by section 5 below, a person in relation to whom the following conditions are satisfied, that is to say—
- (a) immediately before Independence Day, he is a citizen of the United Kingdom and Colonies; and
  - (b) one of his grandparents—
    - (i) was born in Belize, or
    - (ii) was naturalised in the United Kingdom and Colonies by virtue of a certificate of naturalisation granted in Belize, or

- (iii) was registered in Belize as a citizen of the United Kingdom and Colonies; and
  - (c) on Independence Day, he does not become a citizen of Belize; shall on Independence Day cease to be a citizen of the United Kingdom and Colonies if he is then a citizen of some other country.
- (4) Section 6(2) of the 1948 Act (registration as citizens of the United Kingdom and Colonies of women who have been married to such citizens) shall not apply to a woman by virtue of her marriage to a person who on Independence Day ceases to be such a citizen under subsection (2) or (3) above or who would have done so if living on that day.
- (5) In accordance with section 3(3) of the West Indies Act 1967 it is hereby declared that this section and section 5 below extend to all associated states.

## **5 Retention of citizenship of the United Kingdom and Colonies in certain cases**

- (1) A person shall not cease to be a citizen of the United Kingdom and Colonies under section 4(2) or (3) above if he, his father or his father's father—
- (a) was born in the United Kingdom or a relevant territory; or
  - (b) is or was a person naturalised in the United Kingdom and Colonies by virtue of a certificate of naturalisation granted in the United Kingdom or a relevant territory; or
  - (c) was, in the United Kingdom or a relevant territory, registered as a citizen of the United Kingdom and Colonies, or was so registered by a High Commissioner exercising functions under section 8(2) or 12(7) of the 1948 Act; or
  - (d) became a British subject by reason of the annexation of any territory included in a relevant territory,
- or if his father or his father's father would, if living immediately before the commencement of the 1948 Act, have become a person naturalised in the United Kingdom and Colonies under section 32(6) of that Act (previous local naturalisation in a colony or protectorate) by virtue of having enjoyed the privileges of naturalisation in a relevant territory.
- (2) In subsection (1) above " relevant territory " means any territory which on Independence Day is a colony or an associated state other than a territory which on that day is not a colony for the purposes of the 1948 Act as then in force (and accordingly does not include Belize).
- (3) Subsection (1) above does not apply to a woman by virtue of her registration as a citizen of the United Kingdom and Colonies if that registration was effected under section 6(2) of the 1948 Act (registration as citizens of the United Kingdom and Colonies of women who have been married to such citizens).
- (4) A person shall not cease to be a citizen of the United Kingdom and Colonies under section 4(2) or (3) above if, immediately before Independence Day, he has the right of abode in the United Kingdom under the Immigration Act 1971.
- (5) A woman who is a citizen of the United Kingdom and Colonies and is the wife of such a citizen shall not herself cease to be such a citizen under section 4(2) or (3) above unless her husband does so.

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- (6) Part III of the 1948 Act (supplementary provisions) as in force from time to time, except section 23 (legitimated children), shall have effect for the purposes of this section as if this section were included in that Act.
- (7) A person born out of wedlock and legitimated (within the meaning of section 23(2) of the 1948 Act) by the subsequent marriage of his parents shall be treated, for the purpose of determining whether he has by virtue of this Act ceased to be a citizen of the United Kingdom and Colonies, as if he had been born legitimate.

## **6 Interpretation**

- (1) In this Act, and in any amendment made by this Act in any other enactment, " Belize " means the territories which immediately before Independence Day constitute the colony of Belize (formerly known as British Honduras).
- (2) In this Act " Independence Day " means such day as Her Majesty may by Order in Council appoint; and any Order in Council under this subsection shall be laid before Parliament after being made.
- (3) In this Act " the 1948 Act " means the British Nationality Act 1948.

## **7 Short title**

This Act may be cited as the Belize Act 1981.

## SCHEDULES

### SCHEDULE 1

Section 1(2).

#### LEGISLATIVE POWERS OF BELIZE

- 1 The Colonial Laws Validity Act 1865 shall not apply to any law made on or after Independence Day by the legislature of Belize.
- 2 No law and no provision of any law made on or after Independence Day by that legislature shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any Act of the Parliament of the United Kingdom, including this Act, or to any order, rule or regulation made under any such Act, and accordingly the powers of that legislature shall include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of Belize.
- 3 The legislature of Belize shall have full power to make laws having extra-territorial operation.
- 4 Without prejudice to the generality of the preceding provisions of this Schedule—
  - (a) sections 735 and 736 of the Merchant Shipping Act 1894 shall be construed as if references therein to the legislature of a British possession did not include references to the legislature of Belize;
  - (b) section 4 of the Colonial Courts of Admiralty Act 1890 (which requires certain laws to be reserved for the signification of Her Majesty's pleasure or to contain a suspending clause), and so much of section 7 of that Act as requires the approval of Her Majesty in Council to any rules of court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in Belize.

### SCHEDULE 2

Section 3(4).

#### CONSEQUENTIAL AMENDMENTS NOT AFFECTING THE LAW OF BELIZE

##### *Armed forces*

- 1 The expression " colony " in the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957 shall not include Belize; and in the definitions of " Commonwealth force " in section 225(1) and 223(1) respectively of those Acts of 1955, and in the definition of " Commonwealth country " in section 135(1) of that Act of 1957, at the end there shall be added the words " or Belize " .
- 2 In the Visiting Forces (British Commonwealth) Act 1933, section 4 (attachment and mutual powers of command) shall apply in relation to forces raised in Belize as it applies to forces raised in Dominions within the meaning of the Statute of Westminster 1931.

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- 3 In the Visiting Forces Act 1952—
- (a) in section 1(1)(a) (countries to which the Act applies) at the end there shall be added the words " Belize, or ";
  - (b) in section 10(1)(a), the expression " colony " shall not include Belize;
- and, until express provision with respect to Belize is made by Order in Council under section 8 of that Act (application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Belize.

*Ships and aircraft*

- 4 In section 427(2) of the Merchant Shipping Act 1894, as set out in section 2 of the Merchant Shipping (Safety Convention) Act 1949, before the words " or in any " there shall be inserted the words " or Belize ".
- 5 In the Whaling Industry (Regulation) Act 1934, the expression " British ship to which this Act applies " shall not include a British ship registered in Belize.
- 6 Belize shall not be a relevant overseas territory for the purposes of section 21(2) and 22(3) of the Civil Aviation Act 1971.

*Colonial stock*

- 7 Section 20 of the Colonial Stock Act 1877 (which relates to the jurisdiction of courts of the United Kingdom as to colonial stock) shall, in its application to stock of Belize, have effect as if for the second paragraph there were substituted—
- “(2) Any person claiming to be interested in colonial stock to which this Act applies, or in any dividend thereon, may institute civil proceedings in the United Kingdom against the registrar in relation to that stock or dividend.
  - (3) Notwithstanding anything in the foregoing provisions of this section, the registrar shall not by virtue of an order made by any court in the United Kingdom in any such proceedings as are referred to in this section be liable to make any payment otherwise than out of moneys in his possession in the United Kingdom as registrar.”.

*Commonwealth Institute*

- 8 In section 8(2) of the Imperial Institute Act 1925, as amended by the Commonwealth Institute Act 1958 (power to vary the provisions of the said Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for, the time being are contributing towards the expenses of the Commonwealth Institute) at the end there shall be added the words " and Belize ".