



BELIZE

**COAST GUARD ACT
CHAPTER 131:01**

REVISED EDITION 2020

**SHOWING THE SUBSTANTIVE LAWS AS AT
31ST DECEMBER, 2020**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020.

This edition contains a consolidation of amendments made to the law by Acts No. 3 of 2012, No. 3 of 2016 and Act No. 10 of 2018.



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CHAPTER 131:01

COAST GUARD

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CHAPTER 131:01

COAST GUARD

19 of 2004.
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S.I. 88 of 2005.

[6th July, 2005]

PART I

Preliminary

1. This Act may be cited as the Coast Guard Act. Short title.
2. In this Act, unless the context otherwise requires, Interpretation.
“Board” means the Coast Guard Board established under section 8;
“Coast Guard” means the Coast Guard established under section 3; 3 of 2016.
“Commandant” means the Commandant of the Coast Guard appointed under section 5; 3 of 2016.
“maritime areas of Belize” means the internal waters, the territorial sea, and the exclusive economic zone within the meaning of the Maritime Areas Act; 3 of 2016.
CAP. 11.
“Minister” means the Minister for the time being with responsibility for Home Affairs;
“other security forces” means—

- (a) in respect of Belize, the Belize Police Department and the Belize Defence Force; and
- (b) in respect of any other country, the police and military forces of that country, including the coast guard authorities of that country, where applicable.

PART II

3 of 2016.

Establishment, Duties, Functions and Command etc. of the Coast Guard

Establishment of the Coast Guard.
3 of 2016.

3.-(1) There shall be and is hereby established in and for Belize a Coast Guard (hereinafter referred to as “the Coast Guard”) which shall be organized, trained and equipped for discharging the duties and functions specified in this Act.

3 of 2016.

(2) The Coast Guard shall be governed by the provisions of this Act and any Regulations made there under.

3 of 2016.

(3) The Minister may establish the Headquarters of the Coast Guard, and such other support units and individual operating units such as will enable the Coast Guard to fully and effectually perform the functions and discharge the duties imposed upon it by or under this Act.

Functions and duties of the Coast Guard.
3 of 2016.

4.-(1) The Coast Guard shall, subject to the provisions of this Act, primarily be employed as a military service organization, being the naval force for the defence of Belize and protection of its sovereignty and territorial integrity and rights in relation to the maritime areas of Belize.

(2) Subject to sub-section (4), the Coast Guard and each member thereof shall, without derogating from the

investigatory, prosecutorial or law enforcement powers of he Commissioner of Police, also have, exercise and enjoy–

- (a) all the powers, authorities, privileges and immunities of the police under section 4 of the Police Act, and when acting as such shall be deemed to be police for the purposes of that section;
- (b) the powers of arrest, apprehension and detention conferred upon authorised persons under section 18 of the Maritime Areas Act; CAP. 11.
- (c) the prescribed powers of arrest, investigation, inspection and detention specified in section 19 of the Maritime Areas Act. CAP. 11.

(3) The powers conferred by sub-sections (1) and (2) shall be for the purpose of the enforcement of Belize’s maritime laws, maritime security, maritime safety and marine resource protection in relation to the maritime areas of Belize, and in particular the enforcement, or assistance in the enforcement of the provisions of any law relating to–

- (a) customs and revenue collection;
- (b) border management and immigration; 10 of 2018.
- (c) quarantine;
- (d) ports and harbours;
- (e) fisheries protection;
- (f) marine resources & environmental protection;
- (g) safety of navigation including inland waterways and aids to navigation;

- (h) marine pollution;
- (i) Maritime Search and Rescue (SAR);
- (j) port security;
- (k) recreational boating safety;
- (l) Port State Control;
- (m) Port Safety;
- (n) maritime crime and violence;
- (o) drug trafficking;
- (p) arms or ammunition trafficking;
- (q) human smuggling or human trafficking;
- (r) transnational criminal activity;
- (s) maritime terrorism;
- (t) maintaining territorial integrity and sovereignty of Belize sea spaces;
- (u) naval defence of Belize;
- (v) enforcement of all maritime conventions that the State is party to including, but not limited to those such as or, as the case may be, relating to the following:
 - (i) Safety of Life at Sea (SOLAS);
 - (ii) Maritime Pollution (MARPOL);

- (iii) Oil Spill Prevention Response and Cooperation (OPRC);
- (iv) the International Load Lines Convention (ILLA);
- (v) United Nations Convention on the Law of the Sea (UNCLOS);
- (vi) Standards of Training Certificate and Watch Keeping for Seafarers (STCW);
- (vii) the International Safety Management Code (ISM Code);
- (viii) the International Ship and Port Facility Security (ISPS Code);
- (ix) the Tonnage Convention.

(4) In performing its functions under sub-sections (2) and (3) in relation to any matter, where the Coast Guard is not the department with responsibility for that matter, the Coast Guard and its members shall act in consultation and coordination with the responsible department, except in a case of emergency, as determined by the Commandant or other officer who at the time is in command of the Coast Guard.

5.-(1) The Governor-General, acting in accordance with the advice of the Prime Minister, shall appoint an officer in whom the command of the Coast Guard shall be vested (hereinafter called “the Commandant”) and, subject to the terms of such appointment, such officer shall have overall command of the Coast Guard.

Command and membership of the Coast Guard. 3 of 2016.

(2) For the purposes of executing the duties and functions of the Coast Guard, the Commandant may with the approval of the Minister—

3 of 2016.

-
- (a) determine the material requirements necessary for the operation of the Coast Guard, including the order in which ships, aircrafts, surface craft, weapons and other operating facilities are constructed, maintained, repaired or overhauled; 3 of 2016.
- (b) organize, train, equip, prepare and maintain the Coast Guard in a state of alertness, readiness and preparedness to discharge any duties or perform any function imposed or conferred upon it by or under this Act; 3 of 2016.
- 3 of 2016. (c) make appropriate recommendations necessary to fulfil current and future requirements of the Coast Guard in areas of manpower, materials, weapons, facilities and services, including without limitation the determination of quantities, military performance requirements and the priority timetables and places in which such requirements will be needed;
- (d) maintain water patrols;
- 3 of 2016. (e) establish or cause to be established, and maintain, operate or discontinue the maintenance, operation or repair of shore establishments for the Coast Guard;
- 3 of 2016. (f) assign ships, aircrafts, vehicles, aids to navigation, equipment, appliances and supplies to Coast Guard units or shore establishments, as the case may be, or transfer any of the foregoing from one unit or shore establishment to another;

- (g) authorize the carrying on of scientific investigations or experiments for and on behalf of the Coast Guard in respect of plans, devices and other inventions related to the performance of any maritime function, and cooperate and coordinate such activities with other governmental agencies, non-governmental agencies, private parties and other entities;
- (h) authorize the carrying on of any studies or investigations that may be of assistance to the Coast Guard in the performance and discharge of any of its powers, duties or functions; 3 of 2016.
- (i) collect, or cause to be collected, and publish and distribute, or cause to be published and distributed, information concerning the maritime operations of the Coast Guard; 3 of 2016.
- (j) design or cause to be designed, or construct or cause to be constructed, or accept as a gift, or otherwise acquire any aircraft, ship, weapon, small craft, patrol boat or other thing needed by the Coast Guard in discharging or performing any of its powers, duties or functions, and repair and maintain or cause to be repaired and maintained, or equip and operate or cause to be equipped and operated such aircraft, patrol boat, other small craft, vehicle, ship, weapon or other thing as aforesaid; 3 of 2016.
- (k) acquire or accept as a gift or otherwise and maintain and repair or cause to be maintained and repaired any aid to navigation, appliance, equipment and supplies needed by the Coast Guard in discharging or performing its duties, powers and functions; 3 of 2016.

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- (l) equip, operate, maintain, supply and repair shore establishments and units of the Coast Guard; 3 of 2016.
- (m) establish, equip, operate and maintain shops, depots, docks and yards for the manufacture, construction and repair of aids to navigation, equipment, apparatus, ships, vehicles and aircraft which are not normally or economically obtainable from private contractors, and for the maintenance and repair of any other property or machinery used by the Coast Guard; 3 of 2016.
- 3 of 2016. (n) rent or lease, for periods not exceeding five years at any one time, such real property under the control of the Coast Guard as may not be required for immediate use and deposit any monies obtained there to the credit of the Consolidated Revenue Fund;
- CAP. 229.
CAP. 221. (o) establish, install, operate, maintain, repair, purchase or lease, subject to the Belize Telecommunications Act, and the Electricity Act, such telecommunications lines and electricity lines and cables as may be necessary for the operations of the Coast Guard and arrange for the acquisition by the Coast Guard of such facilities, apparatus, equipment, structures, appurtenances, accessories and supplies used for, or useful in connection with, the installation, operation, maintenance, or repair of such lines and cables; and
- 3 of 2016. (p) establish, install, operate, maintain and repair radio transmission and receiving stations for the purposes of the Coast Guard.

(3) The Coast Guard shall also be comprised of such other officers as may be transferred thereto on the commencement of this Act from the Belize Defence Force, the Belize Police Department, the Customs and Excise Department, the National Fire Service, the Department of Border Management and Immigration, the Belize Port Authority or the Fisheries Department, or who may be appointed to the Coast Guard by the Security Services Commission acting pursuant to a recommendation of the Coast Guard Board established under section 8.

3 of 2016.

10 of 2018.

3 of 2016.

(4) Officers of the Coast Guard appointed pursuant to sub-section (3), shall be in such numbers as to achieve organizational hierarchy within the Coast Guard Service and may include Commanding Officers, Group Commanders, Patrol Commanders, Captains of the Port and Boarding Officers.

(5) All powers, duties and functions conferred upon the Coast Guard shall be vested in the Commandant unless provided otherwise in this Act or any Regulations made thereunder, and the Commandant may, in executing such powers, duties and functions, delegate them or any of them to any of the officers appointed pursuant to sub-section (3).

3 of 2016.

(6) The Minister may make Regulations setting out the hierarchical structure of the Coast Guard, and providing therein the duties of any of the officers referred to in sub-section (4).

3 of 2016.

6.-(1) The Security Services Commission may permit any member of the Coast Guard to proceed to a place or places outside Belize for the purpose of undergoing training or instruction, or for duty or employment.

Overseas
training of
members.
3 of 2016.

(2) The Security Services Commission may place any member of the Coast Guard at the disposal of the coast guard authorities of any other country or territory for the purpose of having such member attached to the coast guard authorities of such country or territory for duty or training or both.

3 of 2016.

(3) The Minister may enter into an agreement with the coast guard authorities of any other country or territory to permit a member of the coast guard service of that country to be attached to the coast guard authorities of Belize for training or employment.

7.-(1) As a separate branch of the security forces of Belize, the Coast Guard may, with the approval of the Minister, and with or without reimbursement for the cost thereof, send personnel, officers and members to any other security forces of Belize, or receives personnel, officers and members from any other security force of Belize, for the purpose of joint training or instruction operations.

Power of command of members if cooperating with other security forces.
3 of 2016.

3 of 2016.

(2) Where personnel, officers and members of the Coast Guard are sent for training or instruction pursuant to sub-section (1), they shall be subject to the general rules, directives and other laws governing the receiving security force.

3 of 2016.

(3) From time to time, as the Minister may direct, the Coast Guard shall conduct joint operations with other security forces of Belize or of other countries for the purpose of facilitating a cooperative and efficient approach to national, regional or international defence and security.

3 of 2016.

(4) In so far as powers of command depend on rank, any member of a security force who is individually acting with, or is a member of a force which is jointly acting with, the Coast Guard shall have the same powers of command as an officer of the Coast Guard of the same or similar rank.

3 of 2016.

(5) If the whole Coast Guard is for any reason required to act with any other security force of Belize, the Governor-General may place the Coast Guard or such part thereof as he may determine from time to time under the command of the officer commanding such other security force.

3 of 2016.

(6) Where any unit of the Coast Guard is acting in cooperation with any other security force in Belize, the Officer

in command of the Coast Guard Unit may, in agreement with the commander of the other security force, define the powers of command and order of precedence of officers and other members of the Coast Guard unit and other security force.

PART III

Board and Officers, etc., of the Coast Guard

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| | 3 of 2016. |
| 8. -(1) There shall be and is hereby established a Coast Guard Board (hereinafter referred to as “the Board”) which shall consist of the following members— | Establishment and membership of the Board.
3 of 2016. |
| (a) the Minister responsible for the Coast Guard, who shall be the Chairperson of the Board; | 3 of 2016. |
| (b) such other Minister as may be appointed from time to time by the Prime Minister, who shall be the Deputy Chairperson of the Board; | |
| (c) the Chief Executive Officer to the Ministry responsible for the Coast Guard, who shall be the Secretary to the Board; | 3 of 2016. |
| (d) the Commandant of the Coast Guard; | 3 of 2016. |
| (e) repealed. | 3 of 2012. |
| (f) repealed. | 3 of 2012. |
| (g) repealed. | 3 of 2012. |
| (h) repealed. | 3 of 2012. |
| (i) repealed. | 3 of 2012. |

(2) If the Chairperson of the Board is for any reason unable to act through illness, absence or otherwise, the Deputy

Chairperson shall perform the functions of the Chairperson if present.

(3) The Board may hold meetings and lawfully dispose of business thereat, and may carry out its duties and perform its functions as provided in this Act, notwithstanding any vacancy in its membership.

(4) The Board shall meet as often as is necessary to carry out its duties, functions and obligations as provided under this Act.

(5) Any question arising at a meeting of the Board shall be determined by a majority of the members present and voting at the meeting and in the event of an equality of votes, the Chairperson shall have a second or casting vote.

(6) Subject to the provisions of this Act, the Board may regulate its own procedure.

Functions of the Board.
3 of 2016.

9.-(1) The Board, under the general direction and authority of its Chairperson, shall be responsible for formulating the general policy direction of the Coast Guard, the training and administration of the Coast Guard, the structural organization of the Coast Guard, and may additionally perform such other functions as may from time to time be assigned to it by the Governor-General by Order published in the *Gazette*.

3 of 2016.

(2) The Board may from time to time make such recommendations to the Security Services Commission as it considers necessary regarding the appointment, disciplinary control, transfer and removal of members of the Coast Guard, other than the Commandant.

Power to grant commissions.
3 of 2016.

10.-(1) The power to grant commissions in the Coast Guard shall be vested in the Security Services Commission.

3 of 2016.

(2) A commission may be granted either-

- (a) for a specified period of time or for an indefinite period of time;
- (b) as a short term commission of three years; or
- (c) after the initial commission, as a Permanent Regular Commission.

(3) The commission granted to every officer shall be signed by the Security Services Commission and shall be in the form set out in the First Schedule. 3 of 2016. First Schedule.

(4) Upon being granted a commission, every officer shall be appointed by the Security Service Commission. 3 of 2016.

(5) A member of the Coast Guard shall swear or affirm to the Oath of Allegiance and Office set out in the Second Schedule before assuming the duties of his office. 3 of 2016.

11.-(1) The Security Services Commission may permit or allow an officer of the Coast Guard to resign his commission. Resignation and dismissal of officers. 3 of 2016.

(2) The Security Services Commission may terminate the commission of an officer of the Coast Guard for inefficiency or for any other cause. 3 of 2016.

12. Members of the Coast Guard shall conduct themselves in such a way as not— Code of Conduct. 3 of 2016.

- (a) to place themselves in positions in which they have or could have a conflict of interest;
- (b) to compromise the fair exercise of their public or official functions and duties;
- (c) to use their office for private gain;
- (d) to demean their office or position;

- (e) to allow their integrity to be called into question; or
- (f) to endanger or diminish respect for, or confidence in the integrity of the Government.

PART IV

Miscellaneous

Power to make
Regulations.
CAP. 4.

13.-(1) Subject to the Belize Constitution and this Act, the Security Services Commission may make Regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of sub-section (1), such Regulations may provide for—

- 3 of 2016. (a) the recruitment of officers of the Coast Guard;
- 3 of 2016. (b) ranks in the Coast Guard;
- 3 of 2016. (c) the commissioning of officers in the Coast Guard;
- 3 of 2016. (d) discipline in the Coast Guard;
- 3 of 2016. (e) the appointment and promotion of officers in the Coast Guard;
- 3 of 2016. (f) the resignation, retirement and dismissal of officers from the Coast Guard;

FIRST SCHEDULE

COASTGUARD ACT

3 of 2016.

Form of Commission

[Section 10 (3)]

I.....Chairman of the Security Services Commission, DO HEREBY GIVE TOGREETINGS and reposing especial trust in your loyalty, courage and good conduct, do by these presents constitute and appoint you to be an officer in the COAST GUARD for.....years from the.....day

3 of 2016.

of 20to the day of20.....*

YOU ARE THEREFORE carefully and diligently to discharge your duties as such an officer in the rank ofor in such other rank as you may from time to time hereafter be promoted or appointed and you are in such manner and on such occasions to exercise and well discipline in their duties, such officers as may be placed under your orders from time to time and use your best endeavours to keep them in good order and discipline. I do hereby command all such officers and soldiers to obey you as their superior officer, and you to observe and follow such orders and directions as from time to time you shall receive from me or any of your superior officers in pursuance of the trust hereby reposed in you.

GIVEN at.....this.....day of....., 20.....

(CHAIRMAN)

Security Services Commission

* Delete if inapplicable.

SECOND SCHEDULE

COASTGUARD ACT

3 of 2016.

Oath of Allegiance and Office

[Section 10(5)]

I, do swear [affirm] that I will bear true faith and allegiance to Belize, and will uphold the Constitution and the law, and that I will conscientiously, impartially and to the best of my ability discharge my duties as [] in the Coast Guard and will do right to all manner of people without fear or favour, affection or ill-will [So help me God].

3 of 2016.

Signature of the Officer taking the Oath.