



BELIZE

**ELECTRONIC TRANSACTIONS ACT
CHAPTER 229:03**

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. 10 of 2017 and No. 19 of 2020.



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CHAPTER 229:03

ELECTRONIC TRANSACTONS

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CHAPTER 229:03

ELECTRONIC TRANSACTONS ACT

8 of 2003.
10 of 2017.
19 of 2020
S. I. 119 of 2005.

[26th September, 2005]

PART I

Preliminary

1. This Act may be cited as the Electronic Transactions Act. Short title.
2. This Act comes into force on the 26th day of September, 2005. Commencement.
S.I. 119 of 2005.
3. The objects of this Act are— Objects.
 - (a) to eliminate legal barriers to the effective use of electronic communications in transactions;
 - (b) to promote the harmonization of legal rules on electronic transactions across national boundaries;
 - (c) to facilitate the appropriate use of electronic transactions;
 - (d) to promote business and community confidence in electronic transactions;
 - (e) to enable business and the community to use electronic communications in their transactions with government.
4. In this Act, unless the context otherwise requires, Interpretation.

“electronic” includes created, recorded, transmitted or stored in digital or other intangible form by electronic, magnetic, optical or by any other means that has capabilities for creation, recording, transmission or storage similar to those means;

19 of 2020.

“electronic form” with reference to information, means any information generated, sent, received or stored in media, magnetic form, optical form, computer memory, microfilm, computer generated microfiche or similar device;

19 of 2020.

“electronic record” means a record generated, communicated, received or stored by electronic means in an information system or for transmission from one information system to another;

“electronic signature” means information in electronic form that a person has created or adopted in order to sign a document and that is in, attached to or signed with a document;

“information system” means a system for generating, sending, receiving, storing or otherwise processing electronic communications;

“public body” includes–

- (a) a Minister, ministry or department of government;
- (b) courts;
- (c) bodies exercising statutory authority, of legislative, executive or judicial nature;
- (d) local public authorities;

“rule of law” means the common law, legislation, and subordinate legislation.

State to be bound.

5. This Act binds the State.

PART II

Requirements of Electronic Transactions

Non-discrimination against electronic information.

6.—(1) Information shall not be denied legal effect, validity or enforcement solely on the ground that it is in electronic form.

(2) In sections 7, 8, 9, 10 and 11 of this Act—

- (a) Where rules of law require information to be in writing, given, signed, original, or retained, the requirement is met if the section is complied with;
- (b) Where rules of law provide consequences where the information is not in writing, given, signed, original, or retained, the consequences are avoided if the section is complied with; and
- (c) where rules of law provide consequences if the information is in writing, given, signed, original, or retained, the consequences are achieved if the section is complied with.

7.—(1) A rule of law that requires information to be in writing or to be given in writing is satisfied by information in electronic form if the information is accessible so as to be usable for subsequent reference.

Writing requirements.

(2) In sub-section (1) of this section, giving information includes, but is not limited to, the following—

- (a) making an application;
- (b) making, filing or lodging a claim;
- (c) giving, sending or serving a notification;

- (d) filing or lodging a return;
- (e) making a request;
- (f) making a declaration;
- (g) filing, lodging, or issuing a certificate;
- (h) making, varying or cancelling an election;
- (i) filing or lodging an objection;
- (j) giving a statement of reasons.

(3) Information in electronic form is not given unless the information is capable of being retained by the person to whom it is given.

Prescribed forms.

8. A rule of law that requires a person to provide information in a prescribed non-electronic form to another person is satisfied by the provision of the information in an electronic form that is—

- (a) organized in the same or substantially the same way as the prescribed non-electronic form;
- (b) accessible to the other person so as to be usable for the subsequent reference; and
- (c) capable of being retained by the other person.

Signature requirements.

9.—(1) If a rule of law requires the signature of a person, that requirement is met by an electronic signature.

(2) Parties may agree to use a particular method of electronic signature, unless otherwise provided by law.

10. A rule of law that requires a person to produce, examine or keep an original document is satisfied if the person produces, examines or retains the document in electronic form, if—

Requirement to produce an original document.

- (a) having regard to all the relevant circumstances, the method of generating the electronic form of the document provided a reliable means of assuring the maintenance of the integrity of the information contained in the document; and
- (b) in a case where an original document is to be given to a person, the document given to the person in electronic form is accessible so as to be usable for subsequent reference and capable of being retained by the person.

11.—(1) Any public body that, pursuant to any written law—

Information in original form. 19 of 2020.

- (a) accepts the filing of documents, or obtains information in any form;
- (b) requires that documents be created or retained;
- (c) requires documents, records or information to be provided or retained in their original form;
- (d) issues any permit, licence or approval; or
- (e) requires payment of any fee, charge or other amount by any method and manner of payment,

may, notwithstanding anything to the contrary in such written law, carry out that function by means of electronic records or in electronic form.

(2) In any case where a public body decides to perform any of the functions in sub-section (1) by means of electronic records or in electronic form, the public body may specify—

- (a) the manner and format in which such electronic records shall be filed, created, retained, issued or provided;
- (b) where such electronic records have to be signed, the type of electronic signature required;
- (c) such control processes and procedures as may be appropriate to ensure adequate integrity, security and confidentiality of electronic records or payments; or
- (d) any other required attributes for electronic records or payments that are currently specified for corresponding paper documents.

(3) For the avoidance of doubt, notwithstanding anything to the contrary in any written law where any person is required by any written law to—

- (a) file any document with or provide information in any form to a public body;
- (b) create or retain any document for a public body;
- (c) use a prescribed form for an application or notification to, or other transaction with, a public body;
- (d) provide to or retain for a public body any document, record or information in its original form; or

(e) hold a licence, permit or other approval from a public body,

such a requirement is satisfied by an electronic record specified by the public body for that purpose.

12. Where documents, records or information are required by any statutory provision or rule of law or by contract or by deed to be made available for inspection, that requirement shall be met by making such documents, records or information available for inspection in perceivable form as an electronic record.

Records available for inspection. 19 of 2020.

13.—(1) An expression in a law, whether used as a noun or verb, including the terms “document”, “record”, “file”, “submit”, “lodge”, “deliver”, “issue”, “publish”, “write in”, “print” “register” or words or expressions of similar effect, must be interpreted so as to include or permit such form, format or action in relation to an electronic record unless otherwise provided for in this Act.

Other requirements. 24 of 2020.

(2) Where a seal is required by law to be affixed to a document and such law does not prescribe the method or form by which such document may be sealed, that requirement is met if the document indicates that it is required to be under seal and it includes the secure electronic signature of the person by whom it is required to be sealed or the use of any other type of electronic seal.

(3) Where information or a signature, document or record is required by a statutory provision or rule of law, or by contract or deed to be notarised, acknowledged, verified or made under oath, the requirement shall be satisfied if, in relation to an electronic signature, electronic document or electronic record, the electronic signature of the person authorised to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the electronic signature, electronic document or electronic record.

Comparison of documents with original.
19 of 2020.

14. A legal requirement to compare a document with an original may be satisfied by comparing that document with an electronic form of the original document if the electronic form reliably assures the maintenance of the integrity of the document.

Exclusions.

15. This Act does not apply to—

- (a) the creation or transfer of interests in real property;
- (b) negotiable instruments, other than payment instruments as defined in section 2 of the National Payment System Act;
- (c) documents of title;
- (d) wills and trusts created by will; and
- (e) any class of documents, transactions or rules of law excluded by regulation under this Act.

10 of 2017.
CAP. 266:01.

PART III

Legality of Electronic Transactions

Legal effect of electronic time stamps.
19 of 2020.

16. An electronic time stamp shall not be denied legal effect and admissibility as evidence in legal proceedings solely on the ground that it is in an electronic form.

Admissibility of electronic records.
19 of 2020.

17. In proceedings in a court, tribunal or arbitration, whether of a legal, judicial, quasi-judicial or administrative nature, the admissibility of an electronic record or an electronic signature in evidence shall not be denied solely on the ground that it is an electronic record or an electronic signature.

18.—(1) Unless the parties agree otherwise, an offer, the acceptance of an offer or any other matter that is material to the formation or operation of a contract may be expressed—

Contracts.

- (a) by means of information in electronic form; or
- (b) by an act that is intended to result in electronic communication, such as touching or clicking on an appropriate icon or other place on a computer screen, or by speaking.

(2) A contract is not invalid or unenforceable by reason only of being in electronic form.

19. A contract may be formed by the interaction of computer programs or other electronic means used to initiate an act or to respond to electronic information, in whole or in part, without review by an individual at the time of the response or act.

Automated contracts.

20.—(1) An electronic transaction between an individual and another person's automated source of information has no legal effect if—

Mistakes in partly automated transactions.

- (a) the individual makes a material error in electronic information or an electronic document used in the transaction;
- (b) the automated source of information does not give the individual an opportunity to prevent or correct the error;
- (c) on becoming aware of the error, the individual promptly notifies the other person; and
- (d) in a case where consideration is received as a result of the error, the individual, returns or destroys the consideration in accordance with the other person's instructions or, if there are no instructions, deals with the consideration in

a reasonable manner, and does not benefit materially by receiving the consideration.

(2) This section does not limit the operation of any other rule of law relating to mistake.

Expressions of will.

21. As between the originator and the addressee of a communication in electronic form, a declaration of will or other statement shall not be denied legal effect, validity or enforceability solely on the grounds that it is in electronic form.

Time and place of sending and receiving electronic communications.

22.—(1) An electronic communication is sent when it enters an information system outside the sender's control or, if the sender and the addressee use the same information system, when it becomes capable of being retrieved and processed by the addressee.

(2) An electronic communication is presumed to be received by the addressee—

- (a) if the addressee has designated or uses an information system for the purposes of receiving communications of the type sent, when it enters that information system and becomes capable of being retrieved and processed by the addressee; or
- (b) if the addressee has not designated or does not use an information system for the purpose of receiving communications of the type sent, or if the addressee has designated or used such a system but the communication has been sent to another system, when the addressee becomes aware of the communication in the addressee's information system and it becomes capable of being retrieved and processed by the addressee.

(3) Sub-section (1) and (2) of this section apply unless the parties agree otherwise.

(4) An electronic communication is deemed to be sent from the sender's place of business and received at the addressee's place of business.

(5) If the sender or the addressee has more than one place of business, the place of business for the purposes of sub-section (4) of this section, is the one with the closest relationship to the underlying transaction to which the electronic communication relates or, if there is no underlying transaction, the person's principal place of business.

(6) If the sender or addressee does not have a place of business, the person's place of habitual residence is deemed to be the place of business for the purposes of sub-section (4) of this section.

23. An electronic communication is that of the person who sends it, of it is sent directly by the person or by an information system programmed by or on behalf of the person to operate automatically.

Attribution of electronic communications.

PART IV

Miscellaneous

24.—(1) A person using electronic communications to sell goods or services to consumers shall provide accurate, clear and accessible information about themselves, sufficient to allow—

Consumer protection.

- (a) the legal name of the person, its principal geographic address, and an electronic means of contact or telephone number;
- (b) prompt, easy and effective consumer communication with the seller; and

(c) service of legal process.

(2) A person using electronic communications to sell goods or services to consumers shall provide accurate and accessible information describing the goods or services offered, sufficient to enable consumers to make an informed decision about the proposed transaction and to maintain an adequate record of the information.

(3) A person using electronic communications to sell goods or services to consumers shall provide information about the terms, conditions and costs associated with a transaction, and notably—

- (a) terms, conditions and methods of payment; and
- (b) details of and conditions related to withdrawal, termination, return, exchange, cancellation and refund policy information.

Regulations.

25. The Attorney General may make regulations—

- (a) to designate an entity as a public body;
- (b) to provide that electronic signatures for specified purposes shall be as reliable as appropriate for those purposes;
- (c) to provide that electronic signatures for specified purposes shall be created by specified means;
- (d) to provide formats by which information may be communicated electronically, whether or not there exists prescribed non-electronic forms;

- (e) to exclude classes of transactions, documents, or rules of law from the application of this Act; and
- (f) for any other purpose for the more effective achievement of the objects of the Act.

26. Where there is any conflict between the provisions of this Act and any other relevant enactment, the provisions of this Act shall prevail to the extent of the inconsistency.

Conflict of enactments. 19 of 2020.

27. This Act shall be construed consistently with what is commercially reasonable under the circumstances and to give effect to the following purposes to—

Purposes and construction. 19 of 2020.

- (a) facilitate electronic transactions;
- (b) facilitate electronic commerce, to eliminate barriers to electronic commerce resulting from uncertainties over writing and signature requirements, and to promote the development of the legal and business infrastructure necessary to implement secure electronic commerce;
- (c) facilitate electronic filing of documents with public bodies, and to promote efficient delivery by public bodies of services by means of reliable electronic records;
- (d) help to establish uniformity of rules, regulations and standards regarding the authentication and integrity of electronic records; and
- (e) promote public confidence in the integrity and reliability of electronic records and electronic commerce, and to foster the development of electronic commerce and digital government

through the use of electronic signatures to lend authenticity and integrity to correspondence in any electronic medium.