



BELIZE

**COAST GUARD ACT
CHAPTER 131-01**

REVISED EDITION 2020

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

This is a revised edition of the Subsidiary 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 the following laws–	Page
1. BELIZE COAST GUARD REGULATIONS	3
2. BELIZE NATIONAL COAST GUARD SERVICE ACT(COMMENCEMENT) ORDER	80

CHAPTER 131-01

BELIZE COAST GUARD REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I

Preliminary

1. Citation.
2. Interpretation.
3. Application.
4. Declaration of Secrecy.
5. Members.

PART II

Commissioned officers

6. Definition.
7. Eligibility.
8. Educational qualification.
9. Rank.
10. Initial Rank of Commissioned Officers.
11. Appointment and Promotion Criteria.
12. Acting Appointments and Local Rank.

13. Period of Commission.
14. Resignation by commission officer.
15. Retirement.

PART III

Enlisted members

16. Recruiting Officer.
17. Enlistment.
18. Eligibility.
19. Rank.
20. Initial Rank of Enlisted Members.
21. Promotion.
22. Term of Service.
23. Resignation by Enlisted Member.

PART IV

Salaries, Allowances, and Financial Benefits

24. Salaries.
25. Increments.
26. Salary Payable on Promotion.
27. Allowances.

28. Pension and Gratuity.

PART V

Advances

29. Advances.
30. Nominal service charge on advances.
31. Requirements on approval of motor vehicle advance.
32. Other advances.
33. Grounds for refusal of advance application.
34. Repayment of advances.
35. Vehicles not to be sold or disposed of without permission.
36. Advance not to be granted within three years of previous advance.
37. Repayment of debt on leaving the service.

PART VI

Leave of Absence

38. Vacation leave.
39. Mandatory leave.
40. Payment of leave eligibility on death of officer.
41. Free Medical and Dental.

42. Sick leave.
43. Sick leave in excess of entitlement to be treated as vacation leave.
44. Extended Sick leave.
45. Sick leave for use in case of illness of spouse or children.
46. Officers frequently absent on sick leave may appear before a Medical Board.
47. Submission to Medical Examination.
48. Sick leave during vacation leave.
49. Maternity Leave.
50. Maternity Leave Entitlement.
51. Maternity Leave without pay.
52. Paternity Leave.
53. Compassionate Leave.
54. Special Leave.

PART VII

Belize Coast Guard Benevolent Fund

55. Establishment of Benevolent Fund.

PART VIII

Affiliation to unions of association

56. Affiliation to Union or association.

PART IX

Coast Guard Auxiliary

57. Establishment of Auxiliary.

PART X

Training and Career Development

58. Training Requirement.
59. Training Policy.
60. Training Bond.
61. Fulfillment of bond prior to study leave.
62. Extension of study leave.
63. Study leave without pay.
64. Part-time study leave.
65. Study leave for more than two days per week.
66. In-service training.
67. Annual report from institution of learning.
68. Obligation while on training.

69. Officers to submit copies of final reports, etc.
70. Suspension or termination of study leave.
71. Training Awards.
72. Penalty for termination.
73. Assistance for correspondence course.
74. Training at local institutions.
75. Non-refundable expenses for self-initiated training.
76. Guidelines for study leave.
77. Paid travel costs.
78. Grant of normal increment on return to duty.

PART XI

Conduct of Coast Guard Members

79. Responsibility of the Commandant.
80. Code of Conduct.
81. Standard of behaviour.
82. Prohibition of certain conducts.
83. Other prohibitions related to the media, etc.
84. Release of information, etc.
85. Public Relations Officer.

- 86. Engagement in activities related to politics, etc.
- 87. Sexual Harassment prohibited.
- 88. Substance Abuse Prohibition, etc.
- 89. Polygraph Test.

PART XII

Discipline

- 90. Authority to discipline. etc.
- 91. Right to redress against superior officer.
- 92. Right of redress against other officer.
- 93. Exemption from jury duty.
- 94. Offences of indiscipline, etc.
- 95. Disciplinary procedures.

PART XIII

Inquiries

- 96. Establishment of inquiry.
- 97. Officers who may make an inquiry.
- 98. Functions of the Board of Inquiry.
- 99. Right of superior officer to prosecute cases.
- 100. Repeal.

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

FIFTH SCHEDULE

SIXTH SCHEDULE

CHAPTER 131–01

BELIZE COAST GUARD REGULATIONS

74 of 2011.
51 of 2017.
Ch. 131–01.
R.E. 2020.

(Gazetted 1st July, 2017)

PART I

Preliminary

1. These Regulations may be cited as the

Citation.

BELIZE COAST GUARD REGULATIONS.

2.–(1) In these Regulations, unless the context otherwise requires

Interpretation.

“Act” means the Belize Coast Guard Act;

“Board” means the Coast Guard Board established under section 8 of the Act;

“Chief Executive Officer” means the Chief Executive Officer in the Ministry with responsibility for the Coast Guard;

“Coast Guard” means the Coast Guard established under section 3 of the Act;

“Commandant” means the Commandant of the Coast Guard appointed under section 5 of the Act;

“Commission” means the Security Services Commission established under section 110C of the Belize Constitution;

“Commissioned Officer” means any member of the Coast Guard who holds a rank of Ensign and above;

“enlisted member” means any member of the Coast Guard who holds a rank between Seaman and Master Chief Petty Officer, both inclusive;

“Fund” means the Coast Guard Benevolent Fund;

“Local rank” means a supernumerary rank assigned to a member of the Coast Guard to allow him to participate in some local, oversea training or any other purpose that requires a higher rank for that purpose;

“member” means a member of the Coast Guard;

“Minister” means the Minister with responsibility for the Coast Guard;

“Ministry” means the Ministry with responsibility for the Coast Guard;

“Promotion Board” means the Coast Guard Promotion Board and refers to the Board comprising a member for the Security Services Commission, the Command Master Chief, the Vice Commandant of the Coast Guard, a representative of the Ministry responsible for the Coast Guard and chaired by a representative of the Ministry responsible for the Public Service; and

“Salary Scale” means the Coast Guard Salary Scale.

Applications.

3.—(1) Subject to subregulation (2), the provisions of these Regulations apply to a member, irrespective of whether the member serves in a permanent or in a temporary capacity.

(2) These Regulations shall not apply to the following—

- (a) Open Vote Workers to whom the Government (Open Vote) Workers Regulations apply;
- (b) the Commandant;

- (c) any office to which section 107 of the Constitution applies; or
 - (d) any other category or class of public officers in respect of which special regulations are made.
- 4.** Every member shall, immediately after joining the Coast Guard, subscribe to the Official Secrets Declaration as set out in the First Schedule. Declaration of Secrecy.
First Schedule.
- 5.** For the purpose of these Regulations, “member” include – Members.
- (a) commissioned officers; and
 - (b) enlisted members.

PART II

Commissioned Officers

- 6.** A commissioned officer is a member who, having met the requirements of regulations 7 and 8, has received a commission in the Coast Guard in accordance with section 10 (3) of the Act. Definition.
No. 19 of 2004.
- 7.**–(1) A member is eligible for the grant of a commission in the Coast Guard if the member– Eligibility.
- (a) possesses the minimum qualification of an associate degree or its equivalent; or
 - (b) attains the minimum rank of Senior Chief Petty Officer and is recommended for a commission by the Board; or
 - (c) has the qualifications of a Commissioned Officer of the Coast Guard and–

- (i) has been transferred from either military or police service;
- (ii) has held a commission in another disciplined organization without first enlisting in the Coast Guard; or
- (iii) in the opinion of the Commission, is eligible for the grant of a commission.

(2) In respect to subregulation (a) and (b), the person shall successfully have completed a commissioning course.

Educational
Qualification.

8. No person shall be considered for commission in accordance with regulation 7 prior to enlistment as a serviceman unless he possesses the minimum qualification of an associate.

Rank.

9. The ranks of commissioned officer in ascending are as follows—

- (a) Ensign;
- (b) Lieutenant Junior Grade;
- (c) Lieutenant;
- (d) Lieutenant Commander;
- (e) Commander;
- (f) Captain;
- (g) Rear Admiral Lower Half; and
- (h) Rear Admiral Upper Half.

Initial rank of
Commissioned
Officers.

10. All persons commissioned to the Coast Guard shall, upon entry, be granted the rank of Ensign; however, a person who has held a higher rank, or a rank equivalent in another organization

and who is considered by the Commission to be suitable to hold the rank than Ensign shall be eligible for such higher rank. Officers completing a four-year academy will be commissioned to the rank of Lieutenant Junior Grade with two years seniority.

11.— (1) No officer shall be appointed or promoted to a post for which he is not qualified.

Appointment and promotion criteria.

(2) The promotion of officers to fill vacancies shall be approved by the Commission, and the Commission shall base its decision on the following criteria in descending order—

- (a) performance;
- (b) integrity; and
- (c) employment history.

(3) A commissioned officer shall be eligible for promotion to a higher substantive rank as follows—

- (a) to Lieutenant Junior grade, after two years as an Ensign;
- (b) to Lieutenant, after four years as a substantive Lieutenant Junior grade, and upon successful completion of the required course of training or professional examinations;
- (c) to Lieutenant Commander, after four years as a Lieutenant and upon successful completion of the required course of training or professional examinations;
- (d) to Commander, after six years as a Lieutenant Commander and upon successful completion of the required course of training or professional examinations; and

- (e) to the ranks of Captain and above, by the Commission on the recommendation of the Board.

Acting appointments and local rank.

12.—(1) An officer may be granted an acting appointment to fill a vacancy in a unit, which appointment shall not be in effect for more than 12 months.

(2) Local rank may be conferred on an officer for such period as may be necessary. Local rank shall not carry any pecuniary benefits or liabilities.

Period of Commission.

13.—(1) Officers shall be commissioned initially for a period of three years.

(2) An initial commission may be extended for a period of three years upon the approval of the Commission and on the recommendation of the Board.

(3) Permanent regular commission may be granted up to normal retirement age on the request of the officer.

Resignation by commissioned officer.

14.—(1) An commissioned officer may resign the granted commission by making an appropriate request to the Commission.

(2) Notwithstanding subregulation (1), an officer who wishes to resign shall –

- (a) give six months' notice of the intention to resign in writing to the Commission; and
- (b) ensure that all outstanding debts to the Government are fully paid back prior to the effective date of resignation.

(3) Failure to comply with subregulation 14 (2) shall result in the refusal of the request to resign within the specified time, and may result in disciplinary action.

(4) Any officer who resigns in accordance with this Regulation shall be entitled to all benefits at the effective date of resignation.

15. Retirement shall be carried out in accordance with the Pensions Act.

Retirement.

Cap. 30.

PART III

Enlisted Members

16.-(1) The Commandant may, in accordance with the Act and these Regulations, authorize an officer to enlist recruits in the Coast Guard- and such an officer shall be referred to as a Recruiting Officer.

Recruiting Officer.

(2) The Recruiting Officer shall inform the person offering to enlist of the general conditions of enlistment.

(3) The Recruiting Officer shall not enlist any person into the Coast Guard unless he is satisfied that the person understands the conditions of enlistment and wishes to be enlisted.

17. A person offering to enlist in the Coast Guard shall commit to the Oath of Allegiance and Office as set out in the Second Schedule to the Act and shall answer the questions on attestation as specified in the Second Schedule.

Enlistment Act. 19 of 2004.

Second Schedule.

18.-(1) A person shall not be eligible to be enlisted into the Coast Guard unless that person-

Eligibility.

- (a) is medically fit;
- (b) is between the ages of 18 and 24 years;
- (c) is a citizen of Belize;

- (d) agrees to take a drug test;
- (e) agrees to take a random polygraph test on request of the Commandant;
- (f) possesses the minimum qualification of a High School Leaving Certificate or its equivalent, and having proficiency in English Language and Mathematics; and
- (g) meets such other criteria as may be promulgated by the Board.

(2) Notwithstanding subregulation (1), any person who—

- (a) has been transferred from any other office in the security service;
- (b) has held a rank in another disciplined organization or its equivalent; or
- (c) in the opinion of the Recruiting Officer, after consultation with the Commandant, is medically fit and otherwise suitable for enlistment shall also be eligible to be enlisted in the Coast Guard.

Rank.

19. The ranks of enlisted members in ascending order shall be the following—

- (a) Seaman Recruit;
- (b) Seaman Apprentice;
- (c) Seaman;
- (d) Petty Officer Third Class;
- (e) Petty Officer Second Class;

- (f) Petty Officer First Class;
- (g) Chief Petty Officer;
- (h) Senior Chief Petty Officer; and
- (i) Master Chief Petty Officer.

20. A person enlisted in the Coast Guard shall be granted the rank of Seaman Apprentice; however, a person who has held a higher rank or a rank equivalent to a higher rank in another disciplined organization, or who is considered by the Board to be suitable to hold a rank higher than Seaman Apprentice may be enlisted at such higher rank.

Initial Rank of
Enlisted
Members.

21.—(1) The Promotion Board shall make recommendations to the Commandant form the promotion of qualified enlisted member below the rank of Senior Chief Petty Officer.

Promotion.

(2) The Promotion Board in its deliberations will take into consideration the following criteria—

- (a) the member's successful completion of the course or tests for the rank contemplated;
- (b) the standard of service met by the member in weapon handling, physical fitness, first aid and basic seamanship skills;
- (c) the performance, professionalism and experience of the member;
- (d) the career development plan of the Coast Guard in accordance with recommendations; and
- (e) any other relevant matter which would justify the grant of a promotion.

(3) The Commandant shall make recommendations, for promotion to the ranks of Senior Chief Petty Officer and Master Chief Petty Officer, to the Board for onward transmission to the Commission.

(4) For the purposes of these Regulations, the Commandant shall have the power to issue directives with respect to the Coast Guard Career Development Plan.

Term of Service.

22.—(1) A person enlisting in the Coast Guard shall enter a bond to serve a minimum period of three years after completion of recruit training before he may opt to resign. Any resignation prior to completing three years of service shall require approval of the Board and the payment of a sum proportionate to the time remaining from the bond.

(2) The term of service of a member who undertakes a course of studies, locally or overseas, shall include a bonded period in accordance with Regulation 62.

Resignation by
Enlisted
Member.

23.—(1) An enlisted member who wishes to resign shall—

- (a) give at least one month's notice in writing to the Commandant; and
- (b) pay all outstanding debts to the Government prior to the effective date of resignation

(2) Failure to comply with subregulation (1) shall result in the member's request disallowed, and may result in disciplinary action.

(3) An enlisted member shall be entitled to all benefits lawfully due to him at the effective date of his resignation.

PART IV

Salaries, Allowances and Financial Benefits

24.—(1) The salaries of members shall be payable in accordance with the Salary Scale approved by the Ministry responsible for Finance and issued in a circular by the Head of Department.

Salaries.

(2) Members who are transferred from other Government's departments to the Coast Guard shall receive a salary equal to their former salaries or, if no such salary exists on the salary scale, their salary shall be that reflected on the next higher point on the salary scale based on the appointed post.

(3) For the purposes of this regulation, the Commission shall, on the recommendation of the Board, determine whether the grant of a higher salary is appropriate in the circumstances, and whether the appointment of the member at the higher point on the Salary Scale is necessary for the effective functioning of the Coast Guard.

(4) Any salary granted to a member under this Regulation shall be commensurate to the officer's qualifications and with the Government's salary scale.

25.—(1) The grant of an annual increment to a member shall be determined by the member's satisfactory performance on his performance appraisal report.

Increments.

(2) Performance appraisals shall be conducted in accordance with the Coast Guard Performance Appraisal System.

(3) For the purpose of this Regulation, an officer's incremental date shall be either –

- (a) the first day of the month in which the officer was appointed or promoted, if the said

appointment or promotion occurred within the first to the fifteenth day of a month; or

- (b) the first day of the month following that in which the officer was appointed, if the said appointment or promotion occurred after the fifteenth day of a month.

Third Schedule.

(4) The increments for the various types and levels of qualification shall be as outlined in the Third Schedule.

Salary payable on promotion.

26.—(1) A member on promotion, shall receive a salary the minimum salary of the post to which he is being promoted, in any case where the difference between his salary and the minimum of the higher post is not less than two increments on the higher scale.

(2) On promotion, an officer's incremental date for the member shall change in accordance with regulation 25 (3).

Allowances.

27.—(1) All allowances shall be payable in accordance with this regulation.

(2) An acting allowance shall be approved if,

- (a) a member is appointed to a position in a command, staff or specialist appointment at unit level for more than 14 days; or
- (b) the quantum of the acting allowance shall be the difference between the current salary and the minimum salary of the post to which the person is appointed to act; or
- (c) where the salary of the member appointed to act is more than the minimum of the post in which he is acting, the allowance shall not be less than two increments higher on the scale.

(3) A travel allowance not exceeding the rate prescribed by the Ministry of Finance shall be paid to a member for necessary travel and in transit expenses in connection with a required duty or study abroad.

(4) A warm clothing allowance at a prescribed rate shall be payable to an officer who is required to proceed to a temperate or frigid country or region, for purposes of duty or study.

(5) A warm clothing allowance shall not normally be payable to an officer who has already received it within a period of less than two years after his return from a previous course of study or duty abroad.

(6) A living out allowance shall be paid on a monthly basis at a rate approved by the Board to a member on his successful completion of basic training, to cover his expenses related to food and accommodation.

(7) Meals and accommodation will be provided for those members who are on official duties. However, members not on official duty shall therefore pay for each meal received from the Coast Guard.

(8) A maritime allowance shall be paid to members on deployment for maritime patrols at sea in excess of one week. The allowance shall be paid at a daily rate as approved by the Ministry of Finance and is in lieu of subsistence allowance.

(9) A specialist allowance shall be payable to a member of the Coast Guard who is qualified in a particular technical field and whose skills are utilized for the Coast Guard.

(10) A specialist allowance shall be paid in respect of the post in the Fourth Schedule.

(11) The specialist allowance shall be paid at a monthly rate of a percentage of the member's salary as approved by the Board of the Commission.

(12) The specialist allowance is an incentive awarded on to those members who are held against their appointment and are performing duties require the use of their technical skills.

(13) The specialist allowance may be withheld at any time for reasons of inefficiency, absence, or other conduct in respect of which disciplinary proceedings may be instituted.

(14) Members who have been or are being detached or seconded or who are absent form duty for more than one month shall not be eligible for the specialist allowance during the period of such detachment, secondment or absence.

(15) A special duty allowance shall be paid to a member who, when not deployed on operational duties at sea, is required to work special duties at base location outside of normal working hours. Such duties include Camp Guards, Duty Officer, Standby Duties, and Duty Driver.

(16) The special duty allowance shall be paid in lieu of overtime and subsistence allowance at a rate thereof approved by the Board.

(17) At the Commandant's directive, a day off may be awarded in lieu of such allowance.

(18) No allowance shall be paid to a member while he is on suspension from duties.

Pension and
Gratuity.

Cap. 30.

28.—(1) Pension and gratuity shall be payable in accordance with the Pensions Act.

(2) Where an officer in the public service is transferred to an office and retires or resigns on pension from, or dies while in duty of the Coast Guard Service, his service in the public service shall rank as qualifying service or pensionable service, as the case may be, for purposes of determining eligibility for pension under the Pensions Act.

PART V

Advances

29.—(1) An advance may be approved to an officer, on application to the Financial Secretary, for the following purposes— Advances.

- (a) where the officer is proceeding on or returning from vacation leave or is being transferred from one station to another;
- (b) for the purchase of household items;
- (c) for the purchase of an approved means of transportation considered appropriate to the duties of the officer's post of; and
- (d) for medical or maternity purposes.

(2) The advances shall be limited to the equivalent of one month's salary and shall be repaid in not more than four (4) equal monthly instalments; except in exceptional circumstances when the period of repayment may be extended;

(3) All advances shall carry a nominal service charge, to be determined by the Ministry of Finance, recoverable at the time of issue of the advance.

30. All advances shall carry a nominal service charge, to be determined by the Ministry of Finance, recoverable at the time of issue of the advance. Nominal service charge on advances.

31. Officers who received an advance to purchase a motor vehicle shall be required to produce the following— Requirements on approval of motor vehicle advance.

- (a) a receipt to show that the money was used for the purpose for which it was advanced; and

(b) a bill of sale, on demand.

Other advances.

32. Advances may be granted for any purpose not otherwise provided for, which the Financial Secretary considers to be in the public interest, and the terms of repayment shall be prescribed by the Financial Secretary in each case.

- (a) the amount of the advance required is greater than the amount the member can reasonably be expected to repay within the approved time;
- (b) a previous advance has not been fully repaid;
- (c) an officer has failed to meet the conditions of a previous advance; or
- (d) in the case of an application for a motor vehicle advance, if an approval was given for a similar advance within the three years prior.

Repayment of advances.

34.—(1) Repayment of all advances shall be made by monthly deductions from the officer's source unless otherwise authorized in writing by the Financial Secretary.

(2) The Head of Department in which an officer is serving at the time an advance is authorized shall ensure that proper record of advance is kept and that repayments are being regularly deducted.

(3) In the event of the officer being transferred to another department, particulars of the outstanding balance and rate of repayment shall be sent to the Head of receiving Department who shall assume responsibility for ensuring regular payment.

Vehicles not to be sold or disposed of without permission.

35. A vehicle, purchased with an advance referred to in this Part, may not be removed from Belize, sold or disposed of in any way without the prior written consent of the Financial Secretary.

36. An advance for the purchase of a vehicle shall not be approved within three years of the grant of a previous advance for a similar purpose, save in exceptional circumstances such as destruction of the vehicle by accident or similar unforeseeable incidents. Such an advance shall be granted based on the merits of each case.

Advance not to be granted within three years of previous advance.

37. An officer, prior to leaving the Coast Guard, shall be required to repay any outstanding sum due to the government as follows—

Repayment of debt on leaving the service.

- (a) salary or payment in lieu of vacation leave due to the officer shall be applied towards settlement of the outstanding balance; or
- (b) any remaining balance shall be recovered,
 - (i) from benefits due;
 - (ii) through written agreement with the Accountant General; or
 - (iii) through legal action.

PART VI

Leave of Absence

38.—(1) The Commandant shall have the power to grant vacation leave to any member subject to the provisions of this Part.

Vacation Leave.

(2) Officers shall not be granted vacation leave until they have served for six consecutive months from the date of first appointment, except on the grounds of urgent private affairs.

(3) Members who desire to apply for vacation leave shall do so at least one month before the date on which they intend to

proceed on such leave. Where a member applies for vacation leave, but fails to give the required notice, his application shall be considered only when the Commandant is satisfied that the leave is required on grounds of urgent private affairs.

(4) The grant of vacation leave to a member may be deferred if it is in the interest of the Coast Guard.

(5) Vacation leave shall be granted on full salary at the rate of—

- (a) thirty working days per year to members who hold a rank of Chief Petty Officer and above; and
- (b) twenty working days per year to member below the rank of Chief Petty Officer.

Mandatory
Leave.

39.—(1) Officers shall take at least fifteen (15) days vacation leave annually leave in the case of senior officers (Chief Petty Officer and above) and ten (10) days vacation leave in the case of junior Officers (below the rank of Chief Petty Officer).

(2) Mandatory leave for new entrants to the Coast Guard shall be granted after one calendar year.

(3) For the purpose of determining the accrual of vacation leave entitlement, the vacation leave year commences on 1st January and ends 31st December in each year.

(4) Members shall not earn vacation leave while on—

- (a) study leave or overseas training exceeding 6 months;
- (b) sick leave exceeding sixteen calendar days;
- (c) suspension for duty;

- (d) secondment;
- (e) leave without pay;
- (f) maternity leave; or
- (g) vacation leave in excess of 30 days.

(5) Members who earn thirty working days' vacation leave per year may accumulate up to maximum for seventy days. Members who earn twenty working days' vacation leave per year may accumulate leave up to maximum of fifty days. Once the maximum vacation leave has been accumulated, the member shall take all accumulated leave.

(6) An officer who is retiring from the public service may be paid salary in lieu of all vacation leave earned prior to the effective date of his retirement.

(7) An officer who resigns from the public service may be paid salary in lieu of all vacation leave earned prior to the effective date of resignation.

(8) An officer who is dismissed from the public service or whose services are terminated on disciplinary grounds may be paid salary in lieu of all vacation leave earned prior to the effective date of resignation.

40. In the event of the death of an officer there shall be paid to his legal representative or beneficiary, a sum equivalent to the salary that the officer would have received has been granted all vacation leave to his credit, at the date of death. Payment should be at the rates prevailing at the date of death.

Payment of leave entitlement on death of officer.

41. A member shall be given complete medical and dental care at approved government medical care facilities free of cost. Where a cost is incurred by the member at an approved government medical care facility, the member will be entitled

Free medical and dental care.

to partial reimbursement from the Fund upon presenting proof of payment.

Sick leave.

42.—(1) The Commandant may grant sick leave members of up to 16 days with full pay in any one calendar year to a member on the recommendation of a medical officer.

(2) No sick leave for more than one day on any occasion shall be granted without a medical certificate and no more than six days paid sick leave without a medical certificate shall be allowed in any one calendar year.

Sick leave in excess of entitlement to be treated as vacation leave.

43.—(1) An officer who has exhausted his sick leave entitlement in any one year and requires further sick leave for a period of ten (10) days or less shall be required to utilize vacation leave.

(2) If the officer has exhausted all vacation leave, the leave shall be treated as leave without pay.

Extended Sick Leave.

44.—(1) Where the protracted illness of the officer necessitate his continuous absence beyond his normal sick eligibility, application accompanied by the relevant evidence, shall be made to the Commission who may grant extended sick leave up to a maximum of 180 days on full pay.

(2) If the illness of the officer exceeds 180 days, the question of his fitness for further service shall be taken up with the Director of Health Services. On substantial evidence from a Medical Board that fully recovery and return to duty is probable, the officer may be granted extension of sick leave up to further 180 days on half pay.

(3) Sick leave applied for under subregulation (1) above shall be granted only on receipt of a prognosis from the Director of Health Services, of the officer's eventual recovery and return to duty.

(4) If the illness of the officer exceeds 360 days, the officer shall be retired from the Coast Guard on medical grounds.

45. Sick leave provided for in regulation 42 may be used by officers in the case of illness of their spouse or children up to a maximum of five (5) calendar days per year.

Sick leave for use in case of illness of spouse or children.

46. Where an officer has been frequently absent on sick leave, the Commandant may, at any time, request the Director of Health Services to advise on the nature of the officer's illness or whether the officer should appear before a medical board to consider his fitness to continue in Coast Guard.

Members frequently absent on sick leave.

47. An officer who is required to undergo a medical examination shall submit himself to be examined by a Medical Board at such time and place as directed.

Submission to Medical Examination.

48. If an officer falls ill while on vacation leave, and he produces satisfactory medical evidence to his Commander, he shall be credited with vacation leave equivalent to the number of days not utilized as vacation leave due to illness.

Sick leave during vacation leave.

49.-(1) All female members shall be entitled to the grant of maternity leave.

Maternity Leave.

(2) All applicants for maternity leave shall be submitted at least ten weeks prior to the member's expected date of delivery and shall be accompanied by Social Security **Forms MB and SM2**.

(3) A member may take vacation leave which is due to her at the expiration of her maternity leave.

(4) Maternity leave shall not be considered as sick leave, and sick leave shall not be granted as a substitute for maternity leave.

(5) Sick leave, where necessary, shall run consecutive to maternity leave on the basis of a medical certificate.

Maternity Leave
Entitlement.

50. A member shall be entitled to a total of fourteen weeks maternity leave which shall be on full pay and which shall be taken as follows,

- (a) a minimum of two weeks up to maximum of seven weeks before the expected date of confinement on full pay;
- (b) the remaining period after the expected date of confinement on full pay;
- (c) the periods of two weeks before and seven weeks after the date of confinement shall be mandatory.

Maternity Leave
without pay.

51. A member who has completed less than one hundred and fifty (150) days service and requires Maternity leave shall be granted leave without pay. Such leave shall not be considered as service for pension purposes.

Paternity Leave.

52. Parents may be granted paternity leave up to five (5) calendar days at the time of the birth of their child. Parents requesting paternity leave shall present to the Head of Department the child's Certificate of Birth.

Compassionate
Leave.

53. The Commandant may grant Compassionate leave up to a maximum of three (3) days to a member on the death of an immediate family member. Such leave shall not be charged against a member's accrued leave of the member.

Special Leave.

54.—(1) Special leave on full salary up to one (1) month in any one (1) year, may be granted by the Commandant for such purposes as may be deemed to be in the public and national interest, including, but not limited to—

- (a) enabling members to attend training;

- (b) enabling a member who are selected by the proper authorities to represent Belize in international sporting and cultural events; and
- (c) enabling a member selected by recognized unions or associations to attend training courses or conferences.

PART VII

The Coast Guard Benevolent Fund

55.—(1) There is hereby established a fund to be called the Coast Guard Service Benevolent Fund (hereinafter referred to as “the Fund”) which shall consist of,

Establishment of Benevolent Fund.

- (a) contribution of one day's basic pay per annum by every person who is a member; and
- (b) the grants, donations and benefications from any legal source from within or outside Belize.

(2) The Executive Committee shall be responsible for the management of the Fund, which shall consist of the Chief Executive Officer to the Ministry (who shall be the Chairman), the Finance Officer of the Ministry, the Commandant and the Master Chief.

(3) The Executive Committee may delegate financial responsibility for the administration of the Fund, up to a maximum amount to be specified annually by the Board, to a Consultative Committee consisting of elected members representing all ranks.

(4) The Executive Committee may, in its discretion, sanction payments from the Fund for any of the following purposes,

- (a) assistance to the spouses or families of deceased members, or to any such members who are discharged from the Coast Guard as medically unfit for further service;
- (b) assistance to serving members, to enable them to obtain specialist medical treatment outside Belize when such treatment cannot be had through the Ministry of Health or the Ministry of Social Services;
- (c) any other purpose not specified in paragraphs (a) and (b) which the Executive Committee considers to be for the general welfare of the members.

(5) The Fund shall be audited annually by or on behalf of the Auditor General who shall cause a report to be prepared and sent to the Executive Committee.

(6) The money standing to the credit of the Fund may be invested such manner as may be directed by the Executive Committee.

VIII

Affiliations with Unions or Association

Affiliations with
Unions or
Associations.

56. A member shall not belong to any trade union, or any association having its objects, or one of its objects, to control or influence the pay, pensions, or conditions under the Coast Guard. Any person who contravenes this provision shall be disqualified from continuing to be a member, and, if any member continues to act as such after becoming disqualified, he shall forfeit all pension rights and be disqualified from being employed in the Coast Guard, but where a person was a member of a trade union before becoming a member, he may, with the

consent of the Commandant, continue to be a member of that union during the time of his service.

PART IX

Coast Guard Auxiliary

57.—(1) The Commandant may, with the authority of the Commission, establish an Auxiliary which shall be known as the Coast Guard Auxiliary.

Establishment of Auxiliary.

(2) Every person in the Auxiliary shall be deemed to be a member during the period when the person is called out for service.

(3) The Commandant may with the approval of the Commission make rules relating to the formation and conditions of service of the Coast Guard Auxiliary.

PART X

Training and Career Development

58.—(1) The general direction of training policy for the Coast Guard, including the types and levels of training, is hereby vested in the Minister.

Training Requirement.

(2) The Commandant shall work along with the Minister to develop and provide training opportunities particularly in areas of expected proficiency such as seamanship, weapon handling, boarding drills, boat and personnel safety, maritime law enforcement and physical fitness in order to cultivate and maintain a high degree of professionalism in all levels of the Coast Guard.

59.—(1) The Commandant shall provide formal training for all members. Such training includes overseas and local courses in

Training Policy.

leadership, management and technical skills. Commanders shall maintain proficiency in their units. Each member shall also maintain competency in his field of work, maintain physical fitness, and generally seek personal and professional improvement. The Coast Guard shall not tolerate in efficiency, and such conduct may result in disciplinary action.

(2) A Training Directive produced by the Commandant shall provide guidelines for units to achieve proficiency in leadership, management, technical and tactical skills both at the individual and team levels.

Training Bond
etc.

60.—(1) All members, who are granted study leave or overseas training shall sign a bond with the Ministry to serve a on completion of their training as provided under the Fifth Schedule.

Fifth Schedule

(2) No bond shall be required in the case of a grant of study without pay.

3) The duration of service required by the bond shall vary depending on the duration of the course of training in accordance with the Fifth Schedule.

(4) The amount of a member's bond shall be the estimated cost of his training, and includes salary and allowances payable during the period of training an additional eight (8%) percent of the total cost. The total amount of such expenditure shall be the extent of an officer's indebtedness, and the bond shall be secured.

(5) If the training is terminated or suspended, or if the member abandons the training for any reason whatsoever, the member shall immediately resume duty and shall serve the Government for a period for which he enjoyed the benefit of the training.

(6) If the member fails to complete the requisite amount of years in the service of the Government, he shall pay to the

Government the sum of money which is proportionate to the period of service for which he is in default.

61. A member, after successful completion of an approved course of study, shall normally be required to fulfil the requirements of his bond before study leave to pursue a further course of study can be approved.

Fulfilment of bond prior to study leave.

62. Extension of study leave may be granted if it is considered that such a grant is in the interest of the Coast Guard. Where application for extension of study leave is filed it shall be accompanied by,

Extension of study leave.

(a) a letter of support from the Commandant; and

(b) evidence from the institution of learning the need and reason for the extension.

63. The Commission may grant leave without pay, for the purpose of training, to a senior officer and the Commandant to a junior officer who, on his own initiative, gains entry to or is registered as a student at an institution of learning and whose course of training is not based primarily on the needs of the Coast Guard. Such approval is subject to the exigencies of the Coast Guard and the leave shall not be considered as "service" for pension purposes.

Study leave without pay.

64.—(1) Where a member intends to undertake an approved course of study at an approved tertiary institution, which would require his absence from duty for two working days per week, the following shall apply,

Part-time study leave.

(a) the member shall forward his application to the Chief Executive Officer, accompanied by a letter of support from the Commandant, and a letter of acceptance from the institution of learning; and

- (b) study leave may be granted only in cases where—
- (i) the course of study would be of benefit to the Coast Guard; and
- (ii) evening or weekend classes are not available for the particular course.

Study leave for more than two days per week.

65. Where a member intends to undertake a course of study, at an approved tertiary institution, that would require his absence from duty for three or more days per week, the officer shall be required to utilize full time study leave.

In-service training.

66. The Chief Executive Officer shall notify each Ministry of all in-service training programmes organized and managed by the Department of Management Services to be conducted during the following year, and invite nominations of officers for such training.

Annual report from institution of learning.

67. An annual report from the institution of learning shall be submitted on behalf of a member on study leave to ensure that the member is making good use of the leave granted and is pursuing with success the course of training for which leave has been approved.

Obligation while on training.

68.—(1) A member to whom study leave has been approved shall be required to—

- (a) devote the whole time of the Member to the course of training;
- (b) sit for any examination and to write such papers or reports as may be required by the training authorities; and
- (c) resume duty immediately after the completion of the course, or at the expiry of any vacation

or other leave which may have been granted to the Member.

(2) A Member who completes the course of training prior to the expected completion date and who fails to resume duty immediately, provided vacation or other leave has not been approved, shall be subject to disciplinary action.

69.-(1) A member shall within a reasonable time after successful completion of the course of study, submit a copy of the final report, dissertation or thesis to the Chief Executive Officer and another to the Chief Archivist. The reasonable cost for the copies shall be incurred by the Government.

(2) A Member who has been the recipient of formal training may be requested to disseminate the knowledge and skills acquired for the benefit of the Coast Guard or any other Government Department.

70. The Chief Executive Officer may suspend or terminate study leave if-

Suspension or termination of study leave.

- (a) a report on the work of the Member work or the conduct of the Member on course is unsatisfactory;
- (b) a member, without reasonable excuse, fails to pass a prescribed examination within the time fixed by the authorities of the institution the Member may be attending;
- (c) the Member engages in any activity which is detrimental to the progress of the Member in the course of study prescribed;
- (d) the Member becomes unfit to complete studies owing to illness;

- (e) the Member fails to reply to correspondence or to keep the Commandant informed of the whereabouts of the Member; and
- (f) the Member is convicted on criminal charges, in or outside Belize.

Training awards.

71. Offers of training awards from national or international organizations shall be dealt with on a service basis and not on an *ad hoc* or individual basis.

Penalty for termination.

72. A Member who prematurely terminates the course of training prescribed without prior approval from the Chief Executive Officer shall be required to pay the Government a sum of money equal to the payments received prior to the premature termination, and any other amounts actually spent by the Government.

Assistance for correspondence course, etc.

73.—(1) A Member shall be eligible for financial assistance up to a maximum of three thousand dollars (\$3,000) from the Government for a correspondence course training, subject to approval being obtained before the Member attempts such course of training. Approval shall be granted where the training is of value to the public service and shall be subject to the availability of funds.

(2) The nature of the financial assistance shall be in respect of tuition and cost of books and materials for the course. One half of the cost, up to a maximum of one thousand five hundred dollars (\$ 1,500) shall be paid to the Member after approval of the application of the Member.

(3) If the Member successfully completed the course of training, the Member shall be reimbursed for the remaining costs of the course up to a maximum of one thousand five hundred dollars (\$1,500).

(4) If the Member does not successfully complete the course, he shall be required to refund the grant.

(5) A Member who receives financial assistance for a correspondence course shall submit a report at the end of each year indicating the progress on the course. If the Chief Executive Officer, is not satisfied that a Member is pursuing the course diligently, the Member may be required to repay the Government the amount spent on the training.

74. A Member who attends an approved course of training at a local institution shall be eligible for a tuition grant, subject to the availability of funds.

Training at local institutions.

75. A Member, who on his own initiative applies for and is approved study leave to pursue a self-funded course of study, shall not be considered past facto, for a refund or grant for any portion of the expenditure incurred.

Non-refundable expenses for self-initiated training.

76. The Chief Executive Officer is required to follow the guidelines shown in the First Schedule whenever recommending a member for study leave.

Guidelines for study leave.

First Schedule.

77.-(1) A Member who holds a scholarship shall be provided with half the cost of travel, to the place of study, for the Member's spouse and unmarried children below the age of eighteen (18) years, up to a maximum of four (4) passages if they accompany the Member abroad within a period of one (1) year. Full cost of travel shall be provided from the place of study to Belize.

Paid travel costs.

(2) Such assistance will be given only in cases where the family remains with the Member abroad for the full period of study.

(3) No such assistance shall be given if the scholarship holder shall be absent from the country for less than two (2) academic years

(4) The passages which shall be arranged by the Government shall be by air at economy rates. Reimbursement towards the cost of overland fares to reach the port of embarkation and

transportation of baggage shall be made having regard to the provisions of subregulation (1).

Grant of normal increment on return to duty.

78.—(1) A Member, on return from study leave, is entitled to the grant of a normal increment for each successful year of study.

(2) This Regulation shall not apply to Recruit Training Bonds as provided for under regulation 22.

PART XI

Conduct of Coast Guard Member

Responsibility of the Commandant.

79. The Commandant shall have the responsibility to command and control a Member.

Code of Conduct. CAP 4.

80. In accordance with section 121 of the Belize Constitution, a Member shall behave in such a manner as not to—

- (a) place a member in a position in which there could be a conflict of interest;
- (b) compromise the fair exercise of the official function and duties of the Member;
- (c) use the office of the Member for private gain;
- (d) demean the office or position Member;
- (e) allow the integrity of the Member to be called into question; nor
- (f) endanger or diminish respect for, or confidence in, the integrity of the Government.

Standard of behaviour.

81. A Member shall—

- (a) demonstrate the highest level of professional conduct and personal integrity in the performance of duties and in serving the public;
- (b) treat everyone, including other public officers, clients and members of the general public with courtesy, respect, fairness and objectivity;
- (c) display a positive attitude and be positive in the exercise of duties;
- (d) seek to understand and to satisfy the real needs of members of the public;
- (e) volunteer information and services as appropriate;
- (f) in the exercise of official duties, nor confer any special benefit and give preferential treatment to anyone on the basis of any special relationship; and
- (g) render service in a timely, efficient, and effective manner.

82. A Member shall not—

Prohibited
conducts.

- (a) engage in any private work for payment or gain which conflicts with official functions;
- (b) use information or any material gained from the official position of the Member for private gain;
- (c) exploit the status and privilege of the position of the Member for private gain;

- (d) solicit or accept payment or gift for the performance, or neglect of the official duties of the Member;
- (e) conduct private business during working hours or on Government property; or
- (f) participate in fraternization.

Other prohibitions related to the media, etc.

83.—(1) A Member shall not be the editor of newspapers, take part in the direct or indirect management of newspapers, nor contribute to any media in Belize or abroad on issues which may be regarded as party politics.

(2) A Member, whether on duty or on leave, shall not be interviewed nor shall a member volunteer information which respect to matters affecting the National Security of Belize.

(3) A Member shall not make statements involving public policy to the media without prior clearance from the Commandant.

Release of information. etc.

Cap. 13.

84. Subject to the previous of the Freedom of Information Act, a Member shall not, without the approval of the Commandant, make public or communicate to the media or cause to be made public or so communicate to the media or to unauthorized individuals any documents, papers or any information either electronically or in print which may come into the possession of the Member in the official capacity of the Member, or make private copies of any such documents or papers.

Public Relation Officer.

85. The Coast Guard shall have a Public Relations Officer who shall be responsible for all communication with the media after consultation with the Commandant.

Engagement related to political activities, etc.

86. A Member shall not—

- (a) run for office as a candidate in any National, Municipal or Village Council elections unless the Member first resigns from the Coast Guard;
- (b) participate actively on behalf of any political party or as candidate in any National, Municipal or Village Council elections;
- (c) accept appointment or election, whether paid or unpaid, as an officer of any political party;
- (d) accept by acclamation or nomination to a position in any Village or Municipal Council;
- (e) make speeches or answers questions at public meetings in a manner which indicates support for an antipathy towards, any political party politician;
- (f) assist in the election campaign of political candidates;
- (g) write letters to the press, which refer to political matters and indicate political party bias;
- (h) distribute literature, which advocates the pursuance of a particular political party policy;
- (i) show favor to members of a particular political party when dealing with the public as when dealing with any form of official business;
- (j) engage in any activity of a political nature which is likely to cause the Coast Guard embarrassment; or

- (k) engage in any activity or make or publish any statement to the public calculated to injure or damage the reputation of the Coast Guard.

Sexual harassment prohibition, etc.

87.—(1) A Member shall not engage in any form of sexual harassment.

Cap. 107.

(2) For the purpose of these Regulation, the term “Sexual Harassment” shall have the meaning assigned to it in the Protection Against Sexual Harassment Act.

Substance abuse prohibition, etc.

88.—(1) A Member shall not use or be in possession of any controlled drugs, or any other illegal substance at any time.

(2) A Member shall be subject to testing for the use of any illegal substance on the directive of the Commandant.

(3) A Member who undertakes to violate or violates the provisions of this regulations of this regulation commits an offence and is liable on conviction to dismissal.

Polygraph Test.

89. A member shall submit to taking a polygraph test upon the directive of the Commandant. A Member who refuses to submit to the polygraph test commits an offence and is liable on conviction to dismissal.

PART XII

Discipline

Authority to discipline, etc.

90.—(1) Pursuant to section 110D (5) of the Belize Constitution the Commandant shall have the authority to exercise disciplinary control over a member holding or acting in any office and to remove the Member form office.

(2) The Commandant shall have and possess power and jurisdiction to hear and determine all disciplinary charges

against a Member in respect of the offences provided in these Regulations.

(3) The Commandant may, in the exercise of such powers, delegate his disciplinary power to any commissioned member of the rank of Lieutenant or above, who shall then have and possess power and jurisdiction to hear and determine all disciplinary charges against any member who is of the rank of Chief Petty Officer and below in respect of the offences against discipline set out in these Regulations.

(4) In disciplinary proceedings under these Regulations—

- (a) a member may be subject to military law
- (b) a Member chosen to hear and determine disciplinary charges shall be referred to as the Adjudicator;
- (c) a Member who makes a complaint or a report containing allegations of misconduct against another shall be referred to as the Reporting Officer; and
- (d) a Member who is presenting the case shall be referred to as the Presenting Officer.

91.—(1) If a Member feels wronged by a superior officer and an application to the Commanding Officer does not obtain the redress to which the Member is entitled, the Member may make a complaint with respect to that matter to the Commission, through the Ministry, and through the Commandant(2) It shall be the duty of the Commandant on receiving any such complaint, to investigate the complaint and make a report on the complaint to the Commission in order that they may give directions.

Right to redress against superior officer.

92.—(1) If a Member feels himself wronged in any matter by an officer other than the Commanding Officer of the Member or

Right of redress against another officer.

by any Member, a complaint may be made with respect to that matter to the Commanding Officer of the Member.

(2) If a Member feels wronged in any matter by the Commanding Officer of the Member on a complaint under subregulation (1) or for any other reason, a member may make a complain to the Commission through the Ministry, and through the Commandant.

(3) The Commandant shall on receiving a complaint under subregulation (2) proceed as required under these Regulations and such manner as may be provided in the Act.

(4) On receipt of any complaint the Commission or the Commanding Officer shall, investigate and take the necessary steps for redressing the complaint.

Exemption from jury duty.

93. No Member shall be allowed to serve on any jury.

Offences of indiscipline, etc.

94.—(1) Any member who—

- (a) begins, causes, or joins in any mutiny or sedition amongst members, or who conspires with or abets any other person to cause any such mutiny or sedition, or who does not use his utmost endeavors to suppress any such mutiny or sedition, or being cognizant of any such mutiny or sedition, does not, without delay, give information thereof to his superior officer;
- (b) persuades or endeavors to persuade, procures or attempts to procure, or assists any member to desert, or being cognisant of any such desertion or intended desertion does not, without delay, give information thereof to his superior officers;

- (c) uses traitorous or disloyal words regarding Her Majesty;
- (d) steals or is in improper possession of public or private property that does not belong to him;
- (e) is disrespectful, uses insubordinate language or threatening words or action to his superior officer or other member of the Coast Guard;
- (f) willfully disobeys or refuses, fails or neglects to any lawful command;
- (g) is found sleeping on duty, or leaves his post before he has been properly relieved without lawful excuse;
- (h) drinks intoxicating liquor when on duty for which he has been specially detailed;
- (i) is found to be intoxicated on or when called for duty, or
- (j) is found frequenting liquor shops when on duty except in the discharge or such duty;
- (k) strikes or assaults any other member;
- (l) permits a prisoner to escape or fails to take prompt steps for the arrest of an offender;
- (m) parades for duty dirty or untidy in his person, arms, clothing, or equipment;
- (n) absents himself without leave;
- (o) wilfully makes any false statements, entries, or returns pertaining to the activities of the Coast Guard;

- (p) without proper authority, discloses or conveys any information concerning any investigation or matter pertaining to the Coast Guard, or any member;
- (q) is slovenly, inattentive or uncivil when on duty;
- (r) accepts or solicits a bribe or gratuity;
- (s) malingers or feigns or willfully causes any disease or infirmity;
- (t) without reasonable cause fails to appear at any parade appointed by his superior officer, at which he is required to attend;
- (u) is neglectful in carrying out an enquiry, investigation or duty;
- (v) engages without authority in any other employment or office;
- (w) offers or uses unwarrantable personal violence to or illtreats any person in his custody;
- (x) enters or remains in a public or private place without reasonable cause whilst on duty;
- (y) incurs a debt and fails to pay within a period of one month thereof unless otherwise required or permitted by the creditor;
- (z) suffer serious pecuniary embarrassment;
- (aa) knowingly makes a false accusation against any member of the public or of the Coast Guard;

- (bb) makes any false statement upon joining the Coast Guard;
- (cc) is guilty of cowardice;
- (dd) carries, keeps, uses or discharges any ammunition, firearm, or other weapon without the authority of the Commandant or without just cause, or is negligent in the use of firearms or other weapons;
- (ee) pawns, sells, loses or makes away with negligently or wilfully, or by neglect damages or fails to report any damage to any arm, ammunition, accoutrement, uniform or other article supplied to him, or any property committed to his charge;
- (ff) being under arrest or in confinement leaves or escapes from his arrest or confinement before he is set at liberty by proper authority;
- (gg) if called upon by the Commandant to furnish a full and true statement of his financial position, fails to do so;
- (hh) is guilty of any act, conduct, disorder or neglect which is declared by regulations made under this Act to be an offence against duty or discipline; or
- (ii) is guilty of any act, conduct, disorder or neglect to the prejudice of good order and discipline, not specified in this subsection,

has committed an offence against discipline and may on conviction thereof by the Commandant, or, in his absence, by an officer of the Coast Guard deputed by him, be punished under subregulation (2) for such offence.

(2) Any member who commits an offence against discipline under this regulation commits an offence and is liable on conviction to one or any combination of not more than two of the following punishments,

- (a) caution, reprimand, or severe reprimand;
- (b) fine, not exceeding the equivalent of 90 days' pay;
- (c) demotion in rank;
- (d) extra duties for a period not exceeding 28 days;
- (e) confinement to barracks for a period not exceeding 28 days, such confinement to involve the performance of ordinary duties as well as fatigue duties;
- (f) stoppage of increments;
- (g) subject to subregulation 26, forfeiture of pay for a period not exceeding one month;
- (h) surcharge for damage to property or award of compensation in favour of the injured party;
- (i) dismissal.

(3) Any delegation to act under this regulation shall be in writing under the hand of the Commandant and shall be revocable, and may be either general or special, as the Commandant thinks fit.

(4) No delegation shall be made to any member below the rank of superior officer.

(5) All convictions by any officer delegated by the Commandant, shall be submitted to, and be subject to the approval of, the Commandant, who may, subject to subregulation (6), confirm or remit the whole or any part thereof, or may enhance it, or may substitute any other sentence which is authorised to be inflicted by this regulation.

(6) The officer shall present such sentence to the Commandant to attach to his report of the case the evidence, which shall be taken on oath, and also any statement which the accused may desire to make in his defence but in every case where the sentence awarded by the officer is a sentence of dismissal or reduction in rank, the Commandant shall, before confirming such sentence, seek the approval of the Commission.

(7) The requirement of seeking the approval of the Commission specified in sub regulation (6) shall also apply where the Commandant himself is conducting the disciplinary proceedings and intends to award a sentence of dismissal or reduction in rank.

Disciplinary
procedures.

Sixth Schedule.

95. In all cases of offences by members, the Commandant or his deputy shall, while conducting disciplinary proceedings, follow the procedures as laid down in the Sixth Schedule.

PART XII

Inquiries

96.—(1) Upon the request of the Minister, the Commission, or a Commanding Officer, the Commandant may establish a Board of Inquiry to investigate and report on the facts relating to,

Establishment of
Inquiry, etc.

- (a) the inexcusable absence of a member for over 21 days;
- (b) personnel casualties;

- (c) material, vessel, weapon, ammunition, or aviation mishaps;
- (d) disciplinary proceedings;
- (e) any other matter which may be referred to the Board by the relevant authority aforementioned.

(2) The relevant authority shall promulgate the directive for the operations of the Board of Inquiry. Such directive shall specify the functions and purpose of the Inquiry, the subject matter of the investigation, and the procedures to be followed to challenge the actions of the Inquiry.

Officer who
make the
Inquiry.

97. The Board of Inquiry shall consist of three or more officers who are subject to these Regulations, one of whom shall serve as President and the President shall be of a rank not below the rank of Lieutenant Junior Grade.

98.—(1) A Board of Inquiry established under these Regulations shall conduct investigations and make findings of fact in respect of matters referred to it by the relevant authority.

Function of the
Board of Inquiry.

(2) The Board of Inquiry shall have no judicial powers, and, unless specifically requested to do so by the relevant authority, it shall not express opinions or make recommendations or final orders.

(3) The Board of Inquiry, if so directed, shall take evidence on oath or solemn affirmation.

(4) The Board of Inquiry shall make a final report of the proceedings and of its findings to the Head of Department upon completion of the Inquiry.

(5) In any case where the Board recommends that disciplinary proceedings be instituted, such recommendation shall be carried out in accordance with the procedures specified

under these Regulations or the Services Commission Regulations (SCR).

99. Where any information has been laid, or complaint or arrest made, by any member, it shall be lawful for the Commandant or any superior officer, or any member holding the rank of Petty Officer I and above, if of opinion that such information was laid, or that such complaint or arrest was made, by such member in the performance of his duty as a law enforcement officer, to appear on behalf of such member before any magistrate at any proceedings consequent upon such information, complaint or arrest, and, on behalf of such member, to conduct the information, complaint or charge, and examine and cross-examine witnesses in the same manner as if such information has been laid, or such complaint or arrest has been made, by such Commandant, superior officer, Petty Officer I and above.

Rights of Superior Officer to prosecute cases.

100. The Belize National Coast Guard Service (Terms and Conditions of Service Regulations of 2011 is repealed.

Repeal S.I No 74 of 2011.

FIRST SCHEDULE

[Regulation 4]

OFFICIAL SECRETS DECLARATION

{Declaration to be signed by members of Government Departments where desirable, by non-civil servants on being given access to Government information}

My attention has been drawn to the provisions of the OFFICIAL SECRETS ACT, and I am fully aware of the serious consequences which may follow the breach of such provisions.

I understand that the sections of the OFFICIAL SECRETS ACT, set out in this document cover material published in speech, lecture, radio or television broadcast, or press or in back form. I am aware that I should not divulge any information in

writing without the previous official sanction in writing of the Department appointing me, to which written application should be made and two copies of the proposed publications be forwarded.

I understand also that I am liable to be prosecuted if I publish without official sanction any information I may acquire in the course of my tenure of an official appointment (unless it has already officially been made public) or retain without sanction any sketch, plan, model, article, notes or official documents which are no longer needed for my official duties, and that these provisions apply not only during the period of my appointment but also after my appointment has ceased.

SIGNED—_____

DATE—_____

SECOND SCHEDULE

[Regulation 7]

QUESTIONS ON ATTESTATION OF PERSONS OFFERING TO ENLIST

The Recruiting Officer shall obtain the following information from the person offering to enlist in the Belize Coast Guard—

1. Full Name—
.....

2. Date of Birth—
.....

3. Place of Birth—
.....

4. Nationality—
.....

5. Marital Status—
.....

6. Dependents—
.....

7. Religion—
.....

8. Have you ever served in the Belize Police Department, Belize Defence Force or any other disciplined Organization?

9. If so, have you ever been rejected or discharged from service in any of the organizations mentioned in 8 above?

10. Have you ever been arrested, charged, or convicted by any court of law? If yes, give date of each appearance including pending and future appearances; name the court at which the appearances are scheduled; state the particulars of the charges, the Court’s decision and the sentence imposed, if any.

11. Have you received a notice in writing setting out the questions to be answered and the requirements of Enlistment?

12. Have you answered all the questions truthfully?

13. Are you willing to serve in the Coast Guard?

14. Do you understand that if you knowingly give a false answer to any of the questions in the attestation paper you render yourself liable to prosecution and or dismissal?

The person offering to enlist shall make a solemn declaration in the following terms in the presence of a witness (preferably the recruiting officer), and both such witness and the person offering to enlist shall sign such declaration.

“I.....do solemnly declare that the above answers made by me to the above questions are true and that I am willing to fulfil the commitment made”

The Person offering to enlist, having signed the Declaration set out above, shall swear or affirm in accordance with the Oath of Allegiance Act.

Applicant

Recruiting Officer

THIRD SCHEDULE

[Regulation 26(4)]

INCREMENT FOR QUALIFICATIONS

- 1. ENLISTED OFFICERS–
 - (a) High School Diploma

High School Diploma is the basic requirement for enlistment in the Coast Guard. Those who enter the Coast Guard with a High School Diploma will enter the pay scale at the entry point.

(b) Certificate Courses

Enlisted personnel who have pursued an approved course of studies, the minimum of which is one academic year, and at the end which a certificate is awarded will be eligible for one increment.

(c) Associates Degree

Those who qualify themselves and are in possession of an Associate's Degree are eligible to receive three increments.

2. COMMISSIONED OFFICERS-

(a) An associate degree with GPA of 2.5 is the minimum requirement for an Officer to be commissioned into the Coast Guard. Those who are commissioned with the minimum requirement will enter the pay scale at the entry point.

(b) Bachelor's Degree

An officer who enters the Coast Guard or has pursued an approved course of studies at the end of which a Bachelor's Degree is awarded will be eligible for three additional increments.

(c) Master's Degree

An officer who enters the Coast Guard or has pursued an approved course of studies at the end of

which a Master's Degree is awarded will be eligible for two additional increments.

(d) **Doctorate Degree**

An officer who enters the Coast Guard or has pursued an approved course of studies at the end of which a Doctorate Degree is awarded will be eligible for three additional increments.

FOURTH SCHEDULE

[Regulation 28(7)(b)]

SPECIALIST ALLOWANCE

1. Specialist allowance shall be paid to the following appointments—

- (a) Coxswain. A coxswain is a member of a boat crew that is responsible for navigating, steering and maneuvering the vessel. He is in charge of issuing commands to the other crewmembers for operating the vessel. Not all Coxswains are considered as specialists. In order to be considered as a specialist in this field, the nominated coxswain must be recommended by the Deck Officer, and successfully complete the Coxswain School or its equivalent.
- (b) Outboard Mechanic. An outboard mechanic is assigned either to a vessel, or a base mechanic. Mechanics are responsible to maintain the engines and accessories in an operational condition including start up and shut down procedures, trouble shooting, and underway maintenance. In order to be

considered as a specialist in this field, the nominated mechanic must be employed in the respective field, recommended by the Engineering Officer, and successfully complete an overseas course in outboard motor maintenance and overhaul, or its equivalent.

- (c) Drivers. Coast Guard divers execute a wide range of mission including, marine casualty investigations, underwater crime scene, hull inspection, recovery, demolition, EOD/IED clearance and rescue operations. In order to be considered as a specialist in this field, the nominated diver must be a part of the Coast Guard dive team, recommended by the Dive Officer, be qualified to rescue diver level.
- (d) Information Technology Technicians. IT personnel are employed in the administration and support roles. They perform duties ranging from computer hardware and software, networking, internet maintenance and other technologically based functions. In order to be considered as an IT specialist, the nominated officer must be recommended by the Logistics Officer, and possess the minimum of a Diploma in IT.
- (e) Electronic technicians. Electronic technicians install, operate, maintain, repair, modify and remove electronic equipment and systems used for all types of electronic communication, electronic detection and tracking (Radar), navigation receiving (Loran, Omega, NAVSAT), radio navigation transmitting (Loran, Omega, radio beacons, racons) and several types of computer systems. Electronics technicians serve aboard

ship and at shore stations. In order to be considered as a specialist, the nominated ET must be recommended by the Engineering Officer, and have successfully completed the USCG Electronic Technician Mates Course or its equivalent.

- (f) Health Service Technician. Health Services Technicians assist in treating sick and injured personnel in the prevention and control of disease and the administration of health services departments ashore and afloat; they perform emergency care, clinical sick call, dental care and physical examination; they inspect, investigate, recommend and supervise all matters pertaining to sanitation, including the sanitation aspects of food handling, water, sewage and waste disposal, housing and other environmental elements that affect health; they perform disease vector surveys and give required immunization; they prescribe and dispense medications, perform clinical laboratory procedures and assist in the procurement, storage and issue of medical supplies; they instruct and counsel in health maintenance and prepare and maintain medical records and reports. In order to be considered as a specialist in this field the nominated HST must be recommended by the Logistic Officer, and possess a certificate in Emergency Medical Technician's course or its equivalent.
- (g) Food Specialist. Food Services Technicians are specialist that work in the food services areas of afloat and shore Coast Guard dining facilities and are skilled in culinary arts. Food Services Technicians know food preparation; the operation of utensils and food services

equipment, sanitation and safety; procurement procedures of food items, equipment and utensils; receiving and storing subsistence items; menu-planning; inventory management; paper management and overall knowledge of food service operations. In order to be considered as a specialist, the FS must be recommended by the Logistic Officer, and possess a diploma in catering from ITVET or its equivalent.

- (h) Gunners Mate. Gunner's Mates are expert in all type of ordnance. They operate, maintain and repair all elements of various weapon systems used and stored aboard patrol boats and shore stations. They frequently perform as demolition experts. They inspect magazines, test power, stow ammunition and pyrotechnics, clean and repair small arms and train personnel in the operation and safe handling of weapons. In order to be considered as a specialist, the GM must be recommended by the Logistic Officer, successfully complete the USCG gunners mate course or its equivalent.
- (i) Welders. Welders are employed in the engineering section and perform duties such as gas metal arc welding, aluminum welding, submerged arc welding, and slag welding. In order to be considered as a specialist the nominated welder must be recommended by the Engineering Officer, possess a welding certificate from ITVET or its equivalent.

FIFTH SCHEDULE

*[Regulation 62(1)]***DURATION OF COURSE**

Course Duration	Period
Less than six calendar months	Nil
Six calendar months to less than a year	One calendar year
One academic year	Two calendar years
Two academic years	Three calendar years
Three academic years	Four calendar years
Four academic years and over	Length of study computed in calendar years

SIXTH SCHEDULE

*[Regulation 98]***PROCEDURES FOR DISCIPLINARY ACTION**

The following procedures shall be followed in the conduct of any disciplinary proceeding within the Coast Guard and in cases where these Regulations are not sufficient, the disciplinary procedures of the public services shall apply.

1. Adjudicators, Defaulters, Presenting Officers and Defence Advocates shall know that the conduct of a disciplinary hearing is not a court of law but an administrative process under the authority of the Commandant. Whilst adjudicators are not bound to comply with the provisions of the Summary Jurisdiction Act, the Indictable Procedures Act or the Evidence Act they are to ensure that all proceedings are fairly conducted to ensure that a fair and just trial occurs and that the principle of Natural Justice prevails.

Disciplinary proceedings as administrative process.

2. The standard of proof applicable shall be the balance of probability.

Requirement for standard of proof.

3. All copies of statements or reports that are intended to be used by the Presenting Officer in tribunal against a Defaulter shall be provided to the Defaulter or his Defence Advocate at least 7 days in advance of the hearing.

Parties to exchange information, etc.

4.-(1) In cases where a member has been issued with a disciplinary charge and informed of the date, time and place, he shall appear to answer to the charge and where he fails to do so, the case should be adjourned and the officer re-served to appear on a new date, time and place. This process does not preclude the prosecution from instituting other charges as a result of the defaulter failure to appear.

Absence of member from disciplinary hearing.

(2) Where the case is scheduled for hearing again and the defaulter fails to appear, this should not prevent the hearing tribunal from continuing against him where the Adjudicator is satisfied that the charge was properly served and no justifiable reason is presented for the Defaulter's failure to appear. The Adjudicator should order an *ex parte* trial and all guidelines issued in the conducting of a normal trial such as sworn testimony, recording of notes of evidence shall be adhered to. Whilst an *ex-parte* trial may be granted, this does I not preclude the prosecution from instituting other charges that may occur as a result of the defaulter's disobedience.

Appointment of
defence
advocate.

5.—(1) No member shall be appointed to serve as a Defence Advocate without his consent and no officer above the rank of Petty Officer I shall be eligible to be appointed as Defence Advocate.

(2) In order for Defaulters to appoint a Defence Advocate, the Defaulter would need to have first consult with the officer who shall indicate his willingness whereupon the Defaulter shall write to the Commandant through his Unit's Commander requesting the appointment of that person as his Defence Advocate. Under no circumstances will any Attorney be allowed to attend or participate in any disciplinary proceedings. Whenever Adjudicators receive any such request, the applicant shall be advised of the Coast Guard Service's policy and the procedures applicable.

Request for
adjournment.

6.—(1) Adjudicators when reviewing requests for adjournments beyond the first appearance shall take into consideration—

- (a) the availability of witness and the distance needed to travel for prosecution and defence;
- (b) availability of exhibits, such evidence or report from a medical doctor;

- (c) whether defaulter, complainant or witnesses will be proceeding on vacation or leaving the country; and
- (d) prevalence of the alleged offence.

(2) Adjournment shall only be granted in exceptional circumstances and for a period of 7 days but not longer than a month from the date of commencement to conclusion. No adjournment shall be made for more than 3 incidences.

7. Disciplinary proceedings shall be conducted within the department whenever any member has breached any of the offences set in these Regulations for which the Coast Guard or a senior officer has decided to institute disciplinary action against defaulter. The following terms shall have the meaning assigned to them in these Regulations.

Use of certain terms during proceedings, etc.

- (a) Adjudicator (this refers to the superior officer delegated by the Commandant to sit, hear and pass judgement on the person so charged);
- (b) Defaulter (this describes the member of the department who is charged with offences under these Regulations);
- (c) Defence Advocate (this refers to an officer below the rank of Chief Petty Officer, who is assisting the Defaulter in preparing and presenting his defence);
- (d) Presenting Officer (this refers to an officer who is presenting the case for the prosecution on behalf of the Coast Guard Service);
- (e) Disciplinary proceeding (this refers to the entire process involved in the accident of the disciplinary hearing); and

- (f) Disciplinary Journal (this refers to notes of evidence that shall be kept by an Adjudicator during the disciplinary hearing).

Responsibilities
of Adjudicator,
etc.

8.—(1) The Adjudicator shall—

- (a) at all times be just and seen to be fair;
- (b) be impartial throughout the conduct of the trial; and
- (c) not guide the Presenting Officer or Defence Advocate.

(2) The Adjudicator shall ensure that the hearing is conducted in accordance with the procedures laid down in these Regulations.

(3) The Adjudicator shall remember that the purpose of a disciplinary hearing is to enquire into the truth of any disciplinary charge and impose punishment as set out in these Regulations.

Proceedings
proper.

9.—(1) In all cases, the Adjudicator shall read the charge to the Defaulter and takes his plea on each charge separately and shall be entered on each of his charge sheets. Where the officer pleads guilty to one or more charges relating to a particular offence and not guilty to others, the Adjudicator shall determine whether to accept the plea of guilty or enter a not guilty plea and proceed with the hearing on all charges.

(2) The Adjudicator may deal with the offences to which the officer has pleaded guilty and mark the others 'NOT PROCEEDED WITH' if such course of action seems appropriate in the particular circumstances.

Defaulter
pleading guilty.

10. If the Defaulter pleads guilty the Adjudicator shall request from the Presenting Officer the following

- (a) brief facts of the case which shall be recorded in the disciplinary journal along with any available exhibits, report or information.
- (b) the Adjudicator shall ensure that the facts presented at the proceeding support the charge. If the fact does not support the charge, then the Adjudicator shall enter a plea of not guilty.
- (c) the Adjudicator shall where appropriate declare the finding of guilt and enter it on the record.
- (d) the Adjudicator should ask the defaulter to say something in mitigation or call any witness as to character before he imposes any sentence (the defaulter need not say anything if he chooses not to do so or call any witness);
- (e) the Adjudicator may pass sentence on defaulter which must be recorded (the sentence imposed must be in accordance with the law); and
- (f) the Adjudicator may call upon the Presenting Officer or the defaulter's Commanding Officer to give evidence of the member's service record and character before the sentence is passed.

11.-(1) Where a defaulter enters a plea of not guilty at his first appearance, the Adjudicator shall inform the Defaulter of the following—

Where a defaulter pleads not guilty.

- (a) his right to representation by any member and the procedures applicable; or

- (b) his right to an adjournment to prepare his defence.

(2) The defaulter shall not be required to disclose his defence or make any statement in mitigation.

Fixing date for trial.

12. Upon the reconvening of the disciplinary proceedings, the Adjudicator shall—

- (a) read the charges to the defaulter;
- (b) confirm his plea; and
- (c) ensure that all other witnesses in the case are out of hearing. Adjudicators shall remember all times that it is the duty of the Presenting Officer to establish the defaulter's guilt on the balance of probability. The same standard of proof that is required in cases of civil nature shall be adhered to in disciplinary proceedings.

Witness to be sworn in.

13. The Adjudicator shall ensure that all witnesses (prosecution and defence) called to give evidence are sworn on oath or by affirmation before the commencement of their testimony is recorded.

When to conduct examination-in-chief etc.

14.—(1) Examination-in-Chief shall be allowed where the witness statement or report as conduct to his knowledge of the events is read into evidence by the Reporting Officer. The Presenting Officer may be allowed to assist or guide the witness in presenting their evidence but shall not be allowed to lead them especially on material matters.

(2) Irrelevant matters shall not be admissible or recorded. Any exhibit related to medical or legal evidence like photographs shall be identified by the witness and tendered to the Adjudicator at this stage.

(3) The Adjudicator may at any time examine the witness to clarify pertinent points. Evidence or other testimony given shall be recorded by the Adjudicator in writing and at the conclusion signed and dated by him as correct.

15.—(1) The accused officer or his Defence Advocate shall be given the opportunity to cross examine each witness on the conclusion of their testimony about their testimony and other matters.

Witness to be cross examined.

(2) All such questions and the answers recorder under subregulation (1) shall be recorded by the Adjudicator who shall ensure that fair play is done without bias. The Presenting Officer at the conclusion of each witness testimony shall clearly signify the end of the evidence form the witness for the prosecution without any additional comment.

16. Re-examination shall be allowed at the conclusion of the cross examination of the witness by the Defaulter of his Defence Advocate. The prosecution shall be given the right to re-examine any new matters that arose as a result of the cross examination. The Adjudicator shall not allow the introduction or admittance of new matters or evidence.

Conduction re-examination.

17. When the Presenting Officer's witness has completed his testimony the Reporting Officer shall inform the Adjudicator that witness has concluded his testimony and that the prosecution is closing its case.

Close of case.

18.—(1) Following the close of the prosecution's case, the Defence Advocate or the Defaulter may choose to address the Adjudicator by making a no case submission. Consequent upon his address, the Presenting Officer shall have the right to address the Adjudicator in order to rebut the defence of no case submission if he chooses to do so. Nonetheless, the Adjudicator at the conclusion of the defence address and or the prosecution address will rule as to whether or not the prosecution has established a *prima facie* case.

No case submission.

(2) If the Adjudicator rules that the defaulter had no case to answer, all charges shall be dismissed against the defaulter.

Right to review.

19.—(1) Where the Adjudicator rules that the defaulter has no case to answer the following a no case submission, the prosecution shall have the right to apply for a review of the decision by the Commandant.

(2) In applying subparagraph (1), the following steps shall be adhered to

- (a) the Presenting Officer shall inform the Adjudicator of his verbal application for a review of the decision;
- (b) the prosecution shall forward a written request within 7 days of the decision made by the Adjudicator, establishing the grounds or reason for requesting the review; and
- (c) the Adjudicator shall forward to the Commandant within 10 working days the typewritten transcript of the witness's testimony and address made up to the point the Adjudicator made the ruling of "No case to answer."

(3) If Commandant reviews the testimony, the Adjudicator, Presenting Officer and the Defence Advocate or the Defaulter shall be informed of the Commandant's decision in writing. Where the Adjudicator has erred, the Commandant may choose to appoint a new Adjudicator and order the case to be re-tried.

Establishment of *prima facie* case.

20. Where the Adjudicator is satisfied that based on the evidence presented there is a *prima facie* case of indiscipline, the Defaulter or his Defence Advocate shall be informed that—

- (a) a *prima facie* case has been established;

- (b) he has a case to answer; and
- (c) he shall present his defence.

21. Where the Adjudicator has ruled that the Defaulter has a case to answer, the Defaulter shall be informed of the following rights—

Rights of
Defaulter.

- (a) make a sworn statement or affirmation where he may be questioned by the Reporting Officer and Adjudicator;
- (b) make an unsworn statement where neither the Reporting Officer nor the Adjudicator can ask him any question;
- (c) he can opt to remain silent; or
- (d) regardless of whether he elects to exercise rights set out under this regulation he is entitled to call any witnesses he may have in his defence. He shall also be advised that in regards to exercising his rights he would carry more weight with the Adjudicator as his credibility can be tested.

22.—(1) The Defaulter in presenting his defence may give evidence on oath or otherwise. Witnesses called for the defence may be assisted by the Defaulter or by the Defence Advocate.

Presentation of
Defence Case.

(2) The Reporting Officer may cross examine all defence witness if he chooses to do so. The Adjudicator may also cross examine to obtain clarification of evidential value. All evidence, question and reply shall be recorded in writing and at the conclusion signed by the Adjudicator.

(3) Adjudicators shall allow the defence to present its case in the same manner as the prosecution and that the same rules shall apply.

- Right to address, etc.
- 23.** At the close of the defence's case, the Presenting Officer shall have the right to address the Adjudicator if the prosecution so desires. The address shall be brief summary of the evidence presented at the tribunal to assist the Adjudicator in arriving at a decision. If the prosecution fails to exercise its right to address, the defence still retains the right to do so.
- Presentation of verdict.
- 24.**—(1) When the defence evidence has concluded and their case is closed, the Adjudicator may if he deems it necessary adjourn the hearing for consideration of the evidence and preparation of the written judgement which shall be given verbally at the resumed hearing.
- (2) If the Defaulter is found to be not guilty, the record of the proceedings shall be endorsed and the hearing concluded.
- (3) Where the Defaulter is found to be guilty, the Adjudicator shall enter his finding of guilty on the record. The Adjudicator may call upon the Presenting Officer for the defaulter's service record and character whereupon the sentence shall be imposed stating the reason for the decision.
- Penalties.
- 25.** The Adjudicator shall pass sentence on a defaulting member by any one or combination of not more than two of the following sentences,
- (a) caution, reprimand or severe reprimand;
 - (b) fine not exceeding the equivalent of ninety days pay;
 - (c) reduction in rank;
 - (d) extra duties for a period not exceeding twenty-eight days;
 - (e) confinement to barracks for a period not exceeding twenty-eight days, such

confinement to involve the performance of ordinary duty as well fatigue duties;

- (f) stoppage of increments;
- (g) subject to paragraph 26, forfeiture of pay for a period not exceeding one month;
- (h) surcharge for damage to property or award of compensation in favour of the injured party; or
- (i) dismissal.

26.—(1) When a guilty verdict is passed, the defaulter shall inform the Adjudicator whether or not he intends to appeal such sentence. In cases where he indicates that he will appeal, he shall be advised that such appeal must be in writing and shall contain the ground for his appeal, which shall be submitted within two weeks.

Right of Appeal.

(2) An appeal shall be addressed first to the Commission.

(3) If the Appeal is not successful under subparagraph (2), as second appeal may be made to the Belize Advisory Council in accordance with section 110(d) (5) of the Belize Constitution.

CAP. 4.

27.—(1) The Adjudicator shall give to the Commandant a typewritten Notes of Evidence within 7 working days after the conclusion of all findings.

Record of proceedings.

(2) In all cases where the sentence as awarded, confirmed, reduced or altered under the provisions of regulation 96 which is a sentence of dismissal or reduction in rank, the Notes of Evidence shall be forwarded to the Commission.

Appeal to the Commission, etc.

28.—(1) Where an appeal is filed with the Commission or the Belize Advisory Council pursuant to paragraph 26, the Director of the Commission and or the Secretary to the Council shall immediately inform the Commandant of such an appeal.

(2) Where an appeal is filed under this regulation the Commission or the Belize Advisory Council may affirm or set aside the decision appealed against or make any other decision which it deems appropriate.

Forfeiture of right to pay on imprisonment.

29. Any member who has been sentenced to imprisonment, or who is absent without to pay on leave shall forfeit all right to pay during the period of imprisonment or absence, and all fines or penalties imposed upon any member for any offences under the Act or for the breach of any regulation made hereunder, may be enforce by deducting the amount for any pay due or which may become due to the member so fined.

Interdiction for criminal offence.

30. The Commandant may recommend to the Commission to interdict from duty any member, where the alleged offence committed by the member is of a criminal nature and the Commandant considers that the public interest requires that the member should cease to exercise the functions of his office instantly, he may be interdicted from the exercise of the powers and functions of his office, in any case where legal proceedings are being taken or about to be taken against him.

Interdiction for offence against Regulations.

31. The Commandant may recommend to the Commission to interdict from duty any such member who acts in contravention of these Regulations or any rules made hereunder, but such member shall not, by reason of such interdiction, cease to be a member.

Power of abeyance on interdiction.

32.—(1) The powers, privileges and benefits vested in a member shall, during his interdiction, be in abeyance, but he shall continue to be subject to the same responsibilities, discipline and penalties, and to the same authority as if he had not been interdicted.

(2) A member who is interdicted from duty may be allowed to receive such proportion of his pay as the Commission may approve.

(3) On the termination of any period of interdiction from duty of any member the Commission may if it thinks fit direct the whole or any part of the pay stopped under this regulation to be paid to such member.

(4) If the member has been acquitted of the charges laid against him all arrears of pay withheld during such interdiction shall be paid to him.

33.-(1) In every case where it appears to the Commandant that the offence the accused has committed cannot be adequately punished with any of the punishments provided in regulation 96(2) he may order that the accused be taken before a Magistrate to be dealt with as provided in sub paragraph 3.

Accused taken before a Magistrate.

(2) Where money is seized and forfeited as a result of the Coast Guard's investigation, the Minister of Finance may by Order transfer an amount not exceeding one-third of such money to the credit of the Fund.

(3) Where an accused person is taken before a Magistrate under this section, he shall be liable on summary conviction for any offence mentioned in regulation 96(1) to a fine not exceeding three months' pay or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

(4) No proceedings shall be taken against any member under this subregulation in respect of any offence for which he has already been punished under any of the preceding regulations.

34.-(1) The Commission may reduce in rank or dismiss any member from the service after conviction by any court in respect of any offence whether under these Regulation or any

Dismissal upon return of guilty verdict in criminal charge, etc.

law, unless such a member has filed an appeal against such conviction.

(2) If a member is convicted on a criminal charge serious enough to warrant his dismissal, he shall not receive any salary from the date of conviction, pending consideration of his case by the Commission.

Fines recovered by stoppage from pay.

35. Subject to regulation 35, all fines imposed on a member for an offence under these Regulations or any rule made hereunder shall be recovered by stoppage from the pay. Offender's pay due, or to become due, to such offender.

Power terminates on dismissal from service.

36. If any member is dismissed or ceases to belong thereto, all powers and authorities on dismissal from vested in him shall immediately cease.

Loss, damage recoverable by stoppage of pay.

37. If any members pawns, sells, loses by neglect, makes away with or wilfully or recoverable negligently damages any arm, ammunition, accoutrement, uniform or other article by stoppage supplied to him or any property committed to his charge, he may, in addition to or in lieu of any other punishment, be ordered to make good the amount of such loss or damage, and such amount may be recovered by deduction from his pay.

Commandant may institute disciplinary proceedings.

38.—(1) The Commandant may institute disciplinary proceedings against any member whose conduct is the subject of—

- (a) a criminal charge;
- (b) an investigation by the Police; or
- (c) criminal proceedings in any court.

(2) Disciplinary proceedings may be instituted under subregulation (1) notwithstanding that the member has appealed a conviction arising out of the criminal proceedings.

40. A member who is acquitted of a criminal charge in any court is not precluded from having proceedings instituted against him under these Regulation in respect of an alleged act of misconduct arising out of that criminal charge.

Disciplinary procedures arising out of acquittal of criminal proceedings.

41.-(1) A member who, while on secondment, is alleged by the receiving organization to have committed an offence or act of misconduct, shall be returned by receiving organization to the Coast Guard and shall be suspended from duty pending investigation into the case.

Disciplinary procedures for members on secondment.

(2) The Commandant may proceed to institute disciplinary proceedings against such member under Part XII.

MADE by the Security Services Commission this 27th day of June, 2017.



(CHARLES GIBSON)
Chairman
Security Services Commission

CHAPTER 131-01**BELIZE NATIONAL COAST GUARD SERVICE
ACT(COMMENCEMENT) ORDER****ARRANGEMENT OF PARAGRAPHS**

1. Short title.
2. Commencement 5of Act No. 19 of 2004.

CHAPTER 131-01

**BELIZE NATIONAL COAST GUARD SERVICE
ACT(COMMENCEMENT) ORDER**

88 of 2005.
Ch. 131-01.
R.E. 2020.

(Gazetted 9th July, 2005.)

1. This Order may be cited as the

Short title.

**BELIZE NATIONAL COAST GUARD SERVICE¹
ACT(COMMENCEMENT) ORDER.**

2. In exercise of the powers conferred upon me by section 14 of the Belize National Coast Guard Service Act, and all other powers thereunto me enabling, **I, RALPH FONSECA**, Minister of Home Affairs, do hereby appoint the **6th day of July 2005** as the day when the said Act shall come into force.

Commencement
of Act No. 19 of
2004.

MADE this 5th day of July, 2005.

(RALPH FONSECA)

Minister of Home Affairs and Investment

¹ The Act was renamed Coast Guard Act by Act No. 3 of 2016.