



BELIZE

BELIZE ARCHIVES ACT CHAPTER 333

REVISED EDITION 2000 SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

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| Amendments in force as at 31st December, 2000. | |



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CHAPTER 333

BELIZE ARCHIVES

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CHAPTER 333

BELIZE ARCHIVES

CAP. 269A,
R.E. 1980-1990.
8 of 1984.
S.I. 48 of 1984.

[1st August, 1984]

Short title and
commencement.

1.-(1) This Act may be cited as the Belize Archives Act.

(2) This Act shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint.

Interpretation.

2. In this Act, unless the context otherwise requires-

“Belize Archives Department” means the Belize Archives Department established under this Act;

“Government Archivist” means the Government Archivist appointed under section 4 of this Act;

“local authority” means the Belize City Council established under the Belize City Council Act, the Belmopan City Council established under the Belmopan City Council Act; or a Town Council of any town established under the Town Councils Act; CAP. 66.
CAP. 67.

“manuscript” means any handwritten document made of paper, copper, silver, gold or other material except granite;

“Minister” means the Minister responsible for Archives;

“public archives” means all public records and any other manuscript, document or printed matter more than thirty years old and which are kept or deposited at the Belize Archives Department for permanent preservation;

“public office” means-

- (a) the office of the Governor-General;
- (b) the office of the Cabinet of Ministers;
- (c) the office of the National Assembly;
- (d) the office of any Minister of Government;
- (e) the office of any Government department;
- (f) the office of any court of law;
- (g) the office of any local authority;
- (h) the office of any authority constituted or incorporated by any enactment,

and includes an office of a Commission or Committee of Inquiry appointed by a Minister;

“public record” or “record” means any original or copy of any manuscript, paper, letter, register, report, book, magazine, map, chart, plan, drawing, picture, photograph or machine-readable record or part thereof either handwritten, drawn, printed or produced in any other way on paper or on any other material except granite and officially received or produced or prepared in any public office in the course of its official functions and includes any cinematograph, film, recording, tape, disc or machine-readable record received in any public office, and includes judicial records and office papers of a Minister of Government;

“printed matter” means any book, magazine, leaflet, newspaper or any other paper containing information printed by any mechanical or other process;

“responsible officer”, with reference to any public office, means the head of that office or the officer for the time being discharging the duties and functions of the head of that office.

Establishment of
Belize Archives
Department.

3. There is hereby established an Archives Office which shall be known as the Belize Archives Department.

Appointment of
Government
Archivist and
other officers.

4.-(1) There shall be appointed-

- (a) a person by name or by office to be or to act as the Government Archivist; and
- (b) such other officers and servants as may be necessary for the purpose of this Act.

(2) Every person holding any office in the Belize Archives Office on the day immediately preceding the date on which this Act comes into operation shall be deemed to hold the same office in the Belize Archives Department established under this Act.

5.-(1) There shall be an official seal of the Belize Archives Department of a design approved by the Minister, and such seal shall be judicially noticed. Official seal.

(2) The seal of the Belize Archives Department shall be kept in the custody of the Government Archivist and may be used by him or by any officer authorised by him in that behalf for the purposes of the Belize Archives Department.

6.-(1) There shall be established a Board, to be called “the Belize Archives Advisory Board” (hereinafter referred to as the “Advisory Board”) which shall consist of eight persons. Belize Archives Advisory Board.

(2)(a) The members of the Advisory Board shall be appointed by the Minister.

(b) The Chairman shall be such member of the Advisory Board as may be designated by the Minister. Where the Chairman is temporarily unable, through illness or other cause, to perform the functions of his office, the Minister shall designate another member of the Advisory Board to act as Chairman during the inability of the Chairman.

(c) Unless he earlier vacates office, resigns, dies or is removed by the Minister, every member of the Advisory Board appointed by the Minister shall hold office for a period of three years from the date of his appointment.

Any member vacating office by the passage of time shall be eligible for re-appointment.

(3) The Government Archivist shall be the Secretary to the Advisory Board.

(4) The quorum at any meeting of the Advisory Board shall be five members of the Advisory Board.

Functions of the
Advisory Board.

7. The functions of the Advisory Board shall be to advise the Minister on reference by him on matters relating to-

- (a) the location, preservation and use of public archives;
- (b) the custody and transfer of public records;
- (c) the conditions and restrictions on which public records available for research or any of them may be inspected and published;
- (d) inspection and preservation of documents and manuscripts of historical or cultural or literary value in private possession;
- (e) inspection by members of the public of public archives and public records; and
- (f) editing and publishing of public archives and private manuscripts.

Powers and duties
of the
Government
Archivist.

8.-(1) Subject to the direction and control of the Minister, the Government Archivist shall have charge of the Belize Archives Department and of the public archives and public records deposited therein or transferred thereto and in addition to the specific functions conferred or imposed on him by this Act, he shall take all such measures as are necessary for the conservation of public archives, public records and private manuscripts.

(2) Subject to the provisions of this Act and any regulations made thereunder, the Government Archivist, or any other officer of the Belize Archives Department authorised by him, shall have the power to do all such things as appear to him to be necessary or expedient for the purpose of the efficient administration of this Act and may, in particular-

- (a) make available and publish lists, indices, guides,

inventories, calendars, texts, translations and such other things as may be necessary as aids to the use of the public archives;

- (b) subject to such terms and conditions, if any, on which any records or manuscripts are transferred to or acquired by the Belize Archives Department, produce, edit, print or make any other public use of any public archives in his custody;
- (c) provide for the restoration and conservation of public archives and public records in a suitable manner and make photographic reproductions or duplicate copies of any public archives where necessary;
- (d) produce or cause to be produced for inspection by any individual any public archives or public records open to public inspection;
- (e) acquire by purchase, donation, bequest, contract or otherwise or take on loan any record, manuscript or document on any material which, in his opinion, should be deposited in the Belize Archives Department for permanent preservation;
- (f) examine any record, manuscript or document containing references to Belize or which had its origin in Belize but lies outside Belize, with a view to securing, either on loan or by purchase, the original or any copy thereof;
- (g) examine any collection of records or printed material in private possession for purposes of listing and recording and render such technical aid or assistance as may be necessary for the conservation and preservation of such

records or printed material;

- (h) hold public exhibitions or expositions of any class or description of public archives, private documents, manuscripts or printed material deposited in the Belize Archives Department, either in the premises of the Belize Archives Department or elsewhere;
- (i) with the consent of the public office which produced the record, or the owner if known, who transferred the record, microfilm any record.

(3) The Government Archivist shall, in addition to the functions imposed upon him by the other provisions of this Act, from time to time make recommendations to the Minister on the following matters-

- (a) the retention or destruction of public records;
- (b) the transfer of public records to the Belize Archives Department; and
- (c) the classification of public records for any of the purposes in (a) and (b) above.

(4) The Government Archivist shall signify to the Minister those public records which, in his opinion, are of enduring or historical value.

(5) The Minister may give directions for the purpose of giving effect, whether with or without modification, to the recommendations made by the Government Archivist.

(6) The Government Archivist may in writing delegate any of his powers and functions under this Act to any officer of the Belize Archives Department.

9.-(1) The Government Archivist shall have access to any place of deposit of public records and shall have the power to examine such records with a view to listing them or collecting information therefrom or to taking such steps as are necessary for their transfer to the Belize Archives Department for preservation.

Selection and transfer of public records to the Belize Archives Department.

(2) It shall be the duty of the responsible officer of any public office or any other person for the time being having custody of any public records-

- (a) to afford the Government Archivist or any other officer authorised by him in writing all facilities for the examination and selection of such public records for permanent preservation and for the transfer of such public records to the Belize Archives Department;
- (b) to keep in safe custody in such public office any class or description of public records selected by the Government Archivist or by such other officer pending the transfer of such records to the Belize Archives Department;
- (c) to perform such duties in connection with the selection and listing of such public records in his custody for transfer to the Belize Archives Department as may be required by the Government Archivist;
- (d) to transfer any public records, selected by the Government Archivist, whether thirty years old or not, as are not required by such public office to the Belize Archives Department:

Provided however, that the transfer of any public records less than thirty years old to the Belize Archives Department may be temporarily deferred and such records retained in such public office for administrative

or other purposes for such period as may be agreed between the responsible officer and the Government Archivist:

Provided further that in respect of any public record which is not less than thirty years old if the responsible officer considers it to be of confidential or secret nature, or that it contains any other information which should not be divulged to the public, he may, after consultation with the Government Archivist, decide whether such public record should remain closed or not to be transferred or whether conditions should be attached to its transfer to the Belize Archives Department and if so what the conditions should be. The Government Archivist or any other person, if dissatisfied with the decision of the responsible officer, may apply to the Advisory Board which shall then decide whether such public record is of a confidential or secret nature and whether it should remain closed or whether conditions should be attached to its transfer to the Belize Archives Department or to its inspection and if so, what the conditions should be and shall render advice to the Minister accordingly;

- (e) to furnish the Government Archivist with two copies of all published reports relating to his department or office which are available to the public, within a period of three months after such reports have been published.

Procedure relating to documents where public office is to be closed down.

10. Where any public office is due to be closed down or wound-up the responsible officer of such public office shall transmit to the Government Archivist a complete list of all public records in that office and shall make arrangements to deposit in the Belize Archives Department such records as the Government Archivist may select or require for permanent preservation

in the Belize Archives Department.

11.-(1) Public records less than thirty years old shall be kept separately from the public archives in the Belize Archives Department.

Preservation and inspection of public records.

(2) Public records less than thirty years old in the Belize Archives Department shall ordinarily be regarded as confidential and shall not be available to any person for research unless the material contained therein has previously been published for general information or unless the Minister has, through his Permanent Secretary, given permission to examine the record.

(3) The Advisory Board shall, on reference by the Minister, render advice to him as to the conditions and restrictions under which his permission may be given for any public record or records less than thirty years old to be made available for research or under which they or any of them may be inspected or published.

(4) Where any public record which is less than thirty years old has been deposited in the Belize Archives Department, such record may be re-transferred to the public office which sent it to the Belize Archives Department if it is required for use in such office.

12.-(1) It shall be the duty of the Chairman of any Commission or Committee of Inquiry to deposit all records relating to such Commission or Committee, as the case may be, at the Belize Archives Department within three months after the rendering of the final report of such Commission or Committee, as the case may be.

Records of Commissions to be transmitted to the Government Archivist.

(2) It shall be the duty of the Mayor of any local authority in Belize, and of the Chairman of any public corporation, statutory body or similar institution to furnish the Government Archivist with two copies of every published report referring to his institution within three months after such report has been published.

(3) It shall be the duty of the publisher of any book, newspaper,

periodical, journal, novel or any other matter printed in Belize for public sale or distribution to furnish the Government Archivist with two copies of the same within three months after such publication has been published.

Documents and manuscripts in private possession.

13.-(1) Any private individual or the chief executive officer of any institution in possession of any manuscript or document over fifty years old relating to Belize, being a manuscript or document of historical, cultural or literary value, shall notify the Government Archivist of the existence of such document or manuscript.

(2) Such individual or executive officer shall afford the Archivist all facilities to inspect such manuscript or document.

(3) Such individual or executive officer shall, if so agreed between him and the Government Archivist, deposit at the Belize Archives Department such manuscript or document on a permanent or temporary basis, as the case may be, or may permit the Government Archivist to make a photocopy of the same, and may specify the conditions subject to which such manuscript or document shall be made available for public inspection or extracts of copies therefrom shall be taken for publication or for any other purpose.

(4) For the purposes of this Act, it shall be lawful for the Government Archivist to declare any manuscript or document to be of historical, cultural or literary value and upon such declaration, to enter the particulars of the same in a register kept by him for the purpose.

(5) Any person who does not agree with the declaration of the Government Archivist may appeal to the Minister against the declaration of the Government Archivist and the Minister's ruling on the matter shall be final.

Prohibition of export of certain documents and manuscripts from Belize.

14.-(1) No person shall, except on the authority of a licence issued in that behalf by the Minister, export, take or send or cause to be exported, taken or sent out of Belize any public record, document or manuscript or any

other printed matter being of historical or cultural or literary value.

(2) The Minister may in his discretion refuse to issue a licence if he considers that such record, document or manuscript is of such historical, cultural or literary value that such export, sending or taking will not be in the national interest.

(3) The Minister may lay down conditions subject to which a licence under subsection (1) of this section may be issued.

15. No public records may be destroyed except with the written consent of the Government Archivist. Destruction of public records.

16. A copy of or an extract from any public archives, public records or any private document or manuscript deposited in the Belize Archives Department purporting to be duly certified as true and authenticated by the Government Archivist or any other officer authorised by him in writing for the purpose, and having impressed thereon the official seal of the Belize Archives Department, shall be admissible in evidence in any proceedings in any court in like manner and to the like extent as the original document or manuscript would have been admissible. Authentication of copies and extracts.

17.-(1) There shall be established a fund to be known as “the Archives Fund” to be used for the purchase of any record, document or other material which, in the opinion of the Minister, is or is likely to be of historical, cultural or literary value in relation to Belize. Establishment of Archives Fund.

(2) There shall be paid into the Archives Fund such sums as the National Assembly shall appropriate thereto, and any sums donated to it by way of bequest or otherwise.

(3) No expenditure shall be charged to the Archives Fund unless the approval of the Minister is given thereto in writing.

18.-(1) Subject to regulations under section 19 (1) (d) of this Act, public archives shall be automatically available for use and inspection by the public Inspection of public archives.

except in cases prescribed by the Minister.

(2) The Minister shall, after consultation with the Advisory Board, prescribe those individual cases or classes of case which are considered exceptional.

Regulations.

19.-(1) The Minister may make regulations for any one or more of the purposes hereinafter set out-

- (a) selection of public records and private documents and manuscripts for permanent preservation, their transfer to and deposit in the Belize Archives Department and the measures to be taken for their effective preservation in the Belize Archives Department;
- (b) temporary deposit of any specified class or description of public records at places other than the Belize Archives Department pending their transfer to the Archives Department;
- (c) rare and custody of public records in Government departments and other institutions;
- (d) public access to the public archives and the terms and conditions, including the charging of fees, subject to which public archives of any specified class or description of public archives are open to inspection;
- (e) prohibition or restriction of the disclosure of information obtained by the public from public archives;
- (f) maintenance of secrecy by officers of the Belize Archives Department in respect of which secrecy is required to be maintained by or under any written law;

- (g) purchase from private individuals or organisations of manuscripts and documents and other printed matter of historical or cultural or literary value for permanent preservation in the Belize Archives Department;
- (h) holding of exhibitions and expositions of public archives; and
- (i) prescribing anything which under this Act the Minister is authorised to prescribe.

(2) Regulations under subsection (1) may refer separately to public archives and public records.

20. Any person who knowingly defaces, marks, mutilates or causes damages to any record, manuscript or document deposited in the Belize Archives Department, or who destroys any public record otherwise than in accordance with the provisions of this Act or who contravenes any provisions of this Act or any regulations made thereunder commits an offence and, on summary conviction, shall be liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

Penalties.

21.-(1) When a public record or document required to be maintained under any written law is transferred to or deposited in the Belize Archives Department for permanent preservation under the provisions of this Act, such record or document shall be deemed to be maintained in the Belize Archives Department under the provisions of the first-mentioned written law, and accordingly the provisions of that written law shall apply to and in relation to such public record or document.

Records, etc., maintained under certain written laws but transferred to the Belize Archives Department considered to be maintained under those written laws.

(2) Where any dispute arises between the Government Archivist or any other person and the responsible officer of any public office as to whether any public record or document should be maintained in such public office or transferred to or deposited in the Belize Archives Department, such

dispute shall be determined by the Minister, subject to the provisions of the last *proviso* to section 9(2) (*d*) of this Act in cases where they apply, and such public record or document shall be dealt with in accordance with the Minister's directions.
