



No. 7 of 2004

I assent,

(SIR COLVILLE N. YOUNG)

Governor-General

16th February, 2004

AN ACT to establish the Belize Archives and Records Service to take over and manage the functions currently performed by the Archives Department; to specify the duties and functions of the Belize Archives and Records Service; to repeal the Belize Archives Act, Chapter 333 of the Substantive Laws of Belize, Revised Edition 2000; and to provide for matters connected therewith or incidental thereto.

(Gazetted 21st February, 2004.)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:—

PART I

PRELIMINARY

1. This Act may be cited as the

Short title.

**BELIZE ARCHIVES AND RECORDS SERVICE
ACT, 2004.**

Interpretation.

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

“archives” means records of continuing value regardless of form or medium which are selected for permanent preservation;

“Belize Archives and Records Service” means the repository in which records and archives of any public office, private institution or individual in Belize are preserved and made available for consultation;

“current records” means records regardless of form or medium which are regularly used for the conduct of current business of any public office, private institution or individual;

“Director” means the Director of the Belize Archives and Records Service appointed under section 5;

CAP. 85
CAP. 86
CAP. 87

“local authority” means a City Council established under the Belize City Council Act, the Belmopan City Council Act or the Town Councils Act.

“manuscript” means any handwritten record made of any material except granite;

“Minister” means the Minister responsible for Archives;

“printed matter” means any books, dissertations, magazines, pamphlets, newspapers, maps, plans, drawings, paintings, photographs, reports or any recorded information regardless of form or medium;

Schedule.

“private records” means records other than public records as specified in the Schedule;

“public office” means any institution, body or individual which creates, receives and maintains public records;

“public records” means the records specified in the Schedule;

“records” means any manuscript, printed matter, recordings or any information regardless of form or medium created, received and maintained by any public office, private institution or in the transaction of business;

“recordings” means films, slides, phonographic records, audio and video tapes, diskettes, CDROM or anything on which sounds or images or both are fixed, regardless of form or medium;

“records centre” means a building designed and constructed or converted for the low-cost storage, maintenance and use of semi-current records pending their ultimate disposal;

“the Repealed Act” means the Belize Archives Act; CAP. 333.

“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;

“retention and disposal schedule” means a document describing the records of an institution or records management unit authorizing specified retention periods for records of continuing administrative value and/or those to be permanently preserved or disposed of;

“semi-current records” means records regardless of form or medium of any public office, private institution or individual which are required only infrequently for the conduct of current business; or files and other assemblies of records on which no action has been recorded for five years;

“vital records” means those records regardless of form or medium without which any public office could not continue to function in the event of a disaster.

**Reckoning
of time.**

3. (1) Any period of time specified by this Act shall be effective from the first day of January in the year immediately following the last date of closure on a file or other assembly of records.

(2) Where records created on different dates are for administrative purposes kept together on a file or other assembly of records, all the records on that file or assembly shall be treated for the purposes of this Act as having been created on the date of the last enclosure.

PART II

BELIZE ARCHIVES AND RECORDS SERVICE

**Establishment
of Belize
Archives and
Records
Service.**

4. Upon the commencement of this Act, the Belize Archives Department established under the Repealed Act shall be known as the Belize Archives and Records Service.

**Functions of
Belize
Archives and
Records
Service.**

5. The Belize Archives and Records Service shall:

- (a) assist public offices and other institutions to follow good record keeping practices;
- (b) advise public offices, private institutions and individuals on best practices and establish and monitor professional information management standards;
- (c) establish and implement procedures for the timely disposal of records of no continuing value and the transfer of those of permanent value to the Belize Archives and Records Service;

- (d) acquire, organize, preserve and provide access to records and archives for public consultation;
- (e) identify and secure vital records and coordinate with other bodies responsible for disaster planning with respect to the management of vital records;
- (f) promote the historical, cultural and literary value of records and archives through exhibitions, outreach services and other dissemination activities.

6. (1) There shall be a suitably qualified Director who shall be the Head of the Belize Archives and Records Service appointed by the Public Services Commission.

**Director of
Belize
Archives and
Records
Service.**

(2) The Office of Director and all other staff of the Belize Archives and Records Service shall be offices in the Belize Public Service.

7. The Director shall be the officer-in-charge of the Archives and Records Service and shall be responsible for:

**Powers and
Duties of the
Director.**

- (a) the management of daily activities of the Belize Archives and Records Service;
- (b) implementing general policies as established;
- (c) taking all such measures as are necessary for the acquisition, promotion, access and preservation of records and archives;
- (d) such other matters as this Act may specifically assign to the Director or as the Minister may direct.

Staffing.

8. (1) There shall be established under this Act, a Records and Archives Group to assist in carrying out the functions of the Belize Archives and Records Service specified in section 5.

(2) Members of the Records and Archives Group shall include staff in the various Records Management Units throughout the Belize Public Service and the staff of the Belize Archives and Records Service.

(3) The Head of the Records and Archives Group shall be the Director.

(4) There shall be established a scheme of service with defined responsibility for the administration of the Records and Archives Group.

(5) The Director shall facilitate the necessary in-house training of the Records and Archives Group with respect to the management of public records.

(6) All staff of the Belize Archives and Records Service shall:

(a) take an oath of secrecy; and

(b) conform to any specific security requirements in areas to which their duties may require they have access.

Official seal.

9. (1) There shall be an official seal of the Belize Archives and Records Service which shall be judicially noticed.

(2) The seal of the Belize Archives and records Service shall be kept in the custody of the Director and may be used by him or by any officer authorized by him in the administration of the Belize Archives and Records Service.

10. (1) There shall be established a Records and Archives Advisory Board (in this Act referred to as the “Advisory Board”) which shall consist of nine persons appointed as follows:-

**Records and
Archives
Advisory
Board.**

- (a) eight members shall be appointed by the Minister, who shall be persons representative of educational, cultural, religious and business associations or bodies, or persons interested in the improvement of the Belize Archives and Records Service;
- (b) the Director, who shall be the Secretary to the Advisory Board; and
- (c) the Chairman, who shall be such member of the Advisory Board as may be designated by the Minister.

(2) Where the Chairman is temporarily unable, through illness or other cause, to perform the functions of his office, any member of the Advisory Board unanimously nominated by its members may act as Chairman during the inability of the Chairman.

(3) Unless a member earlier vacates office, resign, dies or is removed by the Minister, he shall hold office for a period of three years from the date of his appointment.

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

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

11. (1) The Advisory Board shall be responsible for:

**Functions of
the Advisory
Board.**

- (a) advising the Minister on general policies relating to the management of records and archives;
- (b) advising and supporting the Director in the efficient administration of the Belize Archives and Records Service;
- (c) such other matters as this Act may specifically assign as the Minister may direct.

(2) The Advisory Board shall by the 31st December in each year, prepare and submit a report to the Minister on its activities.

PART III

RESPONSIBILITIES FOR MANAGING RECORDS AND ARCHIVES

Current records.

12. (1) Each responsible officer in charge of a public office shall be responsible for the records management unit within his office and shall establish good records keeping practices, including -

- (a) the creation and management of current records within appropriate record keeping systems;
- (b) developing, jointly with the Director, retention and disposal schedules relating to records specific to his respective office;
- (c) implementation of retention and disposal schedules issued in accordance with paragraph (b).

(2) The Director shall –

- (a) be responsible for the supervision of the records management functions of public offices;
- (b) have the powers of inspection in discharging his duties under paragraph (a);
- (c) develop policy guidelines and ensure compliance with standards for the management of public records;
- (d) provide professional assistance, advice and guidance on the establishment and management of record keeping systems;
- (e) advise in cooperation with the Ministry of the Public Service and the heads of public offices, on the numbers and grading of posts in each office to be filled from the Records and Archives Group, and make recommendations for appropriate postings;
- (f) draw up general retention schedules which shall be agreed with the heads of public offices and, where appropriate, develop retention and disposal schedules specific to the offices of the Accountant General, Attorney General and Auditor General;
- (g) monitor the provisions of retention and disposal schedules; and
- (h) authorize the disposal of public records.

13. (1) The Director shall accept custody of semi-current records which have been scheduled with the creating agencies for further retention and maintain them within a records center, and shall in particular –

**Semi-
current
records.**

- (a) temporarily return, on request in writing from the responsible officer, semi-current records to the public office or other institution which created them or to its successor for the purposes of current administration;
- (b) implement retention schedules in respect of semi-current records in his custody;
- (c) appraise and dispose appropriately of semi-current records which are in his custody and are not covered by retention schedules;
- (d) arrange for the transfer of records of continuing or permanent value to the Belize Archives and Records Service.

(2) Heads of public offices and other institutions subject to this Act shall be responsible for the management of semi-current records, and in particular shall be responsible for –

- (a) maintaining the integrity of all semi-current records temporarily transferred to them under subsection 2 (1) (a) and return the records to the Belize Archives and Records Service after use;
- (b) approving access by third parties, other than authorized personnel of the Belize Archives and Records Service and of the public office which created them or its successor, to semi-current records in the custody of the Director.

Archives.

14. The Director shall be responsible for the preservation of all public records of continuing or permanent value and shall in particular be responsible for –

- (a) arranging and describing those records; and providing appropriate guides, lists, indexes and other finding aids through the use of current technology to facilitate their access;
- (b) arranging for reasonable facilities to be available to the public for accessing public records and archives;
- (c) establishing rules to be observed for access to, and for obtaining, copies of public records and archives;
- (d) preparing publications or objects relating to public records for sale;
- (e) arranging exhibitions and facilitating copies of public records as may be needed for exhibitions elsewhere; subject to conditions which he may specify, except that loan outside Belize may not be made without the assent of the Minister;
- (f) disposing of any public records in the Belize Archives and Records Service if it seems to him that they are not of continuing or permanent value, subject to the agreement of the head of the public office in which they were created or its successor;
- (g) acquiring by donation, bequest, or loan any record. Manuscript or any printed matter which in his opinion should be deposited in the Belize Archives and Records Service for permanent preservation;
- (h) examining any collection of records, in private possession for purposes of identifying such

records of historical, cultural or literary value with the view to appraise, document and render such technical aid or assistance as may be necessary for the preservation of such records;

- (i) promoting the historical, cultural and literary value and use of records and archives;
- (j) microfilming, digitizing or otherwise reproducing or making copies of any public record or record of historical, cultural or literary value.

PART IV

ACCESS TO PUBLIC RECORDS

Appraisal and transfer of public records held by any public office to the Belize Archives and Records Service.

15. (1) The Director shall have access to any public records held by any public office and shall have the power to appraise and transfer where necessary such public records to the Belize Archives and Records Service.

(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 Director or any other officer authorized by him the necessary access and all facilities for the appraisal and transfer of such public records where necessary to the Belize Archives and Records Service;
- (b) to deposit with the Director two copies of all published reports and any other printed matter of his Ministry or Department within one month after publication.

16. (1) It shall be the duty of the Chairman of any Commission or Committee of Inquiry to deposit all manuscripts and records, including two copies of the final report relating to such Commission or Committee, as the case may be, to the Belize Archives and Records Service within one month after the rendering of the final report of such Commission or Committee.

Records of Commissions, Local Authorities, etc., to be transmitted to the Director.

(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 deposit with the Director two copies of every published report or any other printed matter relating to his institution within one month after such report has been published.

(3) It shall be the duty of the Clerk of the National Assembly to deposit with the Director one copy of all records tabled in the House of Representatives and of all audio tapes or recordings of House proceedings and transcripts thereof, including records of public hearings of Committees, within one month after they become available to him.

(4) It shall be the duty of any publisher of any book, newspaper, periodical, journal, novel, or any printed matter produced in Belize for public sale or public distribution to deposit with the Director two copies of the same within one month of publication.

(5) It shall be the duty of the producer of any recordings produced in Belize for public sale or public distribution to deposit with the Director one copy of the same within one month of production.

17. Subject to the Freedom of Information Act, no public records or records in the Belize Archives and Records Service shall be available to the public for consultation until after a

**Thirty-year rule.
CAP. 13.**

thirty year period has expired from their creation, unless provided otherwise under some other law.

PART V

FINANCIAL PROVISIONS

Administrative expenses.

18. The administrative expenses of the Belize Archives and Records Service shall be a charge on the Consolidated Revenue Fund.

Finances of the Belize Archives and Records Service.

19. The finances of the Belize Archives and Records Service shall include:-

(a) monies provided for the Belize Archives and Records Service by the Government of Belize;

(b) any other monies accruing to the Belize Archives and Records Service in the course of the discharge of its functions.

Fees.

20. (1) Fees for searches, supply of copies, certification of copies and the provision of other services by the Belize Archives and Records Service shall be prescribed by regulation made in accordance with section 31 of this Act.

(2) Such fees and other sums which may be payable to the Belize Archives and Records Service as gifts or donations, shall be used in discharging its obligations or in the performance of its functions under this Act.

Archives Fund.

21. (1) There shall be established a Fund to be known as the Archives Fund which shall be used for the efficient management of the Belize Archives and Records Service including the purchase of any record or archives which in the opinion of the Director, is or is likely to be of historical, cultural or literary value in relation to Belize.

(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.

22. The Director shall within six months of the end of each financial year, submit to the Minister a Report containing:

- (a) a summary of the activities of the Belize Archives and Records Service throughout the financial year; and
- (b) a statement of accounts of the Belize Archives and Records Service for the financial year.

PART VI

OFFENCES AND PENALTIES

23. (1) Any person who removes any public record from a public office without proper authorization or who destroys any public record other than provided for in this Act or who willfully mutilates any public record in a public office, or in a place of deposit, or in the Belize Archives and Records Service, commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding three years, or to both such fine and term of imprisonment.

**Unauthorised
removal,
destruction
or willful
mutilation
of public
records.**

(2) Any public record which has been removed without proper authorization in the past or may be so removed in the future and which remains within the jurisdiction of the courts of Belize may be reclaimed by the public office in which it was created or by its successor institution.

(3) Any person who contravenes any provisions of this Act or any Regulations made thereunder commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding three years, or to both such fine and term of imprisonment.

(4) Any person who contravenes section 16 (4) or (5) of this Act commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment not exceeding one year, or to both such fine and term of imprisonment.

**Destruction
of public
records.**

24. No public records held by any public office may be destroyed except with the written consent of the Director.

PART VII

LEGAL PROVISIONS

**Authentication
of copies and
extracts.**

25. A copy, reproduction or extract from any record or archives deposited in the Belize Archives and Records Service purporting to be duly certified as true and authenticated by the Director or any other officer authorized by him in writing for the purpose and having impressed thereon the official seal of the Belize Archives and Records Service shall be admissible as evidence in any court in like manner and to the like extent as the original record.

Copyright.

26. (1) In making available for inspection or providing copies of any public record or archives in his custody, the Director shall not be in breach of any private copyright therein in accordance with existing copyright laws of Belize.

(2) The provision of copies of any public record or archives by the Director does not involve the transfer of any copyright therein to the recipients.

(3) The publication of facsimile copies, verbatim transcripts or literal translations of any public record or archives in the custody of the Director in which copyright subsists in Belize is prohibited, except with the consent of the Director and subject to such conditions as he may prescribe and to the payment of such fees as may be prescribed by regulations made in accordance with section 31 of this Act.

27. (1) The Belize Archives Act, 1984 shall stand repealed from the commencement of this Act.

Repeal of the Belize Archives Act. CAP. 333.

(2) Any rules made and anything done under the authority of the repealed Act shall remain in force until repealed or superceded by virtue of the powers granted under this Act.

(3) Any reference to the repealed Act in any other law, rule, regulation or instrument shall be read and construed as reference to this Act.

PART VIII

MISCELLANEOUS PROVISIONS

28. Where any public office is due to be closed down or amalgamated, it is the duty of the responsible officer of such public office to immediately notify the Director of such a decision and to facilitate the transfer of those public records no longer needed for administrative use in his custody to the Belize Archives and Records Service.

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

29. (1) Any private individual or the Chief Executive Officer of any institution in possession of any records over fifty years old relating to Belize, being a record of historical, cultural or literary value, shall notify the Director of the existence of such records.

Records in private possession.

(2) Such individual or Chief Executive Officer shall afford the Director all facilities to inspect such records.

(3) Such individual or Chief Executive Officer shall, if so agreed between him and the Director, deposit at the Belize Archives and Record Service such records on a permanent or temporary basis, as the case may be, or may permit the Director to make a copy of the same, and may specify the conditions subject to which such records shall be made available for public inspection or copies made therefrom.

(4) For the purposes of this Act, it shall be lawful for the Director to declare any record over fifty years old relating to Belize to be of historical, cultural or literary value and upon such declaration, enter the particulars of such records in a register kept by him for that purpose.

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

**Prohibition
of export of
public and
private
records of
historical
value.**

30. (1) The export of public records from Belize is prohibited, except where some law provides otherwise.

(2) No person shall, except on the authority of a licence issued in that behalf by the Director, export or remove from Belize any private record being of historical value.

(3) The Director may in his discretion refuse to issue a licence if he considers that the export of any private record will not be in the national interest.

Regulations.

31. The Director may, with the approval of the Minister make Rules and Regulations for the better carrying out of the objects and purposes of this Act.

**Transitional
provisions
for Records
in the Belize
Archives and
Records
Service.**

32. Records and archives in the custody of the Government Archivist on the day of the coming into operation of this Act are hereby transferred to the custody of the Director of the Belize Archives and Records Service subject to any terms and conditions that were applicable to those records and archives on that day.

Commencement.

33. This Act shall come into force on a day to be appointed by the Minister by Order published in the *Gazette*.

SCHEDULE

[Section 2]

PUBLIC RECORDS

The following are public records, namely, records and archives of an official nature belonging to the Government of Belize which are created, received and maintained:

- (a) in the office of the Governor-General;
- (b) in the Office of the Prime Minister and the Cabinet;
- (c) by any Minister of Government and any Government Ministry or Department;
- (d) by the office of any court of law or tribunal with jurisdiction within Belize or the office of any judge, magistrate or other officer of such a court;
- (e) by any formation or unit of the armed forces of Belize;
- (f) by the House of Representatives and the Senate of Belize;
- (g) by the office of any local authority;
- (h) by the office of any authority constituted or incorporated by any enactment;
- (i) by the Belize Police Department;
- (j) by any predecessor or successor of any public office, institution or individual designated in subparagraphs (a) to (i).