

BELIZE

TRADE UNIONS ACT

Arrangement of sections

1. Short title.
2. Interpretation.
3. Trade unions, power to apply funds.
4. When objects of union not unlawful.
5. When trade union contracts not enforceable.
6. Chapters 3 17 and 250 not applicable to trade unions.
7. Register of trade unions.
8. Registration of trade unions.
9. Land for trade unions may be purchased or leased.
10. Property of trade unions vested in trustees.
11. Absence or disability of trustees.
12. Actions by or against trustees.
13. Limitation of responsibility of trustees.
14. Officers' account and audit.
15. Withholding or misapplying trade union effects.
16. Provisions relating to registration.
17. Rules of registered unions.
18. Registered office of trade unions.
19. Withdrawal or cancellation of certificate of registration.
20. Membership of minors.
21. Member's nomination of payee.
22. Change of trade union's name.
23. Amalgamation of trade unions.
24. Registration of change of names and amalgamation.
25. Dissolution.
26. Failure to give notice or send document.
27. Annual returns.
28. Registrar's reports.
29. Circulating false copies of rules.
30. Peaceful picketing.
31. Preventing intimidation.
32. Non-liability for acts in furtherance of trade dispute.
33. Removal of liability for interfering with another person's business, etc.
34. Prohibition of actions of tort against trade unions.
35. Breach of contract involving injury to persons or property.
36. Summary procedure.
37. Restrictions on application of funds for certain political purposes.
38. Notice of objection to contribute towards political objects.

39. Mode of giving effect to exemption from contributions to political fund.
FIRST SCHEDULE
SECOND SCHEDULE

Commencement: 29th March, 1941

Short title.

1. This Act may be cited as the Trade Unions Act.

Interpretation.

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

"Registrar" means the Registrar General;

"regulations" means regulations made under this Act;

"rules" means rules made by a trade union as authorised by this Act;

"trade dispute" means any dispute or difference between employers and workmen or between workmen and workmen which is connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person;

"trade union" means any combination, whether temporary or permanent, the principal purposes of which are under its constitution the regulation of the relations between workmen and masters or between workmen and workmen, or between masters and masters, whether such combination would or would not, if this Act had not been enacted, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade:

Provided that nothing in this Act -

(a) shall affect-

(i) any agreement between partners as to their own business;

(ii) any agreement between an employer and those employed by him as to such employment;

(iii) any agreement in consideration of the sale of the

- goodwill of a business or of instruction in any profession, trade or handicraft;
- (b) shall preclude any trade union from providing benefits for its members;

"workmen" means all persons employed in trade or industry whether or not in the employment of the employer with whom a trade dispute arises.

Trade unions, power to apply funds.

3. Every trade union shall have power to apply the funds of the union for any lawful objects or purposes for the time being authorised under its constitution.

When objects of union not unlawful.

4. (1) The purposes of any trade union duly registered under this Act shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

4. (2) The purposes of any trade union duly registered under this Act shall not, by reason merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust.

When trade contracts not enforceable.

5. (1) Nothing in this Act shall enable any court to entertain any legal proceedings instituted with the object of directly enforcing or recovering damages for the breach of any agreement-

- (a) between members of a trade union as such concerning the conditions on which any members for the time being of the union shall or shall not sell their goods, transact business, employ or be employed; or
- (b) for the payment by any person of any subscription or penalty to a trade union; or
- (c) for the application of the funds of a trade union-
- (i) to provide benefits to members; or
- (ii) to furnish contributions to any employer or workman not a member of that union, in consideration of the employer or workman acting in conformity with the rules or resolutions of that union; or
- (iii) to discharge any fine imposed upon any person by sentence of a court of justice; or

- (d) made between one trade union and another; or
- (e) any bond to secure the performance of any of the above mentioned agreements.

5. (2) Nothing in this section shall be deemed to constitute any of the above-mentioned agreements unlawful.

Chapters 317 and 250 not applicable to trade unions. [CAP. 317., CAP. 250.]

6. The following Acts, that is to say:-

- (a) the Friendly Societies Act, and
- (b) the Companies Act, and any Acts amending it,

shall not apply to a trade union, and the registration of any trade union under any of the said Acts shall be void, and the deposit of the rules of any trade union made under the Friendly Societies Act, before the commencement of this Act, shall cease to be of any effect.

Register of trade unions.

7. The Registrar shall keep a register of all trade unions registered under this Act in the form required by the regulations, and shall discharge all the duties required by this Act and by the regulations.

Registration of trade unions.

8. (1) Every trade union to which this Act applies shall be registered under this Act.

8. (2) It shall be deemed to be a sufficient compliance with the provisions of this section if the Registrar, by writing under his hand, permits any person named therein to take the necessary steps for the formation of a trade union and if such trade union is in fact registered within six months of such permission being given as aforesaid.

8. (3) Any seven or more members of a trade union may by subscribing their names to the rules of the union and otherwise complying with the provisions of this Act with respect to registration, register such trade union under this Act.

(4) If any of the purposes of a trade union be unlawful, such trade union shall not be registrable and if it should be registered such registration shall be void.

8. (5) In the event of any contravention of the provisions of this section, every secretary, trustee, member of committee or other officer of an unregistered trade union commits an offence and is liable on summary conviction to a fine not exceeding five dollars for every day during which such trade union remains unregistered.

Land for trade unions may be purchased or leased.

9. Any trade union registered under this Act may purchase or take upon lease, in the names of the trustees for the time being of the union, any land, and may sell, exchange, mortgage or let the land, and no purchaser, assignee, mortgagee or tenant shall be bound to inquire whether the trustees have authority for any sale, exchange, mortgage or letting, and the receipt of the trustees shall be a discharge for the money arising therefrom, and for the purposes of this section, every branch of a trade union shall be considered a distinct union.

Property of trade unions vested in trustees.

10. (1) All real and personal property whatever belonging to any trade union registered under this Act shall be vested in the trustees for the time being of the trade union, appointed as provided by this Act, for the use and benefit of the trade union and the members thereof, and the real or personal property of any branch of a trade union shall be vested in the trustees of that branch, or in the trustees of the trade union, if the rules of the trade union so provide, and be under the control of such trustees, their respective executors or administrators, according to their respective claims and interests.

10. (2) Upon the death or removal of any such trustees, the property shall vest in the succeeding trustees for the same estate and interest as the former trustees had therein, and subject to the same trusts, without any conveyance or assignment whatever, except in the case of stocks and securities in the public funds of Belize, which shall be transferred into the names of the new trustees.

10. (3) In all actions, suits, information or summary proceedings before any court, touching or concerning any such property, it shall be stated to be the property of the persons for the time being holding the said office of trustee, in their proper names, as trustees of such trade union, without any further description.

Absence or disability of trustees.

11. (1) When any person, being or having been a trustee of a trade union registered under this Act, or of any branch of a trade union, whether appointed before or after the legal establishment thereof, in whose name any stock belonging to such union or branch transferable at any bank in Belize is standing, either jointly with another or others or solely, is absent from Belize or becomes bankrupt or files any petition or executes any deed for liquidation of his affairs by assignment or arrangement or for composition with his creditors or becomes a person of unsound mind or is dead or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the Registrar, on application in writing from the secretary and three members of the union or branch, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as trustees for the union or branch.

11. (2) A transfer of stock pursuant to subsection (1) shall be made by the surviving or continuing trustees, and if there is no such trustee or if such trustees refuse or are unable to make such transfer and the Registrar so directs, then by the manager of the bank.

11. (3) The bank is hereby indemnified for anything done in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

Actions by or against trustees.

12. (1) The trustees of any trade union registered under this Act, or any other officer of such trade union authorised to do so by the rules thereof, are hereby empowered to bring or defend, or cause to be brought or defended, any action, suit, prosecution or complaint in any court of law or equity, touching or concerning the property, right or claim to property of the trade union, and may, in all cases concerning the real or personal property of such trade union, sue and be sued, plead and be impleaded, in any court of law or equity, in their proper names, without other description than the title of their office.

12. (2) No such action, suit, prosecution or complaint shall be discontinued or shall abate by the death or removal from office of such persons or any of them, but it shall and may be proceeded in by their successor or successors as if such death, resignation or removal had not taken place.

12. (3) Such successors shall pay or receive the like costs as if the action, suit, prosecution or complaint had been commenced in their names for the benefit of, or to be reimbursed from, the funds of such trade union, and the summons to be issued to such trustee or other officer may be served by leaving the same at the registered office of the union.

Limitation of responsibility of trustees.

13. A trustee of any trade union registered under this Act shall not be liable to make good any deficiency which may arise or happen in the funds of such trade union, but shall be liable only for the moneys which shall be actually received by him on account of such trade union.

Officers' account and audit.

14. (1) Every treasurer or other officer of a trade union registered under this Act, at such times as by the rules of such trade union he should render such account as hereinafter mentioned, or upon being required to do so, shall render to the trustees of the trade union, or to the members thereof, at a meeting of the trade union, a just and true account of all moneys received and paid by him since he last rendered the like account, and of the balance then remaining in his hands, and of all bonds or securities of such trade union, which account the said trustees shall cause to be audited by some fit and proper person or persons approved by the Registrar.

14. (2) The treasurer, if thereunto required, upon the account described in subsection (1) being audited, shall forthwith hand over to the trustees the balance which on such audit appears to be due from him and shall also, if required, hand over to such trustees all securities and effects, books, papers and property of the said trade union in his hands or custody.

14. (3) If the treasurer fails to do so, the trustees of the trade union may sue him in any competent court for the balance appearing to have been due from him upon the account last rendered by him, and for all the moneys since received by him on account of the said trade union, and for the securities and effects, books, papers and property in his hands or custody, leaving him to set off in such action the sums, if any, which he may have since paid on account of the trade union, and in such action the trustees shall be entitled to recover their full costs of suit, to be taxed as between attorney-at law and client.

Withholding or misapplying trade union effect.

15. (1) If any officer, member, or other person, being or representing himself to be a member of a trade union registered under this Act, or the nominee, executor, administrator or assignee of a member thereof, or any person whatever, by false representation or imposition, obtains possession of any moneys, securities, books, papers or other effects of such trade union, or, having them in his possession, wilfully withholds or fraudulently misapplies them, or wilfully applies any part of them to purposes other than those expressed or directed in the rules of such trade union, or any part thereof, the court of summary jurisdiction for the place in which the registered office of the trade union is situate, upon a complaint made by any person on behalf of such trade union or by the Registrar, may, by summary order, order such officer, member or other person to deliver up all such moneys, securities, books, papers or other effects to the trade union, or, to repay the amount of money applied improperly, and to pay, if the court thinks fit, a further sum of money not exceeding one hundred dollars together with costs not exceeding five dollars.

15. (2) In default of such delivery of effects or repayment of such amount of money or payment of such penalty and costs, the court may order the person so convicted to be imprisoned, for any term not exceeding three months: Provided that-

(a) nothing herein contained shall prevent the trade union from proceeding by information against the party aforesaid; and

(b) no person shall be proceeded against by information if a conviction has been previously obtained for the same offence under this Act.

Provisions relating to registration.

16. (1) With respect to the registration of a trade union under this Act and the rules thereof, the following provisions shall have effect-

- (a) an application to register the trade union and printed copies of the rules, together with a list of the titles and names of the officers, shall be sent to the Registrar;
- (b) the Registrar, upon being satisfied that the trade union has complied with the regulations respecting registration in force under this Act, shall register the trade union and the rules;
- (c) no trade union shall be registered under a name identical with that by which any other existing trade union has been registered, or so nearly resembling such name as to be likely to deceive the members or the public;
- (d) the Registrar shall not register any combination as a trade union unless in his opinion, having regard to the constitution of the combination, the principal objects of the combination are the regulation of the relations between workmen and masters, or between workmen and workmen, or between masters and masters and may withdraw the certificate of registration of any such registered trade union if the constitution of the union has been altered in such a manner that, in his opinion, the principal objects of the union are no longer the regulation of the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or if in his opinion the principal objects for which the union is actually carried on are not the regulation of the relations between workmen and masters, or between workmen and workmen, or between masters and masters;
- (e) any person aggrieved by any refusal of the Registrar to register a combination as a trade union, or by the withdrawal or cancellation of a certificate of registration, may appeal to the Supreme Court within the time and in the manner and on the conditions directed by rules of court to be made for the purpose by the Chief Justice;
- (f) where a trade union applying to be registered has been in operation for more than a year before the date of such application, there shall be delivered to the Registrar before the registration thereof a general statement of the receipts, funds, effects and expenditure of such trade union, in the same form and showing the same particulars as if it were the annual general statement required by section 27 to be transmitted annually to the Registrar;

(g) the Registrar, upon registering such trade union, shall issue a certificate of registration, which certificate, unless proved to have been withdrawn or cancelled, shall be conclusive evidence that the provisions of this Act or of any regulations made thereunder with respect to registration have been complied with.

16. (2) The Minister may make regulations respecting the following matters- [40 of 1963.]

- (a) the registration of a trade union under this Act;
- (b) the forms to be used for such registration;
- (c) the seal, if any, to be used for such registration;
- (d) the inspection of documents kept by the Registrar under this Act;
- (e) the fees, if any, to be paid on registration, registering alterations in rules and for inspection of documents;
- (f) generally, for carrying this Act into effect.

16. (3) No regulations made under this section shall be subject to affirmative resolution.

Rules of registered unions.

17. With respect to the rules of a trade union registered under this Act, the following provisions shall have effect-

First Schedule.

- (a) the rules of every such trade union shall contain provisions in respect of the several matters mentioned in the First Schedule;
- (b) a copy of the rules shall be delivered by the trade union to every person on demand on payment of a sum not exceeding one dollar.

Registered office of trade unions.

18. (1) Every trade union registered under this Act shall have a registered office to which all communications and notices may be addressed.

18. (2) If any trade union registered under this Act is in operation for seven days without having such an office, such trade union and every officer thereof shall each incur a fine not exceeding one hundred dollars for every day during which it is so in operation.

18. (3) Notice of the situation of such registered office, and of any change therein, shall be given to the Registrar and recorded by him, and until that notice is given, the trade union shall not be deemed to have complied with the provisions of this Act.

Withdrawal or cancellation of certification of registration.

19. (1) No certificate of registration of a trade union shall be withdrawn or cancelled otherwise than by the Registrar, and in the following cases-

- (a) at the request of the trade union, to be evidenced in the manner from time to time directed by him;
- (b) on proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake, or that the registration of the trade union has become void under section 8, or that such trade union has wilfully and after notice from the Registrar violated any of the provisions of this Act, or has ceased to exist;
- (c) under the provisions of section 16 (1) (d).

19. (2) Not less than two months' previous notice in writing specifying briefly the ground of any proposed withdrawal or cancelling of certificate, unless where it is shown to have become void as mentioned in paragraph (a), in which case it shall be the duty of the Registrar to cancel it forthwith, shall be given by the Registrar to a trade union before the certificate of registration of the same can be withdrawn or cancelled, except at its request.

19. (3) A trade union whose certificate of registration has been withdrawn or cancelled shall, from the time of such withdrawal or cancelling, absolutely cease to enjoy as such the privileges of a registered trade union, and shall be dissolved and proceed to wind-up its affairs, but without prejudice to any liability actually incurred by such trade union, which may be enforced against it as if such withdrawal or cancelling had not taken place.

19. (4) If after the withdrawal or cancelling of the certificate a trade union continues in active operation, except for the purpose of winding-up its affairs, every secretary, trustee, member of committee or other officer of such trade union remaining in office or taking any active part in its operations commits an offence and is liable on summary conviction to a fine not exceeding twenty-five dollars for every day during which such trade union continues in active operation.

Membership of minors. [3 of 1978.]

20. A person under the age of eighteen, but above the age of sixteen, may be a member of a trade union, unless provision is made in the rules thereof to the contrary and may, subject to those rules, enjoy all the rights of a member except as herein provided, and may execute all instruments and give all

acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, trustee or treasurer of the trade union.

Member's nomination of payee.

21. (1) A member of a trade union, not being under the age of sixteen years may, by writing under his hand, delivered at or sent to the registered office of the trade union, nominate any person, not being an officer or servant of the trade union, unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew or niece of the nominator, to whom any moneys payable on the death of such member, not exceeding three hundred and fifty dollars, shall be paid at his decease, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent.

21.(2) On receiving satisfactory proof of the death of a nominator, the trade union shall pay to the nominee the amount due to the deceased member not exceeding the sum specified in subsection (1).

Change of trade unions name.

22. (1) A trade union may, with the approval in writing of the Registrar, change its name by the consent of not less than two-thirds of the total number of members.

22. (2) No change of name shall affect any right or obligation of the trade union or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the trade union or any other officer, who may sue or be sued on behalf of such trade union notwithstanding its new name.

Amalgamation of trade unions.

23. Any two or more trade unions may, by the consent of not less than two-thirds of the members of each of those trade unions, become amalgamated together as one trade union, with or without any dissolution or division of the funds of such trade unions or either or any of them, but no amalgamation shall prejudice any right of a creditor of either or any union party thereto.

Registration of change of names and amalgamation.

24. Notice in writing of every change of name or amalgamation, signed, in the case of a change of name, by seven members and countersigned by the secretary of the trade union changing its name, and accompanied by a statutory declaration by such secretary that the provisions of this Act in respect of changes of names have been complied with, and in the case of an amalgamation signed by seven members and countersigned by the secretary of each or every union party thereto, and accompanied by a statutory declaration by each or every such secretary that the provisions of this Act in respect of amalgamations have been complied with, shall be sent to the Registrar to be registered, and until such change of name or amalgamation is so registered, it shall not take effect.

Dissolution.

25. The rules of every trade union shall provide for the manner of dissolving it and notice of every dissolution of a trade union under the hand of the secretary and seven members of the union shall be sent within fourteen days thereafter to the Registrar, and shall be registered by him.

Failure to give notice or send document.

26. A trade union which fails to give any notice, or send any document which by this Act it is required to give or send and every officer or other person bound by the rules thereof to give or send it, or if there be no such officer, then every member of the committee of management of the union, unless proved to have been ignorant of or to have attempted to prevent the omission to give or send it, commits an offence and is liable on summary conviction to a fine of not less than twenty-five dollars and not more than one hundred dollars, recoverable at the suit of the Registrar or of any person aggrieved, and to an additional fine of the like amount for each week during which the omission continues.

Annual returns.

27. (1) A general statement of the receipts, funds, effects and expenditure of every trade union registered under this Act shall be transmitted to the Registrar before 1st June in every year, and shall show fully the assets and liabilities at the date, and the receipts and expenditure during the year preceding the date, to which it is made out, of the trade union.

27. (2) That statement shall also show separately the expenditure in respect of the several objects of the union, and be prepared and made out up to such date, in such form and with such particulars, as the Registrar may from time to time require.

27. (3) Every member of, and depositor in, any such trade union shall be entitled to receive, on application to the treasurer or secretary of that trade union, a copy of such general statement without making any payment for it.

27. (4) Together with such general statement, there shall be sent to the Registrar a copy of all alterations of rules and new rules and changes of officers made by the trade union during the year preceding the date to which the general statement is made out, and a copy of the rules of the trade union as they exist at that date.

27. (5) Every trade union which fails to comply with or acts in contravention of this section, and also every officer of the union so failing, commits an offence and is liable on summary conviction to a fine not exceeding twenty-five dollars for each offence.

27. (6) Every person who wilfully makes, or orders to be made, any false entry in, or any omission from, any general statement or in or from the return of

such copies of rules or alterations of rules commits an offence and is liable on summary conviction for each offence to a fine not exceeding five

Registrar's reports.

28. The annual reports in respect of the matters transacted by the Registrar in pursuance of this Act shall be laid before the National Assembly.

Circulating false copies of rules.

29. Every person who, with intent to mislead or defraud-

(a) gives to any member of a trade union registered under this Act, or to any person intending or applying to become a member of such trade union, a copy of any rules, or of any alterations or amendments thereof, other than those respectively which exist for the time being, on the pretence that they are the existing rules of such trade union, or that there are no other rules of such trade union; or

(b) gives a copy of any rules to any person on the pretence that such rules are the rules of a trade union registered under this Act which is not so registered,

commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

Peaceful picketing.

30. (1) It shall be lawful for one or more persons, but not more than three in anyone place at anyone time, acting on their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute to attend at or near a house or place where a person resides or works or carries on business or happens to be if they so attend merely for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or abstain from working.

30. (2) Persons acting on their own behalf or on behalf of a trade union pursuant to subsection (1), shall when so acting wear a distinctive badge or armlet bearing the word "Picket" inscribed in legible characters.

Preventing intimidation.

31. Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority -

(a) uses violence to or intimidates such other person or his wife or children, or injures his property; or

(b) persistently follows such other person about from place to place; or

- (c) hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or
- (d) watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or
- (e) follows such other person with two or more other persons in a disorderly manner in or through any street or road,

commits an offence and is liable on summary conviction, either to pay a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months.

Non- liability for acts in furtherance of trade dispute.

32. (1) An agreement or combination by two or more persons to do or procure to be done any act in contemplation of or furtherance of a trade dispute shall not be triable as a conspiracy if such act committed by one person would not be punishable as a crime.

32. (2) An act done in pursuance of an agreement or combination by two or more persons shall not be actionable if done in contemplation or furtherance of a trade dispute, unless the act, if done without any such agreement or combination, would be actionable.

32. (3) Nothing in this section shall exempt from punishment any person who commits a conspiracy for which a punishment is awarded by any law in force in Belize.

32. (4) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace or sedition or any offence against the Crown.

32.(5) A crime for the purposes of this section means an offence for the commission of which the offender is liable to be imprisoned either absolutely or at the discretion of the court as an alternative for some other punishment.

32. (6) Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act which is punishable on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed three months or such longer time, if any, as may have been prescribed by the law for the punishment of the said act when committed by one person.

Removal of liability for interfering with another person's business, etc.

33. An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other

person to break a contract of employment or that it is an interference with the trade business or employment of some other person or with the right of some other person to dispose of his capital or his labour as he wills.

Prohibition of actions of tort against trade unions.

34.(1) An action against a trade union whether of workmen or masters or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union shall not be entertained in any court.

34. (2) Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided by section 12 except in respect of any tortious act committed by or on behalf of the trade union in contemplation of or in furtherance of a trade dispute.

Breach of contract involving injury to persons or property.

35. (1) If a person wilfully or maliciously breaks a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life or cause serious bodily injury or to expose valuable property, whether real or personal, to destruction or serious injury, he commits an offence and is liable on summary conviction, either to pay a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months.

35. (2) If a person employed by the Government or a local authority or a statutory body or any company or contractor upon whom is imposed by Act the duty, or who has otherwise assumed the duty, of supplying any city, town, village or place, or any part thereof, with electricity or water, railway, health, sanitary or medical services or communications or any other service that may by Order be declared by the Minister to be a public service, wilfully and maliciously breaks a contract of service with the Government, such local authority or statutory body or such company or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to cause injury or danger or grave inconvenience to the community, he commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months. [40 of 1963, 40 of 1963.]

Summary procedure. [CAP. 98., CAP. 99]

36. Any prosecution for an offence under this Act may be brought and any penalty recovered before a court of summary jurisdiction in the manner provided by the Summary Jurisdiction Acts.

Restrictions on application of funds for certain political purposes.

37. (1) The funds of a trade union shall not be applied either directly or in conjunction with those of any other trade union, association or body, or otherwise indirectly, in the furtherance of any political object, other than the political objects specified in subsection (3), nor unless the furtherance of those objects or any one or more of them has been approved as an object of the union by a resolution for the time being in force passed on a ballot of the members of the union taken for the purpose in accordance with the provisions of this section by a majority of the members voting, nor, where such a resolution is in force, unless rules to be approved by the Registrar are in force providing-

(a) that any payments in the furtherance of those objects are to be made out of a separate fund, in this Act referred to as "the political fund of the union;"

(b) that a member who is exempt, in the manner specified in section 38, from the obligation to contribute to the political fund of the union shall not be excluded from any benefits of the union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the union, except in relation to the control or management of the political fund, by reason of his being so exempt, and that contribution to the political fund of the union shall not be made a condition for admission to the union.

37. (2) If any member of a trade union alleges that he is aggrieved by a breach of any rule made in pursuance of this section, he may complain to the Registrar, and the Registrar, after giving the complainant and any representative of the union an opportunity of being heard, may, if he considers that such a breach has been committed, make such order for remedying the breach as he thinks just in the circumstances, and any such order of the Registrar shall be binding and conclusive on all parties without appeal and shall not be removable into any court of law, or restrainable by injunction, and on being recorded in the Supreme Court Registry may be enforced as if it had been an order of the Supreme Court.

37. (3) The political objects to which this section applies are the expenditure of money-

(a) on the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election to the House of Representatives or to any public office, before, during, or after the election in connection with his candidature or election; or

(b) on the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or

(c) in connection with the registration of electors or the selection of a candidate for the House of Representatives or any public office; or

(d) on the holding of political meetings of any kind, or on the distribution of political literature or political documents of any kind unless the main purpose of the meetings or of the distribution of the literature or documents is the regulation of the relations between workmen and masters, or between workmen and workmen, or between masters and masters.

37. (4) The expression "public office" in this section means the office of member of the Belize City Council, Belmopan City Council, any Town Councillor of any public body which has power to raise money, either directly or indirectly, by means of a rate.

37.(5) A resolution under this section approving political objects as an object of the union shall take effect as if it were a rule of the union and may be rescinded in the same manner and subject to the same provisions as such a rule.

37. (6) The provisions of this section as to the application of the funds of a union for political purposes shall apply to a union which is in whole or in part an association or combination of other unions as if the individual members of the component unions were the members of that union and not the unions.

37. (7) Nothing in this section shall prevent any such component union from collecting from any of its members who are not exempt on behalf of the association or combination any contributions to the political fund of the association or combination.

37. (8) A ballot for the purposes of this section shall be taken in accordance with rules of the union to be approved for the purpose by the Registrar, but the Registrar shall not approve any such rules unless he is satisfied that every member has an equal right, and, if reasonably possible, a fair opportunity of voting, and that the secrecy of the ballot is properly secured.

Nothing of objection to contribute towards political objects. Second Schedule.

38. (1) A member of a trade union may at any time give notice in the form set out in the Second Schedule, or in a form to the like effect, that he objects to contribute to the political fund of the union, and, on the adoption of a resolution of the union approving the furtherance of political objects as an object of the union, notice shall be given to the members of the union acquainting them that each member has a right to be exempt from contributing to the political fund of the union, and that a form of exemption notice can be obtained by or on behalf of a member either by application at or by post from the head office or any branch office of the union or the office of the Registrar.

38. (2) Any such notice to members of the union shall be given in accordance with rules of the union approved for the purpose by the Registrar, having regard in each case to the existing practice and to the character of the union.

38. (3) On giving notice in accordance with this Act of his objection to contribute, a member of the union shall be exempt so long as his notice is not withdrawn, from contributing to the political fund of the union as from 1st January next after the notice is given, or in the case of a notice given within one month after the notice given to members under this section on the adoption of a resolution approving the furtherance of political objects, as from the date on which the member's notice is given.

Mode of giving effect to exemption from contributions to political fund.

39. Effect may be given to the exemption of members to contribute to the political fund of a union either by a separate levy of contributions to that fund from the members of the union who are not exempt, and in that case the rules shall provide that no moneys of the union other than the amount raised by such separate levy shall be carried to that fund, or by relieving any members who are exempt from the payment of the whole or any part of any periodical contributions required from the members of the union towards the expenses of the union, and in that case the rules shall provide that the relief shall be given as far as possible to all members who are exempt on the occasion of the same periodical payment and for enabling each member of the union to know as respects any such periodical contributions, what portion, if any, of the sum payable by him is a contribution to the political fund of the union.

FIRST SCHEDULE

Section 17 (a)

Matters to be provided for by the Rules of Trade Unions Registered under this Act

1. The name of the trade union and place of meeting for its business.
2. The whole of the objects for which the trade union is to be established, the purposes for which its funds shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of the trade union.
3. The manner of making, altering, amending and rescinding rules.

