



**BELIZE**

**MONEYLENDERS ACT  
CHAPTER 260**

**REVISED EDITION 2020**

**SHOWING THE SUBSTANTIVE LAWS AS AT  
31<sup>ST</sup> DECEMBER, 2020**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020.

This edition contains a consolidation of amendments made to the law by Act No. 13 of 2017.





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**CHAPTER 260**

**MONEYLENDERS**

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**CHAPTER 260****MONEYLENDERS**

Ch. 260,  
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40 of 1963.  
4 of 1998.  
13 of 2017.  
S.I. 28 of 2017.

*[13th March, 1954]*

**PART I***Preliminary*

- 1.** This Act may be cited as the Moneylenders Act. Short title.
- 2.-(1)** In this Act, unless the context otherwise requires, Interpretation.
- “AML/CFT obligation” has the meaning given in the Money Laundering and Terrorism (Prevention) Act; 13 of 2017.
- “approval” means an approval that may be granted by the Registrar under this Act, but excludes a licence; 13 of 2017.
- “associate” has the meaning given in sub-section (3); 13 of 2017.
- “business name” means the name or style under which any business is carried on, whether in partnership or otherwise;
- “Central Bank of Belize” means the entity established under the Central Bank of Belize Act; 13 of 2017.
- “company” means anybody corporate being a moneylender;
- “compliance inspection” means an inspection referred to in section 30C; 13 of 2017.

- 13 of 2017. “condition” means a condition attached to a licence or to an approval and includes a condition as varied in accordance with section 2D;
- 13 of 2017. “fit and proper” has the meaning given in section 2A;
- “firm” means an unincorporated body of two or more individuals, or one or more individuals and one or more corporations, or two or more corporations, who have entered into partnership with one another with a view to carrying on business for profit;
- 13 of 2017. “foreign regulatory authority” means an authority in a jurisdiction outside Belize which exercises a regulatory function similar to that of the Registrar;
- 13 of 2017. “former moneylender” means a person who has, at any time, held a licence that has been cancelled or revoked;
- “interest” does not include any sum lawfully charged in accordance with the provisions of this Act by a moneylender for or on account of costs, charges or expenses, but except as aforesaid, includes any amount, by whatever name called, in excess of the principal, paid or payable to a moneylender in consideration of or otherwise in respect of a loan;
- 13 of 2017. “licence” means a licence issued by the Registrar to a moneylender in accordance with this Act;
- 4 of 1998. “Minister” means the Minister for the time being responsible for Finance;
- 13 of 2017. “moneylender” means a person who engages in moneylending business;
- 13 of 2017. “moneylending business” means the business of extending credit that is subject to interest or finance charges and includes pawnbroking, but does not include the business carried on by the following–

- 
- (a) any registered society within the meaning of the Friendly Societies Act, or any society registered or having rules certified under the Building Societies Act;
- (b) any body corporate, incorporated or empowered by a special enactment to lend money in accordance with such special enactment;
- (c) any person, in accordance with the laws of Belize, carrying on the business of banking or insurance;
- (d) any person, in accordance with the laws of Belize, carrying on any business not having for its primary object the lending of money, in the course of which and for the purposes whereof that person lends money;
- (e) any person licensed as a financial institution under the Domestic Banks and Financial Institutions Act; CAP. 263.
- (f) any person registered under the Credit Unions Act, or the Cooperative Societies Act; CAP. 314.  
CAP. 313.
- (g) any person licensed by the International Financial Services Commission of Belize in accordance with the International Money Lending (Short Term and Unsecured Small Loans) Regulations; S.I. 76 of 2008.
- “pawnbroker” means a person who carries on a moneylending business of pawnbroking; 13 of 2017.
- “pawnbroking” means lending money on the security of a pledge; 13 of 2017.

- 13 of 2017. “pledge” means goods that are taken into possession by a moneylender as security for the repayment of a loan;
- 13 of 2017. “prescribed” means prescribed by Regulations made under this Act;
- 13 of 2017. “principal” means, in relation to a loan, the amount actually lent to the borrower;
- 13 of 2017. “Register” means the Moneylenders Register referred to in section 2E;
- 13 of 2017. “Registrar” means Registrar of Moneylenders established under section 2B; and
- 13 of 2017. “registered name” and “registered address” mean respectively the name under which and the address at which a moneylender is authorised by a license granted under this Act to carry on business as a moneylender.
- 4 of 1998. (2) Where by a contract for the loan of money by a moneylender, the interest charged on the loan is not expressed in terms of a rate, any amount paid or payable to the moneylender under the contract (other than simple interest charged in accordance with the proviso to section 14 of this Act) shall be appropriated to principal and interest in the proportion that the principal bears to the total amount of the interest.
- 13 of 2017. (3) A person is an associate of a moneylender or an applicant for a licence if the person—
- (a) holds or will hold any relevant financial interest, or is or will be entitled to exercise any relevant power, whether on the person’s own behalf or on behalf of any other person, in the moneylending business of the moneylender or applicant, and by virtue of that interest or power, is able or will be able to exercise

significant influence over or with respect to the operation of that moneylending business; or

- (b) holds or will hold any relevant position, whether on the person's own behalf or on behalf of any other person, in the moneylending business of the moneylender or applicant.

(4) For the purposes of sub-section (3)–

13 of 2017.

- (a) “relevant financial interest” means, in relation to a moneylending business, five per cent or more of the voting capital of the business;

- (b) “relevant position”, in relation to a moneylending business, means the position of director, officer, manager or other executive position, however that position is designated; and

- (c) “relevant power” in relation to a moneylending business, means any power, whether exercisable by voting or otherwise, and whether exercisable alone or in association with others–

- (i) to participate in any directorial, managerial or executive decision; or

- (ii) to elect or appoint any person to any relevant position.

**2A.**–(1) For the purposes of this Act, whether a person is fit and proper for any purpose or function under this Act shall be determined by the Registrar.

Fit and proper.  
13 of 2017.

(2) In determining whether any person is a fit and proper person to be concerned in or associated with the ownership, management or operation of a moneylending business, the Registrar may consider such of the following as it considers appropriate—

- (a) whether the person—
  - (i) is of good repute, having regard to the person's character, honesty and integrity;
  - (ii) is of sound and stable financial background;
  - (iii) has any business association with any person who, in the opinion of the Registrar, is not of good repute, having regard to the character, honesty and integrity of that person, or who has undesirable or unsatisfactory financial resources;
  - (iv) has, or has arranged, a satisfactory ownership structure;
  - (v) holds or is able to obtain—
    - (aa) financial resources adequate to ensure the financial viability of the moneylending business; and
    - (bb) the services of persons who have sufficient experience in the operation of the moneylending business;

- (vi) has sufficient knowledge, experience and skills to successfully operate the moneylending business;
- (b) whether senior management and each director, partner, shareholder, and any other person determined by the Registrar to be or connected with the ownership, administration or management of the moneylending business is a suitable person to act in that capacity;
- (c) whether any person proposed to be engaged or appointed to manage or operate the moneylending business is a suitable person to act in that capacity;
- (d) whether any other matter that may be prescribed, or condition that may be imposed on the licence, will be fulfilled;
- (e) any other matter that may be prescribed or which the Registrar considers appropriate.

## PART IA

13 of 2017.

### *Establishment and Functions of the Registrar*

**2B.**—(1) The Central Bank of Belize is the Registrar of Moneylenders.

Establishment and functions of the Registrar. 13 of 2017.

(2) Subject to the provisions of this Act, the Registrar shall—

- (a) licence, regulate and supervise moneylending business; and

- (b) maintain an accurate and up to date Moneylenders Register in accordance with section 2E.

Powers of the Registrar.  
13 of 2017.

**2C.**—(1) The Registrar may do all things necessary for the carrying out of its functions under this Act.

(2) Without limiting sub-section (1), the Registrar may—

- (a) licence and register moneylenders;
- (b) supervise and monitor the operation of moneylenders to ensure that moneylenders comply with the terms and conditions of their licenses and with the provisions of this Act or the regulations and with any applicable directives issued by the Registrar in accordance with this Act;
- (c) inquire into the suitability of any person applying for a moneylending license or approval under this Act and to ensure that any person involved in the ownership, operation or management of a moneylender's moneylending business is a fit and proper person to carry out functions relative to such business;
- (d) use all powers vested in it by this or any other law to ensure that moneylending business is kept free from criminal activity, and to prevent, detect and take all reasonable measures to ensure the prosecution of any offence against this Act;
- (e) advise the Minister on new developments, needs and risks in moneylending business and to make such proposals as may be deemed



necessary or expedient to respond to those risks;

- (f) take enforcement action and co-operate with domestic law enforcement and foreign regulatory authorities in accordance with this Act;
- (g) make regulations and guidelines and give directions in accordance with this act;
- (h) issue guidance notes referred to in section 37;
- (i) enter into bilateral or multilateral agreements or memoranda of understanding with other local or over foreign seas regulatory authorities, or other government agencies, for various matters including but not limited to exchange of information and other forms of collaboration or cooperation;
- (j) do all other things connected with or incidental to any of the foregoing;
- (k) perform any other function as may from time to time be assigned to it by this Act or any other law.

**2D.**—(1) Subject to sub-sections (2) and (3), the Registrar may impose such conditions as it considers appropriate on any licence issued or approval granted.

Power to impose conditions.  
13 of 2017.

(2) It is a condition of every licence issued or approval granted that the person in respect of whom the licence is issued or approval granted is considered by the Registrar to be a fit and proper person for the function he performs or proposes to perform.

(3) It is a condition of every licence issued that the moneylender complies with the moneylender's AML/CFT obligations.

(4) If a licence is issued, or an approval granted, subject to one or more conditions other than those referred to in subsection (2) or (3)–

- (a) the Registrar shall, together with the licence or approval, issue a written notice specifying the condition or conditions; and
- (b) if, in respect of any condition, it considers that it is in the public interest to do so, the Registrar may state that condition on the licence or approval and issue a public statement concerning the condition, in such manner as it considers fit.

(5) The Registrar may, upon giving reasonable written notice to a moneylender, at any time–

- (a) vary or revoke a condition imposed under subsection (1); or
- (b) impose new conditions on the licence or approval.

(6) A moneylender may apply to the Registrar in writing for a condition to be revoked or varied and, if the Registrar is satisfied that the condition is no longer necessary or should be varied, it may revoke or vary the condition.

(7) If the Registrar revokes or varies a condition or imposes a new condition, the moneylender shall, if requested to do so by the Registrar, deliver its licence to the Registrar for re-issue.

(2) The Register shall contain the following information in respect of each moneylender licensed under this Act—

- (a) in the case of a moneylender that is a legal person, the name, country and date of formation, and registered office of the moneylender;
- (b) in the case of a moneylender that is a natural person, the name and address of the moneylender;
- (c) the principal business address of the moneylender in Belize and the moneylender's telephone number and e-mail address, if any;
- (d) the class of licence held by the moneylender and any conditions imposed on the licence;
- (e) the date the licence was granted and, if applicable, revoked; and
- (f) such other information as the Registrar considers appropriate.

(3) The Register and the information contained in any document filed with the Registrar, may be kept in such manner as the Registrar considers appropriate, including either wholly or partly, by means of a device or facility that—

- (a) records or stores information magnetically, electronically or by other means; and
- (b) permits the information recorded or stored to be inspected and reproduced in legible and usable form.

## PART II

13 of 2017.

*Licensing of Moneylenders*

Prohibition of  
unlicensed  
moneylending.  
13 of 2017.

**3.**—(1) Notwithstanding any law to the contrary, no person shall provide, carry on, transact or hold himself out as providing, carrying on, or transacting moneylending business in, or from within, Belize unless that person holds a valid moneylenders licence granted by the Registrar under this Act.

(2) Any person who contravenes sub-section (1), commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty thousand dollars, or to imprisonment for a term not exceeding two years, or to both.

(3) Where any person, acting in contravention of sub-section (1), enters into a contract for a loan or gives any guarantee or security for such a loan—

- (a) the contract for the loan, and the guarantee or security, as the case may be, is unenforceable; and
- (b) any money paid by or on behalf of the unlicensed moneylender under the contract for the loan is not recoverable in any court of law.

Licences to be  
taken out by  
moneylenders.  
13 of 2017.

**4.**—(1) Every moneylender or person who intends to carry on moneylending business, in or from within Belize shall apply to the Registrar for a licence.

(2) An application referred to in sub-section (1) shall be made in accordance with section 6.

(3) Any person who—

- (a) is under the age of 18 years;

- (b) in the opinion of the Registrar, is not a fit and proper person; or
- (c) has an associate who, in the opinion of the Registrar, is not a fit and proper person;

is not eligible for a licence.

**5.**—(1) Subject to section 7, a licence may be issued in one of the following classes—

Classes of  
moneylending  
licences.  
13 of 2017.

- (a) a single store moneylender, which shall allow the holder to carry on moneylending business at the single address specified in the licence;
- (b) a master agent moneylender, which shall allow the holder to carry on moneylending business at the number of locations specified in the licence;
- (c) a single store pawnbroker, which shall allow the holder to carry on pawnbroking business at the single address specified in the licence;  
or
- (d) a master agent pawnbroker, which shall allow the holder to carry on moneylending business at the number of locations specified in the licence.

(2) The Registrar may prescribe qualifications, conditions and fees applicable to any class or classes of moneylenders licence referred to in sub-section (1).

**6.**—(1) Subject to sub-section (2), every application for a licence under this Act shall be in writing in such form as directed by the Registrar and be accompanied by—

Applications.  
13 of 2017.

- (a) identification information for—

- (i) the applicant; and
  - (ii) any senior management or director of the applicant; and
- (b) a current list of associates of the applicant, including, where any financial interest is 5% or more of the voting capital, identification information for the beneficial owner of any shares held by a legal person or in the name of nominee shareholder;
- (c) such information or documents as may be required by this Act or requested by the Registrar; and
- (d) such fee as the Registrar may prescribe.

(2) Sub-sections (1)(a)(ii) and (b) do not apply to an applicant that is a publically traded company.

(3) The Registrar may require an applicant to—

- (a) provide such information and documents, in addition to those specified in sub-section (1)(c), as it reasonably requires to determine the application and any such information and documents shall be in such form as the Registrar may require; and
- (b) verify any information and documents provided in support of an application in such manner as the Registrar may specify.

(4) If, before an application is determined—

- (a) there is a material change in or in relation to any information or documents provided by or

on behalf of the applicant to the Registrar in connection with the application; or

- (b) the applicant discovers that any such information or documents are incomplete, inaccurate or misleading,

the applicant shall, as soon as reasonably practicable, give the Registrar written particulars of the change or of the incomplete, inaccurate or misleading information or documents.

7.—(1) After reviewing an application made, and any additional information provided, under section 6, the Registrar may grant to the applicant a licence, if the Registrar is satisfied that—

Grant of license.  
13 of 2017.

- (a) the applicant and each associate of the applicant is a fit and proper person to be concerned in or associated with the management or operation of a moneylending business; and
- (b) the applicant or any associate has not been convicted of a specified offence.

(2) A licence shall be in such form and contain such particulars as the Registrar may direct.

(3) For the purposes of this section, “specified offence” means—

- (a) an offence under this Act or the regulations;
- (b) an offence under the Domestic Banks and Financial Institutions Act, or any other law that regulates financial institutions or financial services;
- (c) an offence under the Money Laundering and Terrorism (Prevention) Act;

CAP. 263.

CAP. 104.

- CAP. 101.
- (d) an offence under Part XI of the Criminal Code,;
  - (e) conspiracy to commit or attempting or aiding and abetting any offence referred to in paragraph (a) to (d); or
  - (f) in the case of a jurisdiction other than Belize, an offence under the laws of that jurisdiction which is analogous to any of those referred to in paragraphs (a) to (e).

Duration and  
renewal of  
license.  
13 of 2017.

**8.** Every licence issued under this Act shall expire each year on 31 December, but may be renewed on application by the licence holder in such form and manner, and containing such information, as the Registrar may direct and—

- (a) on payment of such fee as the Registrar may prescribe; and
- (b) if the Registrar remains satisfied that the requirements referred to in section 7(1) are still met.

Refusal of  
application.  
13 of 2017.

**9.—(1)** The Registrar may refuse an application for a licence if—

- (a) the application does not comply with section 6;
- (b) the applicant fails to provide any information or documents required by the Registrar under section 6;
- (c) the Registrar is of the opinion that the applicant does not, or does not intend to, carry on the business for which it seeks to be licensed;



- (d) any of the applicant's senior management, directors, or owners, or their associates, have committed a specified offence referred to in section 7(3); or
- (e) the applicant, at any time, held a licence, a licence as a financial institution or a licence to carry on any financial services that was revoked.

(2) The Registrar shall refuse an application for a licence if it is of the opinion that—

- (a) any condition referred to in section 4(3) is met;
- (b) the applicant does not, or on commencement of business will not, have the capacity or willingness to comply with its obligations under this Act or its AML/CFT obligations or to identify, mitigate and manage the money laundering and terrorism financing risks to which it is exposed;
- (c) the moneylender, or its business, represents a significant money laundering or terrorist financing risk; or
- (d) it is contrary to the public interest for the applicant to be licenced.

(3) If the Registrar refuses an application for a licence, it shall, as soon as practicable, send the applicant a written notice of refusal, stating the grounds for its refusal.

**10.**—(1) Notwithstanding section 8, the Registrar may at any time revoke a moneylender's licence if—

- (a) it is entitled to take enforcement action against the moneylender under section 30F;

Revocation of  
licence.  
13 of 2017.

- (b) the moneylender has failed to commence or ceased to carry on the moneylending business for which it was licensed; or
- (c) the moneylender has purported to transfer the licence in contravention of section 11.

(2) The Registrar may, on the application of a moneylender, cancel the moneylender's licence, subject to such conditions as the Registrar considers appropriate.

(3) Subject to sub-section (4), before revoking a license under sub-section (1), the Registrar shall give written notice to the moneylender—

- (a) stating the grounds upon which it intends to revoke the licence; and
- (b) containing a statement to the effect that unless the moneylender, by written notice filed with the Registrar, shows good reason why the licence should not be revoked, the licence will be revoked on a date not less than 14 days after the date of the notice.

(4) If, on the application of the Registrar, the Supreme Court is satisfied that it is in the public interest, or the interests of any borrowers, potential borrowers, or creditors of a moneylender, that sub-section (3) should not have effect or that the period referred to in sub-section (3)(b) should be reduced, it may so order.

(5) An application under sub-section (4) may be made without notice or upon such notice as the Supreme Court may require.

Licence not transferable.  
13 of 2017.

**11.** (1) No person to whom a licence has been granted under this Act shall transfer or assign it to any other person, or in any

way alter, deface or destroy such licence before the date of expiration thereof.

(2) Any person who contravenes sub-section (1) commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding two years, or to both.

(3) Where a person transfers or assigns a licence to any other person in contravention of sub-section (1)–

- (a) the purported transfer or assignment is void; and
- (b) the licence may be revoked in accordance with section 10(1)(c).

**12.–(1)** No person owning or holding a significant interest in a moneylending business shall sell, transfer, charge or otherwise dispose of that interest in the moneylending business, or any part of that interest, unless the prior written approval of the Registrar has been obtained.

Transfer of significant interest.  
13 of 2017.

(2) No person shall, whether directly or indirectly, acquire a significant interest in a moneylending business, unless the prior written approval of the Registrar has been obtained.

(3) No moneylender shall, unless the prior written approval of the Registrar has been obtained–

- (a) cause, permit or acquiesce in a sale, transfer, charge or other disposition referred to in sub-section (1); or
- (b) issue or allot any shares or cause, permit or acquiesce in any other reorganisation, including of its share structure, that results in–

- (i) a person acquiring a significant interest in the moneylending business; or
- (ii) a person who already owns or holds a significant interest in the moneylending business, increasing or decreasing the size of the interest.

(4) An application to the Registrar for approval under sub-section (1), (2) or (3) shall be made by the moneylender.

(5) The Registrar shall not grant approval under sub-section (1), (2) or (3) unless, he is satisfied that, following the acquisition or disposal, any person who will acquire a significant interest is fit and proper.

(6) For the purposes of this section, “significant interest”, in respect of a moneylending business, means a holding or interest in the business or in any holding company of the business held or owned by a person, either alone or with any other person and whether legally or equitably, that entitles or enables the person, directly or indirectly—

- (a) to control ten per cent or more of the voting rights of the moneylending business at a meeting of the business or of its members;
- (b) to a share of ten per cent or more in any distribution made by the moneylending business;
- (c) to a share of ten per cent or more in any distribution of the surplus assets of the moneylending business; or
- (d) to appoint or remove one or more directors of the moneylending business.

(7) Any person who contravenes sub-section (1), (2) or (3) commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand dollars, or to imprisonment for a term not exceeding two years, or to both.

(8) Where a person contravenes sub-section (1), (2) or (3), any transaction purported to be made in connection with the contravention is void.

**12A.**—(1) A moneylender shall provide the Registrar with written notice of any change in its senior management or directors, whether as a result of a member of senior management or director ceasing to hold office or the appointment of a new member of senior management or director.

Notification of  
changes in senior  
management and  
directors.  
13 of 2017.

(2) A written notice under sub-section (1) shall—

- (a) specify the date of the change;
- (b) include the full name of the member of senior management or director who has ceased to be, or has been appointed as, a member of senior management or director; and
- (c) be provided to the Registrar within 14 days of—
  - (i) the change occurring, in the case of the appointment or resignation of a member of senior management or director, or
  - (ii) the moneylender first becoming aware of the change, in the case of the death of a member of senior management or director.

(3) A moneylender that fails to provide written notice of a change in its senior management or directors in accordance with this section commits an offence and is liable on summary conviction to a fine not exceeding seventy five thousand dollars.

Notification of  
change in  
associates.  
13 of 2017.

**12B.**—(1) A moneylender shall provide the Registrar with written notice of any change in its associates, whether as a result of a person becoming an associate or ceasing to be an associate.

(2) A written notice under sub-section (1) shall—

- (a) specify the date of the change;
- (b) provide details of the identity of the new or former associate and the nature of the associate's interest in, or control of, the moneylender;
- (c) be provided to the Registrar within 14 days of the moneylender first becoming aware of the change.

(3) A moneylender that fails to provide written notice of a change in its associates in accordance with this section commits an offence and is liable on summary conviction to a fine not exceeding seventy five thousand dollars.

Notification of  
change in  
information  
required to be  
registered.  
13 of 2017.

**12C.**—(1) A moneylender shall provide the Registrar with written notice of any change in the information required to be registered under section 2E.

(2) A written notice under sub-section (1) shall—

- (a) specify the date of the change;
- (b) set out the details of the change;
- (c) be provided to the Registrar within 14 days of the moneylender first becoming aware of the change.

(3) A moneylender that fails to provide written notice of a change in its registered information in accordance with this

section commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars.

### PART III

#### *Moneylender's Contracts and Transactions*

**13.**-(1) No contract for the repayment by a borrower of money lent to him or to any agent on his behalf by a moneylender after the commencement of this Act or for the payment by him of interest on money so lent, and no security given by the borrower or by any such agent as aforesaid in respect of any such contract shall be enforceable, unless a note or memorandum in writing of the contract be made and signed personally by the borrower, and unless a copy thereof be delivered or sent to the borrower within seven days of the making of the contract.

Moneylender's contracts.

(2) No such contract or security shall be enforceable if it is proved that the note or memorandum aforesaid was not signed by the borrower before the money was lent or before the security was given, as the case may be.

(3) The note or memorandum aforesaid shall contain all the terms of the contract, and in particular shall show the date on which the loan is made, the amount of the principal of the loan, and the effective annual rate of interest charged on the loan.

4 of 1998.

**14.**-(1) Subject as hereinafter provided, any contract made after the commencement of this Act for the loan of money by a moneylender shall be illegal in so far as it provides directly or indirectly for the payment of compound interest or for the rate or amount of interest being increased by reason of any default in the payment of sums due under the contract,

Prohibition of compound interest and provision as to default.  
13 of 2017.

provided that provision may be made by any such contract that if default is made in the payment upon the due date of any sum payable to the money-lender under the contract, whether in respect of principal or interest, the moneylender shall be entitled

to charge simple interest on that sum from that date of the default until the sum is paid, at a rate not exceeding the rate payable in respect of the principal apart from any default, and any interest so charged shall not be reckoned for the purposes of this Act as part of the interest charged in respect of the loan.

13 of 2017.

(2) Any moneylender who makes a contract in contravention of sub-section (1) commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars, or to imprisonment for a term not exceeding two years, or to both.

13 of 2017.

(3) Where, under any contract made in contravention of sub-section (1), it is provided that the borrower is required to pay to the moneylender any sum directly or indirectly representing compound interest or an increased rate or increased amount of interest by reason of any default in the payment of any amount due under the contract, such sum—

- (a) shall not be recoverable from the borrower or any surety;
- (b) if so paid, shall be recoverable as a debt due to the borrower or surety, as the case may be; and
- (c) if not recovered, shall be set-off against the outstanding amount of the loan, and all sums of interest, late interest and any fees, costs, charges or expenses prescribed under section 15 that may be payable under the contract.

#### PART IV

##### *Regulation of Moneylenders*

Prohibition of  
unsolicited loans.  
13 of 2017.

**14A.**—(1) No moneylender shall—

- (a) grant a loan to any person;



- (b) grant approval to any person to obtain a loan from the moneylender; or
- (c) send or deliver, directly or indirectly, any article or document to any person on an undertaking by the moneylender that such article or document, when used or produced in a specified manner, enables a loan to be obtained from the moneylender,

without the person having first applied to the moneylender in writing for the loan.

(2) Any moneylender who contravenes sub-section (1) commits an offence and is liable on conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding six months or to both.

**15.**—(1) The Registrar may prescribe the types or amounts of fees, costs, charges and expenses that a moneylender may impose in respect of a loan granted by a moneylender, including the fees or charges for or on account of legal representation or advice.

Charges other than prescribed fees unenforceable. 13 of 2017.

(2) Any moneylender who imposes fees, costs, charges and expenses other than, or in excess of, those prescribed under sub-section (1) commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars, or to imprisonment for a term not exceeding one year, or to both.

(3) Where, under any contract for a loan between a moneylender and a borrower, it is provided that the borrower is required to pay to the moneylender any sum representing fees, costs, charges or expenses other than, or in excess of, those prescribed under subsection (1), such sum—

- (a) shall not be recoverable from the borrower or any surety;

- (b) if so paid, shall be recoverable as a debt due to the borrower or surety, as the case may be; and
- (c) if not recovered, shall be set-off against the outstanding amount of the loan, and all sums of interest, late interest and any fees, costs, charges or expenses prescribed under subsection (1) that may be payable under the contract for the loan.

(4) Subsection (2) does not apply to any sum representing payment for or on account of stamp duties or other amounts payable to the Government of Belize through a moneylender on behalf of a borrower by or under this Act or any other law.

Obligation of moneylender to supply information as to state of loan and copies of documents relating thereto. 4 of 1998.

**16.**—(1) In respect of every contract for the repayment of money lent by a moneylender whether made before or after the commencement of this Act, the moneylender shall, on any reasonable demand in writing being made by the borrower at any time during the continuance of the contract and on tender by the borrower of the sum of two dollars for expenses, supply to the borrower or, if the borrower so requires, to any person specified in that behalf in the demand, a statement signed by the moneylender or his agent showing—

- (a) the date on which the loan was made, the amount of the principal of the loan and the effective annual interest rate charged on the loan;
- (b) the amount of any payment already received by the moneylender in respect of the loan and the date on which it was made;
- (c) the amount of every sum due to the moneylender, but unpaid, and the date upon which it became due, and the amount of interest accrued due and unpaid in respect of every such sum; and

- (d) the amount of every sum not yet due which remains outstanding, and the date upon which it will become due.

(2) A moneylender shall, on any reasonable demand in writing by the borrower, and on tender of a reasonable sum for expenses, supply a copy of any document relating to a loan made by him or any security therefor, to the borrower, or if the borrower so requires, to any person specified in that behalf in the demand.

(3) If a moneylender to whom a demand has been made under this section fails without reasonable excuse to comply therewith within one month after the demand has been made, he shall not, so long as the default continues, be entitled to sue for or recover any sum due under the contract on account either of principal or interest, and interest shall not be chargeable in respect of the period of the default, and if such default is made or continued after proceedings have ceased to lie in respect of the loan, the moneylender is liable to a fine not exceeding fifty dollars for every day on which the default continues.

4 of 1998.

**17.**—(1) No moneylender shall engage in advertising likely to mislead the public concerning—

Prohibition of certain advertisements.

- (a) the relationship of the moneylender to the Financial Secretary, and Ministry or Department of Government, the Central Bank of Belize or any department or official thereof;
- (b) the interest rate and charges levied on loans; and
- (c) the financial condition of the moneylender.

4 of 1998.

- 13 of 2017. (2) Every moneylender who contravenes sub-section (1) of this section, commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars and not exceeding ten thousand dollars, and on a second or subsequent conviction, the court may, *in lieu* of or in addition to ordering the offender to pay the penalty aforesaid, order him to be imprisoned for a period not exceeding six months, and an offender being a company is on a second or subsequent conviction liable to a fine of fifty thousand dollars.
- 13 of 2017.
- Penalty for moneylender implying the carrying on of banking business. 4 of 1998. 13 of 2017. CAP. 263. CAP. 263. 13 of 2017.
18. If a moneylender, for the purposes of his business as such, issues or publishes, or causes to be issued or published, any advertisement, circular or document of any kind whatsoever containing expressions which might reasonably be held to imply that he carries on banking business or operates as, or has the status of, a bank or financial institution licensed under the Domestic Banks and Financial Institutions Act or the Offshore Banking Act, he commits an offence and is liable on summary conviction to a fine not exceeding one hundred thousand dollars or to imprisonment for a period not exceeding three years, or to both such fine and period of imprisonment, and in case of a continuing offence, to a fine of ten thousand dollars for each day during which the offence continues.
- Display of licence and information. 17 of 2017.
19. Every moneylender shall display in a conspicuous and prominent position that is clearly visible to the public at or in each place of business—
- (a) the licence issued in relation to the moneylending business; and
  - (b) a sign bearing the effective annual rate of interest charged and all other fees, costs, charges and expenses levied on loans.
- (2) Any person who contravenes sub-section (1) commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars, or to imprisonment for a term not exceeding two years, or to both.

**20.**—(1) Every moneylender shall, in relation to his operations in Belize, submit to the Registrar such information of a financial nature or otherwise, including but not limited to statement of condition and profit and loss accounts at such times and in such forms as may be specified in writing by the Registrar from time to time.

Minimum reporting requirements. 4 of 1998. 13 of 2017.

(1A) In addition to the information referred to in sub-section (1), every moneylender shall provide to the Registrar such information or make such returns, in such form and at such intervals, as the Registrar may prescribe.

13 of 2017.

(2) Every moneylender who contravenes sub-section (1) or (1A), commits an offence and is liable on summary conviction to a fine of not less than seventy-five thousand dollars.

13 of 2017.

13 of 2017.

## PART V

### *Assignment of Moneylender's Debts, Limitation of Action and Relief from Harsh and Unconscionable Transactions*

**20A.**—(1) No moneylender shall make any assignment, or cause, permit or acquiesce in any assignment, unless the prior written approval of the Registrar has been obtained.

Approval required for assignment. 13 of 2017.

(2) No person shall, whether directly or indirectly, accept an assignment, unless the prior written approval of the Registrar has been obtained.

(3) An application to the Registrar for approval under sub-section (1) or (2) shall be made by the moneylender.

(4) The Registrar shall not grant approval under sub-section (1) or (2) unless satisfied that, following the assignment, any person who will become the assignee is fit and proper.

(5) For the purposes of this section, “assignment” means an assignment referred to in section 21.

(6) Any person who contravenes sub-section (1) or (2) commits an offence and is liable on summary conviction to a fine not exceeding twenty thousand dollars, or to imprisonment for a term not exceeding two years, or to both.

Duty to give notice and supply information on assignment.

**21.**—(1) Where any debt in respect of money lent by a moneylender whether before or after the commencement of this Act or in respect of interest on any such debt or the benefit of any agreement made or security taken in respect of any such debt or interest is assigned to any assignee, the assignor (whether he is the moneylender by whom the money was lent or any person to whom the debt has been previously assigned) shall, before the assignment is made—

- (a) give to the assignee notice in writing that the debt, agreement or security is affected by the operation of this Act; and
- (b) supply to the assignee all information necessary to enable him to comply with the provisions of this Act relating to the obligation to supply information as to the state of loans and copies of documents relating thereto.

4 of 1998.

(2) Every person who acts in contravention of any of the provisions of this section is liable to indemnify any other person who is prejudiced by the contravention, and shall also commit an offence, and is in respect of each offence liable on summary conviction to imprisonment for a period not exceeding two years, or to a fine not exceeding two thousand dollars, or to both such fine and period of imprisonment.

(3) In this section, the expression “assigned” means assigned by any assignment *inter vivos* other than an assignment by operation of law, and the expressions “assignor” and “assignee” have corresponding meanings.

Positing of assignee.

**22.**—(1) Subject as hereinafter provided, the provisions of this Act shall continue to apply as respects any debt to a

moneylender in respect of money lent by him after the commencement of this Act or in respect of interest on money so lent or of the benefit of any agreement made or security taken in respect of any such debt or interest, notwithstanding that the debt or benefit of the agreement or security may have been assigned to any assignee, and, except where the context otherwise requires, references in this Act to a moneylender shall accordingly be construed as including any such assignee as aforesaid,

provided that, notwithstanding anything in this Act—

- (a) any agreement with, or security taken by, a moneylender in respect of money lent by him after the commencement of this Act shall be valid in favour of any *bona fide* assignee or holder for value without notice of any defect due to the operation of this Act and of any person deriving title under him;
- (b) any payment or transfer of money or property made *bona fide* by any person, whether acting in a fiduciary capacity or otherwise, on the faith of the validity of any such agreement or security, without notice of any such defect shall, in favour of that person, be as valid as it would have been if the agreement or security had been valid; and
- (c) the provisions of this Act limiting the time for proceedings in respect of money lent shall not apply to any proceedings in respect of any such agreement or security commenced by a *bona fide* assignee or holder for value without notice that the agreement or security was affected by the operation of this Act, or by any person deriving title under him,

but in every such case the moneylender is liable to indemnify the borrower or any other person who is prejudiced by virtue of this section, and nothing in this proviso shall render valid an agreement or security in favour of, or apply to proceedings commenced by, an assignee or holder for value who is himself a moneylender.

(2) Nothing in this section shall render valid for any purpose any agreement, security or other transaction which would, apart from the provisions of this Act, have been void or unenforceable.

Limitation of time for proceedings in respect of money lent by moneylenders. CAP. 170.

**23.**—(1) Notwithstanding anything contained in the Limitation Act, no proceedings shall lie for the recovery by a moneylender of any money lent by him after the commencement of this Act or of any interest in respect thereof, or for the enforcement of any agreement made or security taken after the commencement of this Act in respect of any loan made by him, unless the proceedings are commenced before the expiration of twelve months from the date on which the cause of action accrued.

(2) In every other respect, the Limitation Act, shall apply to all transactions and dealings falling within the provisions of this Act.

Power to relieve borrower from harsh transaction.

**24.**—(1) Where proceedings are taken in any court by a moneylender for the recovery of any money lent after the commencement of this Act, or the enforcement of any agreement or security made or taken after the commencement of this Act, in respect of money lent either before or after the commencement of this Act, and there is evidence which satisfies the court that the interest charged in respect of the sum actually lent is excessive, or that the amounts charged for expenses, inquiries, fines, bonus, premium, renewals or any other charges, are excessive, and that, in either case, the transaction is harsh and unconscionable, or is otherwise such that a court of equity would give relief, the court may re-open the transaction, and take an account between the moneylender and the person sued, and may, notwithstanding any statement or settlement of



account or any agreement purporting to close previous dealings and create a new obligation, re-open any account already taken between them, and relieve the person sued from payment of any sum in excess of the sum adjudged by the court to be fairly due in respect of such principal, interest and charges, as the court, having regard to the risk and all the circumstances, may adjudge to be reasonable.

(2) If any such excess has been paid, or allowed in account, by the debtor, the court may order the creditor to repay it, and may set aside, either wholly or in part or may revise or alter any security given or agreement made in respect of money lent by the moneylender, and if the moneylender has parted with the security, may order him to indemnify the borrower or other person sued.

**25.** Any court in which proceedings might be taken for the recovery of money lent by a moneylender shall have and may, at the instance of the borrower or surety or other person liable, exercise the like powers as may be exercised under this section, whether or not proceedings are taken for the recovery of money lent, and the court shall have power, notwithstanding any provision or agreement to the contrary, to entertain any application under this Act by the borrower or surety, or other person liable, notwithstanding that the time for repayment of the loan or any instalment thereof, may not have arrived, or that the moneylender's right of action for the recovery of the money lent is barred.

Power to grant relief at instance of borrower or surety.

**26.**—(1) Where, in any proceedings in respect of any money lent by a moneylender after the commencement of this Act or in respect of any agreement or security made or taken after the commencement of this Act in respect of money lent either before or after the commencement of this Act, it is found that the interest charged exceeds the rate forty-eight *per centum* per annum, or the corresponding rate in respect of any other period, the court shall, unless the contrary is proved, presume for the purposes of section 24 of this Act, that the interest charged is excessive and that the transaction is harsh and unconscionable,

Presumption that interest excessive.

but this provision shall be without prejudice to the powers of the court under that section where the court is satisfied that the interest charged, although not exceeding forty-eight *per centum* per annum, is excessive.

13 of 2017.

(2) Notwithstanding section 2D(5), where a court re-opens a transaction of a moneylender under section 24, the Registrar may require the moneylender to produce the moneylender's licence and, without delay, may impose such conditions as the Registrar considers appropriate.

Application and construction of sections 24 to 26.

**27.** Sections 24, 25 and 26 of this Act—

- (a) shall apply to any transaction which, whatever its form may be, is substantially one of money lending by a moneylender;
- (b) shall not affect the rights of any *bona fide* assignee or holder for value without notice;
- (c) shall not be construed as derogating from the existing powers or jurisdiction of any court.

## PART VA

### *Compliance and Enforcement*

Compliance policies, systems and controls.

**27A.** A moneylender shall establish, maintain and implement a compliance policy and compliance systems and controls that are appropriate for the nature, scale, complexity and diversity of the moneylending business carried on by the moneylender.

Compliance officer.

**27B.**—(1) A moneylender shall appoint as its compliance officer a person approved, upon application in writing by the moneylender, by the Registrar as being a fit and proper individual to so act.

(2) The principal functions of the compliance officer are—

- (a) in relation to this Act, any regulations, or guidelines made under this Act and all laws for the time being in force concerning moneylending business—
  - (i) to oversee and monitor the moneylender’s compliance; and
  - (ii) to act as the liaison between the moneylender and the Registrar in matters relating to compliance;
- (b) be responsible for establishing, maintaining and ensuring compliance such manual of compliance procedures as the Registrar may require in relation to the moneylender’s compliance policy and compliance systems and controls referred to in section 30A.

(3) The Registrar may, by notice in writing to a moneylender, revoke its approval of an individual as the moneylender’s compliance officer.

(4) Where the Registrar issues a notice under sub-section (3), the moneylender shall, without delay, appoint another individual as its compliance officer in accordance with this section.

**27C.**—(1) In this section “relevant person” means—

Compliance inspections.

- (a) a moneylender;
- (b) a former moneylender; or
- (c) an associate of a moneylender or of a former moneylender.

(2) The Registrar may, for a purpose specified in sub-section (3)–

- (a) inspect the premises and the business, whether in or outside Belize, including the procedures, systems and controls, of a relevant person;
- (b) inspect the assets, including cash, belonging to or in the possession or control of a relevant person;
- (c) examine and make copies of documents belonging to or in the possession or control of a relevant person that, in the opinion of the Registrar, relate to the carrying on of moneylending business by the relevant person; and
- (d) seek information and explanations from the officers, employees, agents and representatives of a relevant person, whether orally or in writing, and whether in preparation for, during or after a compliance inspection.

(3) A compliance inspection may be undertaken for the following purposes–

- (a) the supervision of moneylending business, including monitoring and assessing a relevant person's compliance with–
  - (i) this Act, the regulations made under this Act and any other law related to moneylending business; and
  - (ii) any guidelines or directive issued by the Registrar; and

- (b) monitoring and assessing a relevant person's compliance with AML/CFT obligations.

(4) Subject to sub-section (5), the Registrar shall give reasonable notice to a relevant person of its intention to exercise its powers under sub-section (2).

(5) Where it appears to the Registrar that the circumstances so justify, the Registrar may exercise its powers under sub-section (2) without giving notice of its intention to do so.

(6) Subject to sub-section (7), the Registrar may, upon the request of a foreign regulatory authority, permit that authority to take part in a compliance inspection undertaken by the Registrar under this section.

(7) In deciding whether to permit a foreign regulatory authority to take part in a compliance inspection under this section, the Registrar may take into account, in particular, whether, in its opinion—

- (a) the participation of the foreign regulatory authority—
  - (i) is necessary for the effective supervision of the person to be subject to the compliance inspection or its subsidiary or holding company, and
  - (ii) is not contrary to the public interest; and
- (b) the foreign regulatory authority is subject to adequate legal restrictions on further disclosure and that it will not, without the written permission of the Registrar—
  - (i) disclose information obtained or documents examined or obtained during the compliance inspection to any person

other than an officer or employee of the authority engaged in prudential supervision, or

- (ii) take any action on information obtained or documents examined or obtained during the compliance inspection.

(8) Subject to sub-section (5), a relevant person shall permit any employee of the Registrar or person appointed by the Registrar for the purpose to have access at any reasonable time to any of its business premises to enable that person to undertake a compliance inspection.

(9) The Registrar may require a moneylender to contribute towards the costs of a compliance inspection.

(10) The amount to be contributed under sub-section (9) shall be determined in such manner as may be prescribed.

Power of Registrar to gather information.

**27D.**—(1) The Registrar may, by notice in writing, require a person specified in sub-section (2) to—

- (a) provide, in accordance with directions in the notice, such information relevant to the moneylender, that associate or the moneylending business, or with such information as the Registrar requires, and specified in the notice;
- (b) produce, in accordance with the directions in the notice, such records relevant to the moneylender, that associate or the moneylending business, or to matters specified by the Registrar, as are specified in the notice and to permit examination of those records, the taking of extracts from them and the making of copies of them; or

- (c) attend before the Registrar, or such person as may be designated by the Registrar, for examination in relation to any matters relevant to the moneylender, that associate or the moneylending business, or to matters specified by the Registrar, and to answer questions relating to those matters.

(2) A notice under sub-section (1) may be issued to—

- (a) a moneylender;
- (b) a person the Registrar reasonably believes to be carrying on, or to have at any time carried on, moneylending business without a licence;
- (c) an associate of a person specified in paragraph (a) or (b); or
- (d) in the case of a notice requiring the production of documents, any person who the Registrar reasonably believes is in possession, or has control, of the documents.

(3) Where records are produced under this section, the Registrar, or such person as may be designated by the Registrar to whom they are produced, may retain possession of the records for such period as may reasonably be necessary for an investigation to be carried out.

(4) At any reasonable time during the period for which records are retained, the Registrar, or such person as may be designated by the Registrar, shall permit inspection of the records by a person who would be entitled to inspect them if they were not in the possession of the Registrar, or person designated by the Registrar.

(5) A person, including a director, officer or employee of a moneylender, who provides information or produces records to

the Registrar in compliance with a notice under this section does not contravene any law, rule of law, agreement or professional code of conduct to which that person is subject, and no civil, criminal or disciplinary proceedings shall lie against him, or against the moneylender, in respect thereof.

Power to give directions.

**27E.**—(1) The Registrar may give to a moneylender written directions relating to the conduct, supervision or control of operations in the moneylending business of the moneylender and the moneylender shall comply with such directions within the period specified in the direction.

(2) Any directions given under sub-section (1) shall take effect when such directions are delivered to the moneylender or at such later date as may be specified in the directions.

(3) The power conferred upon the Registrar by this section includes the power to give a direction to a moneylender to do any of the following—

- (a) adopt, vary, cease or refrain from any practice in respect of the conduct of moneylending business;
- (b) where the Registrar is of the opinion that a member of senior management, director or compliance officer of the moneylender does not satisfy its fit and proper criteria—
  - (i) remove that person and, if it considers it appropriate, to replace that person with another person acceptable to the Registrar; or
  - (ii) ensure that the person ceases to undertake certain specified functions in relation to the moneylender.



**27F.**—(1) The Registrar may take enforcement action against a moneylender if—

Enforcement  
action.  
13 of 2017.

(a) in the opinion of the Registrar, the moneylender—

(i) has contravened or is in contravention of this Act or the regulations made under this Act;

(ii) is carrying on, or is likely to carry on, moneylending business in a manner detrimental to the public interest or to the interest of any of its customers;

(iii) is or is likely to become insolvent;

(iv) is in breach of any term or condition of its licence; (v) has failed to comply with a direction given to it by the Registrar;

(vi) is not a fit and proper person to hold a licence; or

(vii) has provided the Registrar with any false, inaccurate or misleading information, whether on making application for a licence or approval or subsequent to the issue of the licence or approval; or

(b) in the opinion of the Registrar—

(i) a person having a share or interest in the moneylender, whether equitable or legal, or any director, officer, manager or employee of the moneylender is not a fit and proper person to have an interest in or be concerned with the management

or operation of a moneylending business, as the case may be, or

- (ii) the moneylender or a subsidiary or holding company of the moneylender has refused or failed to cooperate with the Registrar on a compliance inspection conducted by the Registrar under section 27C.

(2) If the Registrar is entitled to take enforcement action under sub-section (1) it may exercise such powers therefor as may be prescribed.

Disciplinary  
measures.  
13 of 2017.

**27G.**—(1) The Registrar may take disciplinary measures against a moneylender under this section where it is—

- (a) entitled to take enforcement action under section 27F; or
- (b) satisfied that the moneylender has committed a regulatory violation.

(2) The Registrar takes disciplinary measures against a moneylender by taking such actions as may be prescribed therefor.

(3) For the purposes of this section, “regulatory violation” means—

- (a) a contravention of a provision of this Act or regulations or guidelines made or direction given under this Act; or
- (b) failure to comply with an AML/CFT obligation.

## PART VI

*Offences, Penalties, Appeals, Regulations and Miscellaneous*

13 of 2017.

**28.**—(1) Where a debt due to a moneylender in respect of a loan made by him after the commencement of this Act includes interest, that interest shall, for the purposes of the provisions of the Bankruptcy Act, relating to the presentation of a bankruptcy petition, voting at meetings, compositions and schemes of arrangement and dividend, be calculated at a rate not exceeding five *per centum per annum*, but nothing in the foregoing provision shall prejudice the right of the creditor to receive out of the estate, after all the debts proved in the estate have been paid in full, any higher rate of interest to which he may be entitled.

Interests not to exceed 5% in bankruptcy proceedings. CAP. 244.

(2) Sub-section (1) of this section, shall in relation to such a debt as aforesaid, have effect, notwithstanding any other provisions relating to the payment of debts, including interests or any pecuniary consideration *in lieu* of interest contained in the Bankruptcy Act.

(3) No proof of a debt due to a moneylender in respect of a loan made by him shall be admitted for any of the purposes of the Bankruptcy Act, unless the affidavit verifying the debt is accompanied by a statement showing in detail—

- (a) the amount of the sums actually lent to the debtor and the dates on which they were lent, and the amount of every payment already received by the moneylender in respect of the loan and the date on which every such payment was made;
- (b) the amount of the balance which remains unpaid distinguishing the amount of the principal from the amount of interest included therein, the appropriation between principal

and interest being made in accordance with the provisions of this Act where the interest is not expressed by the contract for the loan in terms of a rate; and

- (c) where the amount of interest included in the unpaid balance represents a rate *per centum per annum* exceeding five *per centum*, the amount of interest which would be so included if it were calculated at the rate of five *per centum per annum*.

CAP. 244. (4) General rules may be made under section 97 of the Bankruptcy Act, for the purpose of carrying into effect the objects of this section.

Proof by moneylender in bankruptcy.

**29.** On an application relating to the admission or amount of a proof by a moneylender in any bankruptcy proceedings, the court may exercise the like powers as may be exercised under this Act when proceedings are taken for the recovery of money.

Claim of relief by trustee in bankruptcy.

**30.** The powers of a court under section 25 may, in the event of the bankruptcy of the borrower, be exercised at the instance of the trustee in bankruptcy, notwithstanding that he may not be a person liable in respect of the transaction.

Penalties for false statements and representations. 4 of 1998.

**31.** If any moneylender, or any manager, agent or clerk of a moneylender, or if any person being a director, manager or other officer of any corporation carrying on the business of a moneylender, by any false, misleading or deceptive statement, representation or promise, or by any dishonest concealment of material facts, fraudulently induces or attempts to induce any person to borrow money or to agree to the terms on which money is or is to be borrowed, he commits an offence, and is liable on summary conviction to imprisonment for a term not exceeding two years, or to a fine not exceeding fifty thousand dollars, or to both such fine and term of imprisonment.

13 of 2017.

13 of 2017.

**31A.**—(1) Where a moneylender—

- (a) uses or, as the case may be, displays any threatening, abusive or insulting words, behaviour, writing, sign or other visible representation; or
- (b) does any act likely to cause alarm or annoyance to a borrower or surety, any member of the family of the borrower or surety, or any other person,

Harassing  
borrower,  
besetting  
borrower's  
residence, etc.  
13 of 2017.

in connection with the loan to the borrower, whether or not the moneylender does the act personally or by any person acting on the moneylender's behalf, the moneylender commits an offence.

(2) Any person who, acting on behalf of a moneylender, does any of the acts specified in sub-section (1) commits an offence.

(3) A person who commits an offence under sub-section (1) or (2) is liable on summary conviction to—

- (a) a fine of not less than ten thousand dollars and not more than fifty thousand dollars or imprisonment for a term not exceeding 5 years or both;
- (b) in the case of a second or subsequent offence, a fine of not less than fifteen thousand dollars and not more than seventy-five thousand dollars or imprisonment for a term of not less than 2 years and not more than 9 years or both; or
- (c) in the case where the person is a legal person, a fine of not less than twenty thousand dollars and not more than one hundred thousand dollars.

(4) If the court is satisfied that, in the course of committing an offence referred to in this section, damage was caused to any property or injury was caused to another person, the person who commits the offence is liable to three times the fine referred to in sub-section (3).

(5) For the purposes of sub-section (1)(a), a person who—

- (a) uses any threatening, abusive or insulting words in any telephone call made by him; or
- (b) by any means, sends anything which contains any threatening, abusive or insulting words, writing, sign or other visible representation,

whether from a place in Belize or outside Belize, to any person or place in Belize shall be taken to have done an act referred to in that sub-section.

(7) For the purposes of sub-section (1)(b), a person who makes any telephone call, or by any means sends any article, message, word, sign, image or other visible representation, whether from a place in Belize or outside Belize, to any person or place in Belize, which is likely to cause alarm or annoyance to a person referred to in that sub-section, shall be taken to have done an act referred to in that sub-section.

(8) For the purposes of sub-section (2), any person who does any of the acts specified in sub-section (1) in connection with a demand for the repayment of a loan to a moneylender shall be presumed, until the contrary is proved, to act on behalf of the moneylender.

(9) For the purposes of sub-section (4), damage is deemed to be caused to property by the following acts—

- (a) defacing the property by means of any paint, pen, marker or any other delible or indelible substance or affixing, posting up or displaying

on such property any poster, placard, bill, notice, paper or other document;

- (b) destroying or damaging the property through the use of fire or any other substance;
- (c) doing any other act of mischief which causes a disadvantageous change in any property or which otherwise diminishes its value or utility.

**31B.** (1) Any person who, without reasonable excuse, fails to comply with a notice issued under section 30D(1) commits an offence.

Penalty for failure to comply with notice.  
13 of 2017.

(2) Any person who in purported compliance with a notice issued by the Registrar under section 30D(1)–

- (a) provides information which he knows to be false or misleading in a material respect; or
- (b) recklessly provides information which is false or misleading in a material respect;

commits an offence.

(3) Any person who, for the purpose of obstructing or frustrating compliance with a notice issued by the Registrar under section 30D(1) destroys, mutilates, defaces, hides or removes a document commits an offence.

(4) Any person who commits an offence under this section is liable on summary conviction–

- (a) to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding one year, or to both; and
- (b) where an offence under sub-section (1) is a continuing offence, a fine of five hundred

dollars for each day during which the offence continues.

Penalty for failure to comply with direction. 13 of 2017.

**31C.** Any person who, without reasonable excuse, fails to comply with a direction given under section 30E commits an offence and is liable on summary conviction—

- (a) to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding one year, or to both; and
- (b) where an offence is a continuing offence, a fine of five hundred dollars for each day during which the offence continues.

Obstruction. 13 of 2017.

**31D.** Any person who wilfully obstructs or hinders the Registrar or a person designated by, or acting on behalf of, the Registrar in the performance of any duty imposed or the exercise of any authority conferred on the Registrar or person under this Act commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding one year, or to both.

Penalty for making false return, breach of condition, etc. 13 of 2017.

**31E.**—(1) Any person who—

- (a) knowingly furnishes any information, record or return required by the Registrar that is false in any material particular;
- (b) contravenes or fails to comply with the terms and conditions of a valid licence,

commits an offence and is liable on summary conviction to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding two years, or to both.

Appeals. 13 of 2017.

**31F.**—(1) Subject to sub-section (2), a person who is aggrieved by a decision of the Registrar made under this Act may, within 30 days of the date of the decision, appeal to the Supreme Court



under the provisions of Part IX of the Supreme Court of Judicature Act, and for this purpose, the Registrar is deemed to be an inferior court and the rules governing inferior court appeals apply, with such changes as the circumstances require, to every such appeal.

(2) Notwithstanding section 112 of the Supreme Court of Judicature Act, an application for leave to appeal, an appeal and an application for judicial review shall not itself result in the suspension of the decision of the Registrar in relation to which the application or appeal is made, but the appellant may, within the time prescribed under the Supreme Court of Judicature Act, for filing such appeal, apply to the Supreme Court for stay of execution of the order appealed from, pending the determination of such appeal.

CAP. 91.

(3) Upon hearing an appeal, the Supreme Court may—

- (a) dismiss the appeal; or
- (b) remit the matter back to the Registrar for further consideration with such directions as it considers fit.

**32.** Without prejudice to the powers of a court under sections 24 and 25 of this Act, if at the time when proceedings are taken by a moneylender in respect of a default in the payment of any sum due to him under a contract for the loan of money, any further amount is outstanding under the contract but not yet due, the court may determine the contract and order the principal outstanding to be paid to the moneylender with such interest thereon, if any, as the court may allow up to the date of payment.

Power of court to determine contract.

**33.** Proceedings for the punishment of persons who contravene any of the provisions of this Act shall, except where it is declared that they may be taken on indictment, be taken under the Summary Jurisdiction (Offences) Act, and Summary Jurisdiction (Procedure) Act.

Offences punishable on summary conviction.  
CAP. 98.  
CAP. 99.

Offences by  
legal persons.  
13 of 2017.

**34.** Where an offence is committed by a legal person, any person who at the time of the commission of the offence was a member of senior management or director of the legal person, or purported to act in such capacity, is deemed to have committed the offence unless that person adduces evidence to the effect that the offence was committed without the person's consent or connivance and that the person exercised all due diligence to prevent the commission of the offence as the person ought to have exercised having regard to the nature of the person's functions in that capacity and to all the circumstances.

Immunity.  
13 of 2017.

**35.**—(1) No person to whom this sub-section applies is liable for anything done or omitted in the discharge or purported discharge of any functions or duties or the exercise or purported exercise of any powers under this Act or any other enactment unless it is shown that the act or omission was in bad faith.

(2) Sub-section (1) applies to—

- (a) the Registrar;
- (b) any Board member of the Registrar or a member of a committee of the Board of the Registrar;
- (c) an employee of the Registrar; and
- (d) a person authorised by the Registrar to perform any function or exercise any power on behalf of the Registrar.

(3) Sub-section (1) does not limit any liability of a person specified in sub-section (2)(d) to the Registrar.

(4) No civil, criminal or disciplinary proceedings may be taken against a person by reason solely of the fact that the person has provided information or produced documents to the Registrar pursuant to a notice issued by the Registrar under the Act.

**36.**—(1) The Registrar, with the approval of the Minister, may make regulations prescribing the following—

Regulations.  
13 of 2017.

- (a) the procedure for making applications for licences and renewal of licences;
- (b) the criteria for eligibility for obtaining a licence;
- (c) a limit on the number of licensees;
- (d) different classes of licences, the persons eligible to hold each class of licence, and the terms and conditions applicable to each class of licence;
- (e) the records and accounts to be kept by a moneylender and the manner in which the records are to be kept;
- (f) the fees to be paid in respect of any matter required for the purposes of this Act, including licence fees;
- (g) the class or description of borrowers to which a moneylender may grant a loan, or a loan above a specified amount, either generally or in specified circumstances;
- (h) the maximum amount which may be lent to a borrower or any class or description of borrowers;
- (i) the types of activities and services that a moneylender may not engage in or provide;
- (j) regulation of the use of advertisements by or on behalf of any moneylender, or any

solicitation or canvassing for business by or on behalf of any moneylender;

- (k) regulation of the conduct of the business of moneylending, or specific types of moneylending activities or services
- (l) the determination of, or the method for determining, the amount to be paid by a moneylender in relation to a compliance inspection;
- (m) the procedures to be adopted when taking enforcement action against a moneylender;
- (n) the determination of, or the method for determining, the amount of the administrative penalty that may be imposed for a regulatory violation;
- (o) all matters and things which by this Act are required or permitted to be prescribed or which are necessary or expedient to be prescribed to give effect to this Act.

(2) Regulations made under this section may provide that any breach thereof shall constitute either or both of the following, as the case may require—

- (a) an offence and may provide for penalties on summary conviction of a fine not exceeding two hundred and fifty thousand dollars, or imprisonment for a term not exceeding two years, or to both a fine and imprisonment;
- (b) a regulatory violation and may provide for imposition of an administrative penalty not exceeding five hundred thousand dollars and for the determination of, or the method for

determining, the amount of the administrative penalty that may be imposed for a regulatory violation.

(3) Regulations made under this section—

- (a) may relate to all or any class or description of moneylenders and make different provisions for different classes or descriptions of moneylenders;
- (b) are subject to negative resolution.

**37.**—(1) The Registrar may issue one or more guidelines specifying requirements, not inconsistent with this Act or the regulations made under this Act, relating to the carrying on by moneylenders of moneylending business.

Guidelines and  
guidance notes.  
13 of 2017.

(2) Without limiting sub-section (1), guidelines may provide for the—

- (a) standards of compliance expected of moneylenders;
- (b) individuals who may act as the compliance officer for a moneylender; (c) factors that the Registrar will take into account in considering the suitability of a person as a compliance officer;
- (d) functions and responsibilities of a compliance officer;
- (e) preparation by moneylenders of a compliance manual and the matters to be included in such a manual; and

(f) requirements with respect to the compliance policies, systems and controls of a moneylender.

(3) Guidelines may—

(a) make different provision in relation to persons, cases or circumstances of different descriptions; and

(b) include such transitional provisions as the Registrar considers necessary or expedient.

(4) The Registrar may amend, add to or replace any guidelines by notice published in the *Gazette*.

(5) The Registrar may issue guidance notes with respect to—

(a) compliance by moneylenders with this Act or the regulations;

(b) any matter required or permitted to be specified or provided for in guidelines; and

(c) such matters as it considers relevant to its functions.

(6) Guidance notes may make different provision in relation to different persons, circumstances or cases.

(7) Failure to follow guidance notes issued under this section shall not, of itself, render a person liable to proceedings of any kind but such failure may be taken into account by the Court or the Registrar, as the case may be, in determining whether there has been a contravention of this Act, the regulations or guidelines.