

BELIZE:

SENIOR COURTS (AMENDMENT) ACT, 2023

ARRANGEMENT OF CLAUSES

1. Short title.
2. Repeal of section 225.
3. Amendment of Schedule II.

BELIZE:

BILL

for

AN ACT to amend the Senior Courts Act, Act No. 27 of 2022 of the Substantive Laws of Belize; to remove provisions relating to the assignment of attorneys-at-law by the court to provide legal aid services; and to provide for matters connected therewith or incidental thereto.

(Gazetted, 2023)

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

Short title.

1. This Act may be cited as the

SENIOR COURTS (AMENDMENT) ACT, 2023,

27 of 2022.

and shall be read and construed as one with the Senior Courts Act which is hereinafter referred to as the principal Act.

Repeal of section 225.

2. Section 225 of the principal Act is repealed.

Amendment of Schedule II.

3. The principal Act is amended in Schedule II as follows—

(a) in Order III, rule 1, by inserting the words “1A,” after the words “Form 1”;

(b) by repealing rule 13 of Order III;

(c) in Appendix C—

(i) by inserting immediately after Form No. 1 in the Index of Forms, the following—

“1A. Order III r.1. Notice of Grounds of Appeal”

(ii) by repealing Criminal Form 1 and substituting it with the following—

“CRIMINAL FORM 1 O.III, rr. 1 & 15

Senior Courts

IN THE COURT OF APPEAL

*Notice of Appeal or Application for Leave to Appeal
Against Conviction or Sentence*

Criminal Appeal Noof 20.....

TO THE CHIEF REGISTRAR OF THE COURT OF
APPEAL

Name of appellant
Convicted at the (1).....held at.....
Offence of which convicted (2).....
Sentence.....
Date when convicted (3).....
Date when sentence passed (3).....
Name of Prison (4).....

I, the above-named appellant, hereby give you
notice that I desire to

appeal to the Court of Appeal against my (5)..... on the
grounds hereinafter set forth on page 2 of this notice.

(Signed) (6).....

.....*Appellant*

DATED this (7)..... day of.....20.....

QUESTIONS (8)

1. Did the judge before whom you were tried
grant you a certificate that it was a fit case for appeal?
.....

2. Is any attorney-at-law now acting for you? If
so, give his name and
address.....

3. Do you desire to be present when the Court
considers your appeal?
.....

(9)

Senior Courts

4. Do you desire to apply for leave to call any witnesses on your appeal?

.....

If your answer to this question is "Yes", you must also fill in Form 22 and send it with this notice.....

Grounds of Appeal or Application (10)

- (1) Criminal Sessions.
- (2) e.g. Larceny, Forgery.
- (3) Set out the actual date upon which the appellant was convicted.
- (4) If not in custody, here set out appellant's address in full.
- (5) If the appellant wishes to appeal against conviction he must write the word "conviction." If he wishes to appeal against sentence he must write the word "sentence." If he wishes to appeal against both conviction and sentence he must write the words "conviction and sentence".
- (6) This notice must be signed by the appellant. If he cannot write he must affix his mark in the presence of a witness. The name and address of such attesting witness must be given.
- (7) If this notice is signed more than twenty-one days after conviction or sentence appealed against the appellant must also fill in Form 2 and send it with this notice.
- (8) The appellant must answer each of these questions.
- (9) An Appellant is not entitled to be present on the hearing of an application for leave to appeal.
- (10) These must be filled in before the notice is sent to the Chief Registrar. The appellant must here set out the grounds or reasons he alleges why his conviction should be quashed or his sentence reduced.

Senior Courts

If one of the grounds set out is “misdirection” by the judge, particulars of such alleged misdirection must be set out in this notice.

The appellant can also, if he wishes, set out, in addition to his above reasons, his case and argument fully.”; and

(iii) by inserting immediately after Criminal Form 1 the following—

“CRIMINAL FORM IA O. III, r. 1

IN THE COURT OF APPEAL

Notice of Grounds of Appeal Against Conviction or Sentence

Criminal Appeal No..... of 20.....

TO THE CHIEF REGISTRAR OF THE COURT OF APPEAL:

I, having been convicted of the offence of.....
And being now a prisoner in.....

(or* now living at
do hereby give you Notice of the Grounds of Appeal against my conviction or sentence relied on, that is to say

Where appellant for any reason is not in custody.

Grounds of Appeal

.....
.....
.....
.....
.....

(Signed)
Appellant

(Or Mark)
.....

.....
Signature and address of witness attesting mark

DATED thisday of.....20.....

- (1) **The appellant must file this notice**
 - (a) within 21 days after receipt of
 - (i) a copy of the record from the Registrar which shall include a copy of the judge's summing up; or
 - (ii) a copy of the order against which he desires to appeal and the judgement on which it was based and the judge's notes of evidence, if any, or
 - (b) within the extended period of time granted on application for extension of time to file notice of grounds of appeal.
 - (2) The appellant must set out the grounds or reasons he alleges why his conviction should be quashed or his sentenced reduced.
 - (3) The appellant must ensure that his grounds of appeal have merit and substance and are not petty or intended to cause annoyance.
 - (4) If one of the grounds set out is *misdirection* by the judge, the appellant must set out particulars of such alleged misdirection in this notice.
 - (5) The appellant may, in addition to his above reasons, set out his case and arguments fully.”
- (iv) by repealing Criminal Form 25 and substituting it with the following–

“CRIMINAL FORM 25 O. IV, R. 6 (2)

IN THE COURT OF APPEAL

*Notice of Appeal or Application for Leave to Appeal from an
Order of the High Court made upon Appeal under section 208
of the Act*

Senior Courts

A. Has the High Court granted leave to appeal? If so, attach the Certificate of the Registrar of the High Court to this Form.

B. Is the defendant-respondent in custody? If so, in what prison? (only to be answered by a defendant-appellant)

<i>Questions</i>	<i>Answers</i>
1. Is any attorney-at-law now acting for you?
If so, give his name and address
2. Are you in custody?
If so, state,	
(a) the Prison
(b) whether you desire to be present when the Court hears your appeal

DATED thisday of.....20.....

(Signed).....
Appellant (s)."