

BELIZE:

LEGAL AID ACT, 2023

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No. 15 of 2023

I assent,

(H.E. DAME FROYLA TZALAM)
Governor-General

17th May 2023

AN ACT to make legal aid readily available to persons of small or moderate economic means; to enable the cost of providing legal aid granted to persons of small and moderate economic means to be defrayed wholly or partly out of money provided for that purpose by the National Assembly; and to provide for matters connected therewith or incidental thereto.

(Gazetted 20th May, 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:

PART I

Preliminary

1. This Act may be cited as the,

Short title.

LEGAL AID ACT, 2023.

Interpretation.

2. In this Act—

“aided person” means a person who has been granted a certificate entitling that person to legal aid under this Act, and where that person is an infant, it includes his guardian;

Schedule I.

“certified offence” means an offence specified in paragraph (e) or (f) of Part 1 of Schedule I;

Schedule I.

“certified civil matter” means the legal matters for which legal aid services may be rendered specified in the Part II of Schedule I or such other civil matters as the Commission may from time to time permit;

“Commission” means the Commission established under section 4;

“Director” means the Director of Legal Aid appointed under section 10;

“law student” means a person undergoing a course of study in law at a university within the Commonwealth or with the Council of Legal Education;

“legal aid services” means such legal services by way of legal advice, assistance or representation for such scheduled offences or certified civil matters or as provided under this Act;

“Minister” means the Attorney General;

“panel” means the panel of attorneys-at-law maintained by the Commission to provide legal services in accordance with this Act;

“scheduled offence” means an offence specified in Part I of the Schedule I.

3. The purposes of this Act are to establish a regulatory framework for—

Purpose of Act.

- (a) providing legal aid services in respect of civil or criminal matters to persons who are financially unable to secure legal services from their own resources; and
- (b) providing legal aid services in the most effective and efficient manner.

PART II

Establishment of Commission

4.-(1) There shall be and is hereby established a body to be known as the Legal Aid Commission, which shall, subject to the provisions of this Act, be an autonomous corporate body having perpetual succession and a common seal, with power to sue or be sued in its corporate name.

Establishment of the Commission.

(2) The Commission may exercise any of the functions entrusted to it by or in accordance with this Act and may exercise any other duties incidental or ancillary to, or consequential upon, the performance of its functions.

(3) The provisions of Schedule II shall have effect with respect to the constitution and operation of the Commission.

Schedule II.

(4) The Commission is exempt from all taxes, including general sales tax, duties, fees, charges assessments, levies and imposts on its income, profits or assets.

5.-(1) The Commission shall consist of the following members appointed by the Chief Justice—

Membership of the Commission.

- (a) a judge of the High Court or a magistrate nominated by the Chief Justice, in his absolute discretion;

- (b) the Director of Public Prosecutions or his nominee;
- (c) the Solicitor General or his nominee;
- (d) two members nominated by the Bar Association of Belize;
- (e) a member nominated by the Minister responsible for human development or social welfare; and
- (f) the Director, as ex officio member.

(2) Where any member of the Commission is, for any reason, unable to perform his duties, the Chief Justice may appoint a representative member of the office entitled to nominate a member to carry out those functions.

Policy
directions.

6. In the exercise and performance of its functions under this or any other law, the Commission shall not be subject to the control or direction of any person or authority.

Duties of the
Commission.

7. The Commission shall—

- (a) prepare and submit, for approval by the Minister responsible for finance, estimates of revenue and expenditure, including any supplementary budget, for each financial year;
- (b) receive sums appropriated by the National Assembly for use by the Commission;
- (c) receive grants made to the Commission for the purposes of the Commission and for the purpose of the administration of this Act;
- (d) receive and pay out any disbursements on behalf of legal aid services;

- (e) organize the establishment and operation of offices and clinics to provide legal aid services throughout Belize;
- (f) advise the Minister on policies and laws to improve the provision of legal aid services;
- (g) after consultation with the Bar Association of Belize and the Chief Justice, establish, with the approval of the Minister, a tariff or fees pursuant to which attorneys-at-law rendering their legal aid services under this Act shall receive remuneration for such services;
- (h) administer and make the required payments under the tariff for fees under paragraph (g);
- (i) provide and administer legal aid services in accordance with this Act and to continuously evaluate the adequacy of the services rendered under this Act.

8. Subject to the provisions of this Act, the Commission shall—

**Powers of
Commission.**

- (a) ensure that legal aid services are provided in the most effective, efficient and economical manner;
- (b) allocate funds to, and monitor the expenditure of funds by, the offices or clinics providing legal aid services under the Act;
- (c) ensure that its activities are carried out consistently with, and do not prejudice, the independence of the private legal profession;
- (d) liaise and cooperate and, if the Commission considers it desirable to do so, make reciprocal

arrangements, with professional bodies representing private legal practitioners and other bodies, including educational institutions, engaged or interested in the provision of legal services;

- (e) liaise with professional bodies representing private legal practitioners in order to facilitate the use and recognition, in appropriate circumstances, of services provided by private legal practitioners;
- (f) liaise or collaborate with any multi-lateral or donor agencies to provide legal aid services or training or educational campaigns in furtherance of this Act;
- (g) establish, in accordance with such regulations as may be prescribed, procedures to determine eligibility of applicants for legal aid services under this Act and the contribution, if any, to be made by any applicant towards the costs of any such services rendered to him under this Act;
- (h) establish a roster of attorneys-at-law or other persons, for the purpose of providing legal aid services under this Act;
- (i) encourage and assist, by means of grants or otherwise, the programme of any full-time law student where the programme has objects consistent with the objects of this Act;
- (j) utilize full-time law students in providing legal aid services, and ensure supervision of law students by an attorney-at-law;

- (k) make public, by means of advertising or otherwise, the nature and extent of the legal aid services that are available;
- (l) establish and conduct such programmes, as the Commission considers advisable, to provide legal aid services to persons, to prevent legal problems arising in connection with the affairs of such persons, and generally to carry out the purposes of this Act;
- (m) employ and retain persons to administer the provisions of this Act, and where the Commission considers it advisable, any such persons shall, subject to such terms and conditions as may be prescribed by the Commission, become employees of the Commission;
- (n) establish programmes providing information and counseling in legal and related matters and to provide legal education, where necessary, to persons in need of legal aid services;
- (o) make all necessary arrangements including the acquisition of premises, supplies and furnishings as are required to provide legal aid services;
- (p) do all things that are necessary, incidental or conducive to the attainment of the purposes of this Act.

9.-(1) The Commission may acquire by purchase, lease or otherwise, any real or personal property that it considers necessary for the efficient operation of its business, and may sell, lease or otherwise dispose of any of its property, real or personal, that it considers to be no longer necessary for its purposes.

Acquisition
and disposal of
property.

(2) Where the purchase price or sale price of real or personal property included in one transaction exceeds five thousand dollars (\$5,000.00), the transaction shall not be concluded without the prior approval of the Chief Justice.

PART III

Appointment of Staff

Appointment
of Director and
other staff.

10.—(1) The Commission shall appoint a person as the Director of the Legal Aid and Advice Commission who—

- (a) is qualified to practice as an attorney-at-law in a court in Belize or as an advocate in a court in any other part of the Commonwealth having unlimited jurisdiction either in civil or criminal causes or matters; and
- (b) has been qualified for not less than five years to practice in such a court.

(2) The Commission may appoint and employ as temporary or permanent staff, at such remuneration and subject to such terms and conditions as it thinks fit such legal officers, employees and agents as it considers necessary for the proper performance of its functions, including but not limited to legal officers, paralegals, legal secretaries, legal assistants and such administrative staff as may be necessary.

Duties of the
Director.

11.—(1) The Director shall, subject to the general policy directions of the Commission—

- (a) act as secretary to the Commission;
- (b) provide services of general counsel under this Act;
- (c) provide legal aid services and supervise legal officers, paralegals, legal secretaries, legal

assistants and administrative staff under this Act;

- (d) negotiate contract for the hiring of attorneys-at-law in private practice to provide services at the tariff or fees prescribed for that purpose by the Commission;
- (e) subject to the general policy directions of the Commission, be responsible for the day-to-day management of the affairs of the Commission, including the organization of staff, in accordance with the general terms and conditions of service established by the Commission;
- (f) delegate his powers, with the approval of the Commission, to other attorneys-at-law or members of staff of the Commission;
- (g) investigate the financial means of applicants for legal aid services;
- (h) prepare written reports and budgets as may be required under this Act, or by the Commission, in relation to the services contemplated under this Act;
- (i) perform any duties contemplated under this Act.

12.-(1) Under the direction of the Commission, the Director shall prepare such panel of attorneys-at-law for different purposes and for different courts including a panel of mediators who are prepared to provide legal aid services at the tariff or fees established by the Commission.

**Appointment
of attorneys
from panel.**

(2) Every attorney-at-law entitled to practice law in Belize shall be entitled to have his name on the panels unless

there is good reason for excluding an attorney-at-law arising out of his conduct when acting or assigned to act for persons receiving legal aid or for his professional conduct generally.

(3) An attorney-at-law whose name has been listed in any panel under sub-section (1), may, at any time, request that his name be removed from any panel and the Director shall cause the name of the attorney-at-law to be removed.

PART IV

Provision Of Legal Aid Services

Application
for legal aid
services.

13.—(1) Subject to the provisions of this Act, legal aid services may be provided to a person in accordance with this Part.

(2) Where an applicant for legal aid services is under the age of eighteen or is of unsound mind, the application shall be made on behalf of such person by a person who is of full age and capacity.

(3) Where rules of court require that any proceedings be brought by a next friend or guardian ad litem, the application for legal aid services shall be made by the next friend or guardian ad litem of the person bringing or defending those proceedings.

Schedule III.
Schedule IV.

(4) A qualifying person may apply for legal aid services in the form prescribed in Schedule III or Schedule IV, as the case may be.

(5) Where an application for legal aid services is made, the Director may—

(a) make such inquiries, as he thinks fit, as to the financial means of the applicant and as to the merits of the case;

- (b) require the applicant to furnish such information and such documents as the Director may require for the purpose of considering the application;
- (c) require the applicant to attend personally;
- (d) refer the application, or any matter arising out of the application, to an Attorney-at-law listed in the panel of attorneys under section 12, to investigate the facts and make a report thereon, or to give any opinion thereon or on any question of law arising out of the application; or
- (e) defray expenses incidental to any of the foregoing matters out of any funds in his control which are available for the purpose.

(6) The Director shall have regard to the information gathered pursuant to sub-section (5) in considering whether an applicant qualifies for legal aid services.

14.-(1) Where the Director is satisfied that an applicant is eligible for legal aid services, he shall, subject to the applicant signing the form prescribed in Schedule V accepting the terms and conditions of the legal aid services, issue a legal aid certificate in the form prescribed in Schedule VI.

Grant of legal aid certificate, qualification for, etc. Schedule V. Schedule VI.

(2) A legal aid certificate entitles the person to whom it is issued to such free legal aid services to be provided either by the Commission's legal officers or by attorneys-at-law on the panel of attorneys, as the Director specifies in the certificate.

(3) A legal aid certificate may be issued in respect of a person who is a citizen of Belize or is a national of the Caribbean Community, or permanent resident of Belize.

(4) Where the Director is of the opinion that the interests of justice, or that extenuating circumstances exist which, demand that legal aid services be provided in respect of any scheduled offence or certified civil matter, he may, notwithstanding that the person is not within the category of persons specified in sub-section (3), issue a legal aid certificate to that person.

(5) Where the person mentioned in sub-section (3) is refused a legal aid certificate, the person or some other person acting on the person's behalf may appeal to the Commission.

(6) Where a legal aid certificate is granted, the Director may require the applicant to submit to mediation as a means of resolving the matter, if, in the opinion of the Director, mediation is considered to be appropriate, in the circumstances.

Contribution.

15.—(1) A legal aid certificate granted under section 14 in respect of any proceedings may require a contribution towards disbursements or any expenses related to the provision of the legal aid services.

(2) The requirement for a contribution pursuant to sub-section (1) shall be in the discretion of the Director taking into consideration the financial means of the applicant and such other conditions as the Commission may prescribe.

(3) Any such contribution shall be recoverable as a debt owed to the Commission.

(4) Any amounts required as a contribution shall be deposited into the Fund and any part of any such amount not expended shall be refunded.

(5) In any case where the Director is satisfied that the making of a deposit under sub-section (4) would occasion hardship, the Director may, out of any funds in his control which are available for the purpose, from time to time, meet

any out-of-pocket expenses (not including office expenses) or make such advances to meet such out-of-pocket expenses as the Director may consider necessary.

(6) Any advance made pursuant to sub-section (5) shall be used only for payment of such out-of-pocket expenses and any part of such amount not so expended shall be refunded to the Commission.

16. An application for a legal aid certificate may be made by or on behalf of a person charged with a scheduled offence to—

Applications
for legal aid
certificate
by persons
charged.

- (a) a magistrate before whom, and at such time as, he is charged or may appear upon remand;
- (b) the examining magistrate by whom the preliminary enquiry in relation to that offence is held—
 - (i) at the commencement of the preliminary inquiry; or
 - (ii) where the person charged is committed for trial, at the conclusion of the preliminary inquiry;
- (c) a judge at any time between committal for trial and the appearance of the person charged before the High Court to plead to the indictment;
- (d) the trial judge in relation to a certified offence at any time during the hearing.

17. An application for a legal aid certificate may be made by or on behalf of a person convicted for a scheduled offence to—

Applications
for legal aid
certificate
by persons
convicted.

- (a) a judge, at any time after conviction and before an appeal by the person convicted of

a scheduled offence is set down for hearing before the Court of Appeal;

- (b) a judge, in relation to a certified offence at any time during the hearing; and
- (c) a judge, at any time after the appeal by the person convicted is determined by the Court of Appeal and before the time for applying for leave to appeal to Her Majesty in Council has expired.

Duty of magistrate to inform persons of right to apply for legal aid services.

18. Where any person, who has not made an application for the provision of legal aid services, appears before a magistrate or judge charged with a scheduled offence or as a party to a certified civil matter, or where any such person is committed for trial, the magistrate shall inform the person so charged, appearing or committed, as the case may be, of his right to make such an application.

Proceedings to be adjourned.

19.—(1) Where it appears to the magistrate or judge that—

- (a) the means of a person charged with, or convicted for, a scheduled offence, or appearing as a party to a certified civil matter, as the case may be, are insufficient to enable that person to obtain legal services; or
- (b) the person charged or convicted for a scheduled offence appears to be a person of unsound mind and is unrepresented by an attorney-at-law,

the magistrate or judge shall adjourn the proceedings for an application for legal aid services to be made by the person or on his behalf.

Assignment of legal aid services.

20.—(1) Where a legal aid certificate is granted pursuant to section 14, the Director may act for the aided person or

may assign an attorney-at-law on the panel of attorneys, factoring the wishes of the aided person and in such a case, shall endorse on the legal aid certificate the name of the attorney-at-law so assigned.

(2) In any case where an attorney-at-law is assigned to act after the legal aid certificate is filed in Court, or in any case where a new assignment is made in lieu of an attorney-at-law assigned previously, the Director shall not be required to endorse on the legal aid certificate the name of the attorney-at-law so assigned or newly assigned as the case may be, but may, instead, give notice of the assignment or new assignment by letter to the proper officer of the Court in which proceedings are pending.

21.—(1) Notwithstanding anything to the contrary in the Legal Profession Act, a law student may, subject to sub-section (2), provide such legal services to any person who is being provided legal services by an attorney-at-law under this Act as the attorney-at-law may assign to the student.

Provision of services by student at law. CAP. 320.

(2) Where an attorney-at-law assigns legal services under sub-section (1) to be performed by a student, the attorney-at-law shall supervise the provision of the legal services by the student.

(3) No student who provides legal services under this Act shall appear as counsel in any court.

22. Where a court is satisfied that in the interests of justice another member of the panel of attorneys ought to be appointed to provide the legal services for the person to whom a legal aid certificate is issued, it shall so direct.

Power of court to recommend new appointment.

23.—(1) The Director may cancel a legal aid certificate where the Director is satisfied that—

Cancellation of legal aid certificate.

- (a) the legal aid certificate ought not to have been issued;

- (b) the applicant has made a false statement or has concealed material information in applying for legal services; or
- (c) because of changed circumstances since the date of the issue of the legal aid certificate, the benefits of this Act ought not to be provided to the applicant.

(2) Where the Director cancels a legal aid certificate, the applicant shall, unless exempted from this provision by the Commission on the ground that its application would create a hardship to the applicant, reimburse the Commission for the cost of providing legal services to the applicant up to the time at which the legal aid certificate is cancelled, and the amount payable is a debt due by the applicant and owing to the Commission.

PART V

Emergency Legal Aid Certificates For Domestic Violence Applications

Emergency
legal aid
certificate
for domestic
violence
applications.
CAP. 178.
Schedule VII.

24.—(1) Where a person desires legal aid as a matter of urgency in respect of proceedings for, and in relation to, an application made under the Domestic Violence Act, the Director shall have power, without reference to the court or to the Commission, to issue an Emergency Legal Aid Certificate and submit an application as set out in Schedule VII.

(2) An applicant for an Emergency Legal Aid Certificate shall give such information as may be required to enable the Director to determine whether—

- (a) the applicant is likely to fulfill the conditions under which legal aid may be granted under this Act;

- (b) it is in the interests of justice that the applicant should, as a matter of urgency, be granted legal aid,

and shall furnish such additional information and documents as may be sufficient to constitute an application for as Emergency Legal Aid Certificate under this Act.
Schedule V.

(3) Where it appears to the Director that an applicant cannot, at the time of the application, reasonably furnish the information or any part of it, the Director shall nevertheless have power to issue an Emergency Legal Aid Certificate, subject to such conditions as to the furnishing of additional information as he thinks reasonable and to the signing the acceptance of terms and conditions of legal aid services, prescribed in Schedule V.

Schedule V.

(4) An application for an Emergency Legal Aid Certificate shall be in the form prescribed in Schedule VII and the Emergency Legal Aid Certificate shall be in the form prescribed in Schedule VIII.

Schedule VII.

Schedule VIII.

(5) An Emergency Legal Aid Certificate shall have the same effect in all respects as a legal aid certificate.

(6) An Emergency Legal Aid Certificate shall remain in force for a minimum period of six weeks and a maximum period of three months, as the Director in his discretion shall decide, and unless a legal aid certificate is issued within that period in respect of the said proceedings, the Emergency Legal Aid Certificate shall be deemed to have been revoked.

(7) Notwithstanding sub-section (6), where it appears to the Commission that the circumstances of any particular application so warrant, the Commission may extend an Emergency Legal Aid Certificate for such further period as it thinks fit.

(8) If within any period during which an Emergency Legal Aid Certificate is in force, the magistrate or a judge refuses to refer the application for a legal aid certificate to the Director, then the Director shall forthwith revoke the Emergency Legal Aid Certificate.

(9) Upon an Emergency Legal Aid Certificate being extended under sub-section (7) or being deemed to have been revoked under sub-section (8), the Director shall forthwith issue a notification to the court and to the applicant to that effect.

PART VI

Financial Provisions

Establishment of Fund and application of moneys of the Fund.

25.—(1) There is hereby established a Fund which shall consist of—

- (a) such amounts as may be appropriated from time to time by the National Assembly for that purpose;
- (b) such other amounts as may be paid by aided persons from time to time to the Commission in accordance with the provisions of this Act;
- (c) such other amounts as may be donated or granted to the Commission from any lawful source whatsoever; and
- (d) such other amounts as may be contributed by the Bar Association of Belize.

(2) The moneys of the Fund in any financial year shall be applied in defraying the following charges and expenses—

- (a) the remuneration and allowances of the Director, the staff of the Commission and the

out-of-pocket and travelling expenses of the members of the Commission;

- (b) the payment of fees to attorneys-at-law representing aided persons, in accordance with the prescribed tariff or fees;
- (c) the working operations and establishment expenses and expenditure on, or provisions for, the proper discharge of the functions and duties of the Commission; and
- (d) any other expenditure authorized by the Commission with the approval of the Minister.

26.—(1) All moneys of the Commission accruing from its operations under this Act shall be paid into the Fund with a prescribed bank or financial institution and the moneys shall, as far as practicable, be paid into the bank or financial institution from day to day, except such amounts as may be approved by the Commission to be retained to meet petty disbursements for immediate use.

Cash deposits
and payments.

(2) All payments out of the Fund, except petty disbursements referred to under sub-section (1), shall be made by an officer of the Commission duly authorized by the Commission for that purpose, and shall be countersigned by the Director.

27. For the purpose of defraying the reasonable out-of-pocket and travelling expenses incidental to his office, every member of the Commission shall be paid such allowances as may be approved by the Minister.

Out-of-pocket
grants to
members
of the
Commission.

28. The financial year of the Commission shall be a twelve-month period ending on the 31st March of each year.

Financial year.

29.—(1) The Commission shall, in such form and by such dates as may be prescribed by the Financial Secretary, prepare and

Submission
of budget
estimates.

submit to the Minister responsible for finance, estimates of income receivable and the expenditure to be incurred during each financial year (including any supplementary estimates), and the Minister responsible for finance shall present the estimates to the National Assembly with such amendments, if any, as he may consider necessary.

(2) Except with the approval of the Financial Secretary, no further sum shall be expended in any financial year other than that provided in the estimates relating to such financial year.

Accounts and
audit.

30.—(1) The Commission shall keep accounts and other records in relation to its business and shall prepare annually, a statement of accounts in a form satisfactory to the Financial Secretary, being a form which shall conform to the best commercial and accounting standards.

(2) The Director shall ensure that the accounts of the Commission are audited annually by an independent external auditor who shall at all reasonable times be entitled to examine the accounts and other records of the Commission.

Annual report.

31.—(1) Within four months after the end of each financial year, the Commission shall cause to be made and shall submit to the Minister—

- (a) a statement of its accounts audited in accordance with section 30(2); and
- (b) a report dealing generally with the proceedings and policies of the Commission during that financial year.

(2) The Minister shall cause a copy of such report together with the annual statement of accounts and the auditor's report thereon, to be tabled in the National Assembly and published on the Attorney General Ministry's website and any website set up by the Commission.

32. For the purpose of regulating and controlling its financial procedures, the Commission may, with the approval of the Minister responsible for finance, make rules in respect of all matters necessary for the proper keeping and control of the finances of the Commission and in particular in respect of—

- (a) the manner in which, and the officers by whom, payments are to be approved;
- (b) the bank or financial institution into which the moneys of the Commission are to be paid, the title of any account with any such bank or financial institution, and the transfer of funds from one account to another;
- (c) the sum to be retained by the Accounts Officer to meet petty disbursements for immediate payments and the maximum sum that may be so disbursed for any one payment; and
- (d) the method to be adopted in making payments out of the Fund of the Commission.

33.—(1) Any remuneration, other than remuneration from the Commission, received by an attorney-at-law from or on behalf of an applicant in connection with legal aid services which the attorney-at-law is providing to the applicant under this Act, shall be paid by the attorney-at-law to the Commission.

(2) Costs that are awarded in favour of an applicant in any matter in respect of which the services of any attorney-at-law were provided under this Act shall be paid to, and become the property of, the Commission.

(3) The Commission may retain out of the costs awarded under sub-section (2) an amount equivalent to the cost and expense incurred under this Act in respect of the applicant, and may pay the balance of the cost, if any, to the applicant.

Financial rules by the Commission.

Sums received by attorney-at-law, etc. to be paid to Commission.

Costs.

34.—(1) Costs awarded against an applicant in any matter in respect of which legal services were provided under this Act may be paid on behalf of the applicant by the Commission.

(2) Sub-section (1) shall not be construed as making the Commission liable for costs in any matter.

PART VII

General

Non-liability of Commission or members.

35. Neither the Commission nor any member thereof is liable for any lawful thing done or omitted to be done by an attorney-at-law or any other person in the course of providing legal services under this Act.

Privilege.

36. Any information disclosed by an applicant to any member of the Commission or to an employee, legal officer or agent thereof that would be privileged if disclosed to an attorney-at-law pursuant to an attorney-at-law and client relationship shall be privileged to the same extent as if it had been disclosed to an attorney-at-law pursuant to an attorney-at-law and client relationship.

Act deemed not to contravene Legal Profession Act. CAP. 320.

37. Nothing done by the Commission or by any person pursuant to the provisions of this Act shall be deemed to contravene any of the provisions of the Legal Profession Act.

Power of Minister to amend Schedules.

38. The Minister, on the recommendation of the Commission, may by Order published in the Gazette, amend the Schedules.

Penalty for false or misleading statements.

39. A person who, for the purpose of obtaining legal services under this Act, whether for himself or some other person, knowingly makes a false statement or false representation, either verbally or in writing, or knowingly conceals any material fact, commits an offence, and, in addition to any other remedy provided by this Act, is liable on summary conviction to a fine of \$1000 or to imprisonment for a period of 12 months, or both such fine and period of imprisonment.

40. Where an attorney-at-law has been directed by the Commission to do or to desist from doing any act, or to provide or to desist from providing any services pursuant to this Act, and the attorney-at-law wilfully fails or neglects to comply with the directions of the Commission, such attorney-at-law shall be liable to pay to the Commission an administrative fine of two hundred dollars for each day the failure or neglect continues.

Penalty for attorney-at-law not complying with the Act.

41. Where the Director fails to have the accounts of the Commission audited in accordance with section 30(2), the Director commits an offence and is liable on summary conviction to a fine of five thousand dollars.

Offence for failure to audit accounts.

42.-(1) For the purpose of carrying out the provisions of this Act, the Commission may—

Regulations.

- (a) with the approval of the Minister, make Regulations for giving effect to the provisions of this Act and without prejudice to the generality of the foregoing, such regulations may—
 - (i) prescribe the qualifications of applicants to be eligible for legal services;
 - (ii) classify legal services for the purposes of this Act and prescribe the class of legal services that may be provided under this Act;
 - (iii) establish procedures to determine the eligibility of applicants for legal aid services;
 - (iv) prescribe contributions towards costs of services to be made by an application for legal aid services;

(v) prescribe any other matter required to be prescribed;

(b) after consultation with the Chief Justice and the Bar Association of Belize, prescribe tariffs or fees for legal aid services rendered under this Act;

(2) Regulations made under sub-section (1) shall be subject to negative resolution.

Abolition of previous legal aid system.

43. On the commencement of this Act, any system of legal aid previously operating in Belize through the Legal Advice and Services Centre is abolished.

Transfer of assets, liabilities and service.

44.-(1) All assets, rights, properties, monies lying to the credit of the Legal Advice and Services Centre and all debts, liabilities and obligations of whatever kind of the Legal Advice and Services Centre shall be transferred to and vest in the Commission without further assurance and the Commission shall have all powers necessary to take possession of, recover and deal with those assets and properties and be responsible for the debts, liabilities and obligations of whatever kind.

(2) An officer or other employee of the Legal Advice and Services Centre in the employment of the Legal Advice and Services Centre immediately before the commencement of this Act shall, with effect from the commencement of this Act, become an officer or employee of the Commission,

provided however that where an officer or employee of the Legal Advice and Services Centre does not desire to transition to the employment of the Commission, that officer or employee may request a transfer within the public service prior to the commencement of this Act or may resign.

(3) An officer or any other person to whom sub-section (2) applies shall hold office or service on such terms and conditions as the Commission may offer.

(4) A person who, on the commencement of this Act, is entitled to, or is in receipt of, a benefit or allowance or other similar benefit shall be entitled to continue to receive from the Fund of the Commission the benefit or allowance, provided that the person continues to be so entitled.

(5) For the purposes of sub-section (4), a benefit includes any vacation leave accrued during the period of employment with the Legal Advice and Services Centre, or being taken, during the period of the commencement of this Act.

45.—(1) All legal proceedings or representations taken or made in respect of a client of the Legal Advice and Services Centre before the commencement of this Act, may be continued by the Commission as though the proceedings or representations were taken or made under this Act.

Transitional.

(2) Unless otherwise provided in this Act, all agreements, contracts or other instruments subsisting or having effect immediately before the commencement of this Act in respect of which the Legal Advice and Services Centre was a party or which enured to its benefit, shall in so far as they relate to the objectives of the Commission, remain valid in favour or otherwise of the Commission and may be acted upon by or against the Commission.

46. The person holding office as Director immediately before the commencement of this Act shall be deemed to have been appointed under section 10.

Savings.

47. This Act or any provisions or Parts thereof shall come into force on a day to be appointed by the Minister by Order published in the *Gazette*.

Commencement.

SCHEDULE I

[section 2]

*Matters for which legal services may be provided
on the grant of a legal aid certificate*

PART I*Criminal Matters*

- (a) any capital offence;
- (b) manslaughter;
- (c) rape and marital rape;
- (d) all indictable offences where the person charged is a minor;
- (e) any indictable offence the trial of which is certified by the trial judge to be, or as likely to be, of difficulty and to require the assistance of an attorney-at-law on behalf of the person charged therewith for its proper determination;
- (f) any indictable offence the trial of which or an appeal from the conviction of which is certified by the trial judge or the Court of Appeal, as the case may be, to involve, or as likely to involve, a point of law of public importance and require the assistance of an attorney-at-law on behalf of the person charged or convicted, as the case may be, for its proper determination.

PART II*Civil Law Matters*

CAP. 173. CAP.
178. CAP. 107.
CAP. 175.
Act No. of 2022.

- (a) family law proceedings under the Families and Children Act, Domestic Violence Act, Protection Against Sexual Harassment Act, Married Persons Protection Act, or the Senior Courts Act or any other act dealing with the rights of parties to a marriage or a common law union or parties to any civil union or partnership;
- (b) other civil law matters involving minors;
- (c) applications for a Writ of habeas corpus ad subjiciendum;
- (d) probate and Administration of Estates Matters;
- (e) any conveyancing or transfer of land.

SCHEDULE II*[section 4(3)]**Constitution of the Commission and related matters***TERM AND APPOINTMENT OF COMMISSION MEMBERS**

1. The Members to the Commission shall be appointed by instrument in writing and subject to the provisions hereto, hold office for such period not exceeding 3 years as specified in the instrument which shall be duly published in the *Gazette*.
2. Each Member shall be eligible for re-appointment.
3. Any member of the Commission specified in section 5 (a) to (e) may at any time resign his seat on the Commission by instrument in writing addressed to the Chief Justice and copied to the office which nominated him.
4. Where any member of the Commission resigns pursuant to paragraph 3, the office which nominated that member may nominate another member to serve on the Commission for the unexpired term of office of the resigning member, and

in default of such nomination within 30 days of resignation, the Chief Justice may appoint a member pursuant to section 5 (2) of the Act.

Appointment of Chairman and Deputy Chairman

5. The Chief Justice shall designate two members, other than the members in section 5 (1) (b) and (c), as Chairman and Deputy Chairman of the Commission.

Meetings

6. (1) The Commission shall meet at least every three months, at such times and places or in such forums, as are necessary or expedient for the transaction of business.
- (2) The Chairman of the Commission may, at any time, call a special meeting within seven days of the receipt of a requisition for that purpose addressed to him by any three members.
- (3) The Chairman of the Commission, or in his absence from the country or inability to act, the Deputy Chairman shall preside at all meetings of the Commission.
- (4) Four members of the Commission, two of whom shall be appointed under section 5(1) (a) to (d) of , shall form a quorum for meetings of the Commission.
- (5) The decisions of the Commission must be by majority votes, and in any case in which the voting is equal, the Chairman, in addition to his original vote, has and may exercise a casting vote.
- (6) Minutes in proper form of each meeting shall be kept by the Secretary and shall be confirmed by the Chairman, or in his absence the Deputy Chairman, at a subsequent meeting and certified copies of the minutes when so confirmed shall be forwarded to the Chief Justice.

Committees

7. The members of the Commission may establish committees of members of the Commission and may delegate any powers of the Commission to such committees.

Resignation or Vacation of Office by Members

8. (1) The office of a member of the Commission is vacated on—
 - (a) death or resignation;
 - (b) the revocation of his appointment by the Chief Justice as a member for inability or misbehaviour;
 - (c) except for those members appointed under section 5(1) (a) through (d), his absence from 3 consecutive meetings without approval—
 - (i) in the case of a member other than the Chairman, by the Chairman; and
 - (ii) in case of the chairman, by the Chief Justice; or
 - (d) the expiration of the term of his appointment as specified in his instrument of appointment.
- (2) The removal, resignation or death of a member shall be notified in the *Gazette*.

Offices

9. The Commission may establish offices in any district or area of Belize.

Seal

10. (1) The seal of the Commission shall be kept in the custody of the Director and shall be affixed to instruments pursuant to a resolution of the Commission.

- (2) The seal of the Commission shall be attested by the signatures of the Chairman of the Commission and any other member authorized to affix the seal.
- (3) All documents, other than those required by law to be under seal made by, and all decisions of, the Commission may be signified under the hand of the Chairman of the Commission or the Director.
- (4) Any document requiring to be executed by the Commission shall be deemed to be duly executed if signed by the Chairman of the Commission or the Director.
- (5) Service upon the Commission of any notice, order or other document shall be executed by delivering the same or by sending it electronic mail designated for service by the Commission.

Fees and Allowances

11. There shall be paid to the Chairman, the Deputy Chairman and other members of the Commission, out of monies allocated for the purposes of this Act, such remuneration, whether by way of honorarium, salary or fees, and allowances as may be approved by the Chief Justice.

SCHEDULE III

[section 13(4)]

APPLICATION FOR LEGAL AID BY AN ADULT PERSON

To the Director of Legal Aid

1. I, of
(name in block letters) (permanent address in block letters)

born on the day of

20.....,, apply for Legal Aid to
(occupation)

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

state briefly the kind of claim to be made or resisted, and make it quite clear if it be the case that court proceedings have begun or that an appeal is involved)

2. My opponent (where applicable) is
.....
(address and if known, occupation)

3. I send herewith the following papers (list and send statements of witnesses, letters and papers relating to the matter and, if court proceedings have begun, all court papers in the applicant's possession).

4. The Attorney-at-law I wish to act for me is
.....
of
(address)

5. (i) Have you previously applied for Legal Aid or Advice in this or in any other matter? If so, give details and result
.....
.....

(ii) Are you entitled to receive assistance from any Trade Union,

Friendly Society or other similar body? If so, give details
.....
.....

(iii) Are you covered by Insurance in respect of the matter? If so,
give details
.....
.....

(iv) Has any attempt been made to settle the matter? If so, give
details and enclose all correspondence
.....
.....

6. I understand that if Legal Aid is granted I may be required to make a contribution towards my costs but that I shall have an opportunity to consider the terms upon which Legal Aid will be given before making up my mind to accept.

7. I undertake to supply any further information needed by the Commission in connection with my case.

8. I authorize the Commission to take any steps deemed necessary (including communicating with my opponent or his Attorney-At-Law or a Court) to enable this application to be dealt with in its normal course and without the need to make use of the emergency legal aid procedure.

9. The following is a statement of my financial circumstances:

Full name (block letters)

Address

Date of birth

Occupation

[*Married or Single or Widow or Widower or Divorced]

[NOTE-If you are married you must state not only your own income but that of your husband or wife UNLESS he or she is your opponent in the case OR you are living apart. If this applies

write OPPONENT OR APART in the appropriate places below.]

INCOME OF APPLICANT

Amount
\$

Put down what you receive after deduction of Income Tax and National Health Insurance and Social Security contributions. State all sources of income below.

- 1.
- 2.

CAPITAL OF APPLICANT

Value
\$

[NOTE-Do not include the house in which you live, and effects or the tools or implements of your trade].

.....
capital of (husband or wife)

Value
\$

.....

DEPENDANTS

[NOTE-A husband or a single person should set out persons actually

dependant upon him or her, but a wife living with her husband should include he husband and children *dependant on him*. If not living with him, she should include only such children as she is actually supporting. If receiving maintenance for herself or a child, this should be included in her income above].

<i>Name</i>	<i>Relationship</i>	<i>Age if under 16</i>
.....
.....

10. I declare that the information set out above and the statement of my case which follows, are to the best of my knowledge, information and belief, true and correct.

.....
Usual Signature

Date ... of 20 ..

FULL STATEMENT OF MY CASE

[Give dates where possible. If personal injuries are involved give full details of the accident and enclose Police Report where applicable and available. If you have difficulty in stating your case clearly, you may obtain help by applying to the Director for assistance] .

.....
Usual Signature

Date ... of 20 ..

SCHEDULE IV

[section 13 (4)]

APPLICATION FOR LEGAL AID BY A MINOR

1. I
(here insert name of next friend or guardian ad litem)

born on of
(here insert address of next friend or guardian ad litem)

being a person of full age and capacity, that is to say
.....
(here insert relationship to infant and in case of guardian ad litem the date of which and the Court appointing him/her as such)

apply for Legal Aid on behalf of
(here insert name of infant)

born on20 of
(here insert address of infant)

to
(state briefly the kind of claim the applicant wishes to make or resist).

2-9. [Continue as in Schedule II, deleting such parts as may be in appropriate].

.....
Usual Signature

Date of 20

SCHEDULE V

[sections 14 (1), 24(3)]

ACCEPTANCE OF OFFER OF LEGAL AID

I, of
(Name) (Address)

Understand that the Commission is prepared to issue to me a certificate upon the terms and conditions set out hereafter. I accept this offer and agree to comply with its terms and conditions. I enclose \$ as required by paragraph 4 below.

.....
Usual Signature

Date of 20

TERMS AND CONDITIONS

1. The scope of my Certificate will be defined as follows:
.....
.....
.....
(describe the proceedings or the nature of the claim)

2. The Attorney-At-Law acting for me will be
(name)
of
(address)

who will conduct my case in accordance with the Act and Regulations made thereunder.

3. My certificate will include a statement of my means as determined in accordance with the Second Schedule, that is to say-
Disposable income \$.....Disposable capital \$

Maximum Contribution \$

4. I am required to make an actual contribution of \$
towards the cost of my case, payable as follows
.....
.....

5. I clearly understand-

(a) that if my actual contribution mentioned in paragraph 4 is less than the maximum contribution mentioned in paragraph 3, the Commission is entitled to increase my actual contribution to the maximum or up to that limit as may be required to meet the costs of my case;

(b) that if my means are for any reason reassessed in accordance with the Regulations then in force, I shall be liable to pay up to the maximum contribution so reassessed whether this is more or less than the amount stated as the maximum in paragraph 3;

(c) that if my Certificate does not extend to taking, defending or being a party to Court proceedings but is later amended at my request to do so, my means may be reassessed and conditions set out in sub-paragraph (b) shall apply;

(d) that this acceptance form deals only with my liability for *my own costs*. If proceedings takes place, the Court may make an Order against me in favour of another party to the proceedings. This additional liability (which is quite distinct from any contribution payable by me to the Commission) will not exceed the amount (if any) determined by the Court as reasonable, having regard to all the circumstances including the means of all the parties to the proceedings and their conduct in connection with the dispute. This applies if my Certificate covers proceedings now or is later amended to do so.

6. I undertake to inform the Commission of any change in my means which may occur while my Certificate is in force, if-

- (a) my income increases or decreases by more than one hundred dollars a week or eight hundred dollars a year; or
- (b) my capital increases by more than two thousand dollars.

7. If I recover damages or property or preserve property in the matter to which my Certificate relates, I understand that the Commission will have a first charge upon such damages or property to meet the expenses of my case to the Commission to the extent that such expense is not covered by the total amount of my contribution (if any) and any costs recovered by another party.

8. If I receive from a body of which I am a member financial help towards the costs of my case, I am to pay to the Commission the amount that I receive in addition to any contribution I am required to pay.

9. Special conditions (if any).

.....

(Usual Signature)

Dated thisday of..... 20.....

SCHEDULE VI

[section 14 (1)]

LEGAL AID CERTIFICATE

THIS IS TO CERTIFY that
(Name)

of
(address)

(hereinafter called "the assisted person") is entitled, in accordance with the Act, and the Regulations made thereunder, to legal aid to
.....
(describe proceedings)

IT IS FURTHER CERTIFIED that:

1. The assisted person's Attorney-At-Law is
of.....
(address)

2. The disposable income, disposable capital and maximum contribution have been determined, the actual contribution assessed and the method of payment fixed, as shown below.

Disposable income \$	Actual contribution \$
Disposable capital \$	Payable by
Maximum contribution \$ (state mode and time of payment)

[The said instalments are payable on the day of each month commencing on the day of 20]

3. Add any special conditions, including one limiting the Certificate to part of the proceedings or to particular steps in asserting or disputing the claim.

Issued this day of 20

.....

Director of Legal Aid

SCHEDULE VII

[sections 24(1), 24(4)]

APPLICATION FOR EMERGENCY LEGAL AID
CERTIFICATE

1. I, [Mr., Mrs. Or Miss]

Of whose permanent
(address in block letters)

address is [as above or (address)], apply for an Emergency Legal

Aid Certificate to
(State briefly the kind of claim to be made or resisted, making quite clear if it be the case that court proceedings have begun or that an appeal is involved).

.....

I [enclose or have already lodged] an Application Form for an ordinary Certificate for Legal Aid in respect of this Matter.

2. The reason why my case is urgent necessitating an Emergency Legal Aid Certificate is

.....
(state the reason)

3. The Attorney-At-Law I wish to act for me is named in the Application Form 1 [submit herewith or have already submitted], and he has agreed to act for me in this matter.

4. I agree that if I am granted an Emergency Legal Aid Certificate which is revoked by the Commission, or becomes revoked because I do not take the steps necessary to obtain an ordinary Certificate to replace it, I shall become liable—

- (i) to pay the Commission the expense to which the Legal Aid Fund has been put as a consequence of the work done by my Attorney-At-Law; and

- (ii) to pay to such Attorney-At-Law the difference between what he receive from the Fund and the costs and fees to which he would have entitled if I had been a private client without a Certificate.

5. I understand that if, after an Emergency Legal Aid Certificate has been issued to me I am offered an ordinary Certificate to replace it, the offer will set out the financial terms upon which I can obtain such a Certificate, those terms being based upon an assessment of my resources of income and capital by the Commission. I shall have an opportunity of making up my mind whether to accept a certificate on those terms and, if I do not accept the offer, my Emergency Legal Aid Certificate will be revoked with the consequences explained in the preceding paragraph.

6. I undertake without delay to give any further information needed by the Commission in respect of my application, and understand clearly that failure to comply will result in the revocation of my Emergency Legal Aid Certificate.

.....
(Usual Signature)

Dated thisday of..... 20.....

SCHEDULE VIII

[section 24(4)]

EMERGENCY LEGAL AID CERTIFICATE

THIS IS TO CERTIFY that

of.....
(address)

(hereinafter called “the assisted person”) is entitled, in accordance with the Act and the Regulations made thereunder, to Legal Aid as [plaintiff or defendant or petitioner or intervener or as the case may be] in connection with the following

proceedings:
(describe the proceedings)

THIS IS TO CERTIFY that:

1. The assisted person’s Attorney-At-Law is
..... of
(address)

2. This Certificate, being an Emergency Legal Aid Certificate, remains in force for a period of six weeks from the date hereof, or such other period not exceeding here months as the Commission may allow, unless it is previously revoked or is replaced by a Legal Aid Certificate or extended by the Commission.

3. Add any special conditions, including one limiting the Certificate to part of the proceedings.

(Conclude as in Schedule V).

