

**BELIZE:****BAIL BILL, 2025**

## ARRANGEMENT OF CLAUSES

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**BELIZE:****BILL****for**

**AN ACT;** to repeal and replace the Bail Reform Act, Chapter 100 of the Substantive Laws of Belize Revised Edition 2020; to reform the bail framework in the criminal justice system; and to provide for matters connected therewith or incidental thereto.

*(Gazetted .....2025).*

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

**PART I***Preliminary*

1. This Act may be cited as the

Short title.

**BAIL BILL, 2025.**

2. In this Act—

Interpretation.

“arrested” includes apprehended;

“child” means an individual under the age of eighteen years;

“conviction” includes—

- (a) a finding of guilt;
- (b) a finding that a person charged before a court with a criminal offence in respect of whom a special verdict has been returned that he was guilty of the act or omission charged but was insane when he did the act or made the omission;
- (c) a conviction for an offence for which an order is made placing the defendant on probation or discharging the defendant absolutely or conditionally;

“commissioned officer” means a police officer above the rank of a Corporal or a police officer in charge of a police station;

“deciding official” means a commissioned officer or a Constable in charge of a Police Station, a Justice of the Peace (as the case may require), Magistrate or Judge, who—

- (a) is the competent legal authority on the matter of the grant of bail, or any question relating thereto, pursuant to this Act or any other law; and
- (b) in the case of commissioned officer, shall not be the arresting officer or an officer involved in the investigation of the offence concerned;

“defendant” means an individual who is—

- (a) charged with or convicted of an offence; or
- (b) who is unfit to plea by reason of insanity,
- (c) detained or arrested for an offence, or for whose arrest a warrant has been issued, and who has not been charged with the offence,

but does not include an individual who is committed in default of payment of any sum of money, or for want of sufficient distress to satisfy any sum of money; or for failure to do or abstain from doing anything required to be done or left undone under a Court Order;

“Judge” means—

- (a) a Judge of the High Court; or
- (b) a Judge of the Court of Appeal;

“keeper” includes the Superintendent or other chief resident officer of a prison;

“Minister” means the Attorney General;

“offence” includes an alleged offence;

“the prescribed record” means the record of a decision regarding bail, made pursuant to section 9.

## PART II

### *Application*

**3.—(1)** This Act applies to the grant of bail to a defendant.

Application.  
No. of 2025.

(2) The question of bail where the defendant is a child shall, unless otherwise provided in any other Act, be determined by the Family Court in accordance with this Act, so, however, that in any case where bail is denied, any order made by the Court for the child to be kept in custody shall be in accordance with the Families Act.

(3) Subject to sub-section (4), where a parent or guardian of a child consents to be surety for the child for the purposes of this section, that parent or guardian shall be required to ensure that the child complies with all conditions that are imposed on the child for the grant of bail.

(4) Sub-section (3) shall not apply in any case where the child has attained the age of eighteen years unless the child is dependent on that parent or guardian for maintenance by reason of—

- (a) physical or mental infirmity or disability; or
- (b) by virtue of an order for maintenance remaining in force after the child attains the age of eighteen years, under the Families Act.

No. of 2025.

**4.** Subject to the provisions of this Act, a defendant is entitled to be granted bail by a deciding official pursuant to a power to grant bail conferred on that deciding official under this Act or any other law.

Entitlement to bail.

**5.—(1)** The question of bail to a defendant shall be decided in accordance with this Act, by a deciding official—

Deciding bail.

- (a) within forty-eight hours after the defendant is taken into custody consequent on being charged with an offence;
- (b) at any stage of a committal proceedings; and
- (c) after the defendant, having been convicted of an offence in relation to which the defendant was out of custody on bail immediately prior to the conviction, applies for bail pending the determination of an appeal made by the defendant against the conviction or against any sentence of imprisonment imposed in respect of such conviction.

(2) The deciding official for the purposes of sub-section (1)—

- (a) in a case falling within sub-section (1)(a)—
  - (i) except as otherwise provided in sub-paragraph (ii), shall be a commissioned officer, a Justice of the Peace, a Magistrate or a Judge, as the case may be;

## Schedule I.

- (ii) for an offence punishable upon summary conviction, shall be any deciding official;
    - (iii) any offence other than one listed in Schedule I, shall be a Magistrate,
    - (iv) in the case of an offence listed in Schedule I, shall be a Judge;
  - (b) in a case falling within sub-section (1)(b), shall be a Magistrate or Judge;
  - (c) in a case falling within sub-section (1)(c), shall be a Judge.
- (3) Where a defendant is arrested or detained on reasonable grounds that the defendant has committed an offence, and the defendant has not been charged with the offence within forty-eight hours after the arrest or detention, as the case may be, the defendant shall be released unconditionally.
- (4) A defendant who is not admitted to bail under section 1(a) and (b) shall be taken to safe custody in prison, or as the case may require.
- (5) If a defendant who is committed for trial is not released on bail, the police officer to whom the warrant of commitment is directed shall convey him to the prison and there deliver him, together with the warrant, to the keeper of the prison, who shall thereupon give the police officer a receipt for him, which shall set forth the condition in which he was when he was delivered into the custody of the keeper.
- (6) It shall not be necessary to address any warrant of commitment under this or any other section to the keeper of the prison, but upon delivery of the warrant to the keeper by the person charged with the execution thereof, the keeper shall receive and detail the person named therein, or detain him, if already in the keeper's custody, for the period and the purpose directed by the warrant.
- (7) If the Magistrate adjourns the preliminary inquiry and remands the defendant, the remand shall be by warrant.
- (8) The Magistrate may, whilst the defendant is under remand and before the expiration of the period of remand, order the defendant to be brought before him, and the keeper of the prison shall obey the order or, if the defendant is on bail, the Magistrate may summon him to appear at an earlier day than that to which he was remanded, and if that summons is not obeyed, a warrant may issue to enforce his attendance, and may be executed like any other warrant.
- (9) The deciding official may at any time, on the petition of a defendant, order him, whether he has been committed for trial or not, to be

admitted to bail, and the recognisance of bail may, if the order so directs, be taken before any deciding official.

(10) If a defendant who is entitled to be admitted to bail, or if a defendant whom the deciding official has power to bail and who, in his opinion, ought to be bailed, is committed to prison only because he does not, at the time of his committal for trial, procure a sufficient surety or sureties for appearing to take his trial, the deciding official shall indorse on the warrant of commitment, or on a separate paper, a certificate of his consent to the defendant being bailed, and shall state the amount of bail which ought to be required, and any deciding official shall, on the production of that certificate, admit him to bail accordingly and order him to be discharged by a warrant of deliverance.

(11) The deciding official shall, if required at any time before the trial, by or on behalf of the defendant, make and sign one or more duplicate copies of the certificate and, on the production of a duplicate to any Justice of the Peace, the justice may take the recognisance of one or more sureties in conformity therewith, and shall thereupon transmit the recognisance to the deciding official of the district in which the accused person was committed.

(12) When the recognisances of all the sureties required have been received, the committing Magistrate shall issue his warrant of deliverance to the keeper, requiring him to take the recognisance of the accused person and to discharge him, and the keeper is hereby authorised to take that recognisance, and shall forthwith do so and discharge the accused person, unless he is in his custody for some other reason.

**6.—(1)** For the purpose of deciding the question of bail in a case falling under section 5(1)(a)—

Considerations  
for deciding the  
question of bail.

- (a) if the offence is not punishable with imprisonment, the deciding official shall grant bail to the defendant, unless—
  - (i) the deciding official is satisfied that if released on bail the defendant would fail to appear on arraignment or on any subsequent hearing;
  - (ii) the deciding official is satisfied that the defendant should be kept in custody for the defendant's protection or, if the defendant is a child, for the defendant's welfare; or
  - (iii) having been released on bail in or in connection with proceedings for the offence, the defendant is arrested for an offence under section 12;
- (b) if the offence is punishable with imprisonment, the deciding official shall grant bail to the defendant, unless the deciding official is satisfied that there is sufficient cause for holding

the defendant in custody having regard to any of the following matters—

- (i) the deciding official is satisfied that there are grounds for believing that the defendant, if released on bail, would—
  - (A) fail to appear on arraignment or any subsequent hearing;
  - (B) commit an offence while on bail; or
  - (C) interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person;
- (ii) if it is the first time that the question of the grant of bail to the defendant in respect of the offence is being considered by any deciding official, and the deciding official concerned is satisfied that it has not been practicable to obtain sufficient information for the purpose of taking the decisions required by this section for want of time since the institution of the proceedings against the defendant;
- (iii) the defendant's case is adjourned for inquiries, or a report, and it appears to the deciding official that it would be impracticable to complete the inquiries or make the report without keeping the defendant in custody;
- (iv) the defendant, having been released on bail in or in connection with proceedings for the offence, is arrested for an offence under section 12;
- (v) the defendant is charged with an offence alleged to have been committed while the defendant is released on bail;
- (vi) the deciding official is satisfied that the defendant should be kept in custody for the defendant's protection or, where the defendant is a child, for the defendant's welfare.

(2) In deciding whether or not any of the circumstances specified in sub-section (1)(b)(i) exist in relation to any defendant, the deciding official shall take into account—

- (a) the nature and seriousness of the offence;



- (b) the need for preserving public order and the likelihood of the threat to public order should the defendant be released on bail;
- (c) the need for preventing crime and the likelihood that the defendant will commit an offence while released on bail;
- (d) the prevalence of offences of that type in the community or in Belize;
- (e) the defendant's character, antecedents, association and community ties;
- (f) the defendant's record with regard to the fulfilment of the defendant's obligations under previous grants of bail, if any;
- (g) except in the case of a defendant whose case is adjourned for inquiries or a report, the strength of the evidence that the defendant committed the offence or failed to surrender to custody;
- (h) whether the defendant has been convicted on any previous occasion of an offence punishable with imprisonment;
- (i) whether—
  - (i) the defendant is in the same household or community as any victim of the offence, or any witness to the offence; and
  - (ii) the sense of peace and security of the public, or among members of any household or community, will be undermined or jeopardised by the release of the defendant on bail;
- (j) any evidence—
  - (i) that a firearm was used in the commission of the offence; and
  - (ii) that the defendant came into possession of the firearm unlawfully, or that the firearm is a prohibited weapon as defined in section 35 of the Firearms Act;
- (k) the defendant's mental health profile, and in particular whether the defendant's mental state renders it likely that danger is posed to any person; and
- (l) any other factors that appear to be relevant.

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(3) For the purposes of sub-sections (1) and (2), if–

- (a) the offence is murder and self-defense does not arise on the prosecution's case;
- (b) the offence is murder, within a special area under the Crime Control and Criminal Justice Act; or
- (c) the offence is murder committed within an area in respect of which a state of public emergency is in force under the Belize Constitution,

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and the deciding official is satisfied that the conviction of the defendant is likely, having regard to the strength of the evidence that the defendant committed the offence or offences concerned, then those circumstances may be treated by the deciding official as sufficient grounds for keeping the defendant in custody.

(4) Where the matter referred to in sub-section (2)(h) is taken into account in relation to a defendant and a Magistrate or Judge is the deciding official, the offence in respect of which the question of bail relates shall be tried before a different Magistrate or Judge, if reasonably practicable having regard to the administrative arrangements in respect of the court concerned.

(5) For the purposes of this section–

- (a) references to previous grants of bail include a reference to bail granted before the date of commencement of this Act;
- (b) in the case of a defendant who is a child, references to the defendant's being kept in custody, or being in custody, include being kept in a place of safety, juvenile correctional centre, under the Families Act; and
- (c) the question whether an offence is punishable with imprisonment shall be determined without regard to any enactment prohibiting or restricting the imprisonment of child offenders or first offenders.

No. of 2025.

(6) On an application under section 5(1)(c), the Judge may grant the application if satisfied that circumstances so warrant, and impose such conditions on the grant of bail as the Judge considers appropriate.

(7) Notwithstanding sub-section (6), a defendant who is not admitted to bail shall, pending the determination of his appeal, be treated as a prisoner awaiting trial.

**7.**—(1) A deciding official who grants bail to a defendant may require the defendant to comply with any one or more of the conditions of bail specified in sub-section (2) as appear to the deciding official to be necessary to secure that the defendant—

Conditions for  
release on bail.

- (a) appears in court on specified times and dates;
- (b) does not commit an offence while on bail;
- (c) does not interfere with witnesses or otherwise obstruct the course of justice, whether in relation to the defendant or any other person.

(2) The conditions referred to in sub-section (1) are—

- (a) a requirement to report to a police station at specified times and dates;
- (b) a requirement—
  - (i) to provide a surety to secure the defendant's appearance in court; or
  - (ii) for payment of a bond in such amount as may be specified;
- (c) a requirement not to contact directly or indirectly, or in any way communicate or associate with, witnesses;
- (d) a requirement that the defendant informs the deciding official and the officer in charge of the nearest police station before the defendant travels outside of the jurisdiction or the community where the defendant resides;
- (e) where the deciding official is a court, such other conditions as appear to the court to be necessary.

(3) The conditions referred to in sub-section (2)(e) may include—

- (a) the surrender of the defendant's travel documents to the court having jurisdiction in respect of the offence;
- (b) the imposition of a curfew, in respect of a defendant to whom bail is granted, between the hours specified by the deciding official, requiring the defendant to remain within a specified locality during the hours so specified, and the court may give such directions as it considers appropriate to enable the police to monitor compliance with the requirement;

- (c) the wearing by the defendant of an electronic tracking device to allow for the monitoring of the movements of the defendant, being a device in accordance with such specifications and characteristics as shall be prescribed.

(4) A defendant who, without lawful excuse, removes, or causes or allows, an electronic tracking device to be removed contrary to a requirement imposed on that defendant under subsection (3)(c) commits an offence and shall be liable, upon summary conviction before the Magistrate's Court, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and term of imprisonment.

General  
provisions  
relating to bail.

**8.**—(1) A defendant who is granted bail shall comply with all the conditions of his bail.

(2) Where a deciding official has granted bail, the deciding official may, on application by the—

- (a) defendant to whom such bail is granted; or
- (b) prosecution or a police officer,

vary the conditions of such bail or deny the application.

(3) Where a defendant is denied bail in relation to the offence concerned, the defendant may make a new application for bail at any subsequent hearing in the proceedings for the offence, on the grounds that there—

- (a) has been a change in circumstances affecting the matter since the previous application for bail; or
- (b) are facts applicable to the matter which were not available to the deciding official at the time when the decision was made, and those circumstances or facts, as the case may be, are relevant to the question of the grant of bail to the defendant.

(4) Bail granted to a defendant who has been charged with or convicted of an offence shall be revoked by a court if the—

- (a) court is satisfied that the defendant has absconded;
- (b) court is satisfied that the defendant has breached a condition of the bail;
- (c) court is satisfied that there are reasonable grounds for believing that the defendant committed an offence while on bail; or

- (d) revocation is otherwise justifiable under any provision of section 6(1)(b), (2) or (3),

unless the court is satisfied that the defendant has provided a reasonable excuse why bail should not be revoked under this sub-section.

(5) An application for a variation under sub-section (2) shall be determined, as far as practicable, by the original deciding official, but if that deciding official is, for any reason, not available, the application may be determined by a deciding official of the same category as the original deciding official who was the competent authority to decide the question of bail.

Recording and giving information on decision concerning bail.

**9.—(1)** Subject to sub-section (2), where a deciding official—

- (a) grants bail or refuses bail;
- (b) imposes or varies any condition in respect of bail; or
- (c) revokes bail,

that deciding official shall, in the prescribed form in Schedule II, make a record of the decision and shall cause a copy of the record of the decision to be given to—

Schedule II.

- (i) the defendant;
- (ii) every person providing surety, in a case where surety is required as a condition for the grant of bail; and
- (iii) the prosecution.

(2) Where a deciding official—

- (a) grants or refuses bail;
- (b) imposes conditions in granting bail;
- (c) varies any conditions of bail; or
- (d) revokes bail,

the reasons for the decision shall be given in accordance with sub-section (3).

(3) A deciding official who is required to give reasons for a decision under sub-section (2), shall note those reasons in the prescribed record and shall, within forty-eight hours after the decision is made, cause a copy of that note to be served on—

- (a) the prosecution;
- (b) the defendant concerned, or on the defendant's representative; and
- (c) if the decision affects the provision of any surety, the person providing the surety.

(4) Where a decision referred to in sub-section (2) is made in respect of a defendant who is not represented by an attorney-at-law, the deciding official shall inform the defendant of the procedure for review under section 9 or the right of appeal conferred by section 10, as the case may be.

Review of bail decisions.

**10.—(1)** A decision by a commissioned officer or Justice of the Peace on the matter of bail to a defendant shall be reviewed by a Magistrate or Judge of the court having jurisdiction to try the offence concerned—

- (a) on the defendant's first appearance in court in relation to the offence;
- (b) in the case of a refusal to grant bail or a decision to impose any condition in granting bail, on an application by the defendant on any ground specified in sub-section (2);
- (c) in the case of a decision to grant bail or the failure to impose a particular condition in granting bail, on an application by the prosecution on any ground specified in sub-section (2).

(2) The grounds referred to in sub-section (1) are—

- (a) there has been a change in circumstances affecting the matter since the previous decision in respect of bail; or
- (b) there are facts applicable to the matter which were not available to the deciding official at the time when the decision was made.

(3) In relation to offences to be tried before a court, a Magistrate or a Judge of that court shall, at least once every two weeks, carry out a review of cases involving defendants who were granted bail, but who were unable to take up such bail, and for the purposes of this sub-section a list of those defendants shall be supplied to the court on Monday of each week, in respect of the preceding week, by—

- (a) the police officer in charge of the lock-up in the case of defendants held in a lock-up;
- (b) the individual in charge of the correctional institution in the case of defendants held in a correctional institution.

- (4) On a review under this section, the Magistrate or Judge—
- (a) may affirm the decision reviewed, grant or refuse bail to the defendant, impose conditions on bail granted to the defendant, or remove or vary any condition of bail imposed on the defendant; or
  - (b) in the case of a review under sub-section (1), may revoke bail granted to the defendant.

**11.—(1)** The defendant concerned may, in accordance with any applicable rules of court, appeal to—

Appeal from the decision relating to bail.

- (a) a Judge of the High Court in respect of a decision made by a Magistrate—
  - (i) and referred to in section 9(3); or
  - (ii) upon a review conducted under section 10;
- (b) a Judge of the Court of Appeal in respect of a decision made by a Judge of the High Court—
  - (i) and referred to in section 9(2); or
  - (ii) upon a review conducted under section 10.

(2) Where bail is granted to a defendant by a Magistrate or a Judge of the High Court pursuant to this Act, the prosecution may, in the manner set out in sub-section (3), appeal to a Judge of the Court of Appeal in respect of the decision.

(3) Where the prosecution intends to appeal a decision to grant bail to a defendant, the prosecution shall—

- (a) at the conclusion of the proceedings in which the decision was communicated, and before the defendant's release from custody, give to the Magistrate or Judge of the High Court, as the case may be, oral notice of that intention; and
- (b) within forty-eight hours after the conclusion of the proceedings referred to in paragraph (a), give the Magistrate or the Judge of the High Court (as the case may be) and the defendant a written notice of the appeal in the form set out in the Schedule III, setting out the reasons for appeal.

Schedule III.

(4) Subject to sub-section (5), upon receipt of the oral notice referred to in sub-section (3)(a), the Magistrate or Judge may remand the defendant in custody until the appeal is determined.

(5) Where the prosecution fails to file a written notice of appeal in accordance with sub-section (3)(b), the grant of bail shall take effect immediately on the expiration of the period of forty-eight hours allowed under sub-section (3)(b) for the filing of the notice of appeal.

(6) The hearing of an appeal under this section shall be commenced within five days (excluding Saturdays, Sundays and public holidays), or such longer period as the Judge of the Court of Appeal may in any particular case consider appropriate, after written notice is given under sub-section (3)(b).

(7) On an appeal under this section, the Judge may—

- (a) affirm the decision that is the subject of the appeal;
- (b) grant bail to the defendant;
- (c) refuse bail to the defendant;
- (d) revoke the grant of bail to the defendant;
- (e) impose conditions on the grant of bail to the defendant; or
- (f) vary any condition of bail imposed on the defendant.

(8) For the purposes of sub-section (7), the Judge may direct the defendant to appear at any time and place which could have been directed by the deciding official, and the recognizance of any surety provided in respect of the defendant shall be conditioned accordingly.

Absconding by  
person released  
on bail.

**12.—**(1) A defendant who is released on bail commits an offence if that defendant does not appear at his next court hearing.

(2) In proceedings for an offence under sub-section (1), it shall be a defence to a charge that the defendant has reasonable excuse for failing to appear at his next court hearing.

(3) A person who commits an offence under sub-section (1) shall be liable, on—

- (a) summary conviction before the Magistrate's Court, to imprisonment for a term not exceeding five years; or
- (b) conviction before the High Court, to imprisonment for a term not exceeding seven years, and if a sentence of imprisonment is imposed on the defendant in respect of the offence in relation to which the defendant was released on bail, service of the sentence for the offence under sub-section (1) shall commence consecutively after service of the first-mentioned sentence.



**13.—(1)** A defendant who is released on bail may be arrested by a police officer—

Liability to arrest for absconding, breaching conditions of bail, etc.

- (a) without a warrant if the police officer has reasonable grounds for—
  - (i) believing that the defendant is likely to breach any of the conditions of the defendant's bail; or
  - (ii) suspecting that the defendant has breached a condition of the defendant's bail or committed an offence while released on bail; or
- (b) with a warrant in a case where the defendant was released on bail with a surety, the surety notifies the court in writing that—
  - (i) the defendant is likely to breach a condition of the defendant's bail; and
  - (ii) for that reason, the surety wishes to be relieved of the obligations as surety.

(2) A police officer who arrests a defendant pursuant to sub-section (1) shall cause the defendant to be brought before a court as soon as practicable but in any event no later than whichever is the sooner of—

- (a) forty-eight hours after the arrest; or
- (b) the next sitting of the court applicable under sub-section (1).

(3) Where the court before which a defendant is brought under sub-section (2) is of the opinion that the defendant—

- (a) has committed or was about to commit another offence; or
- (b) has breached or is likely to breach any condition of the defendant's bail, the Magistrate or Judge may revoke the grant of bail and remand the defendant in custody or commit the defendant to custody.

**14.—(1)** The amount of bail to be taken in any case shall be in the discretion of the deciding official, by whom the order for the taking of the bail is made, but no defendant shall be required to give excessive bail.

Amount of Bail.

(2) The deciding official may accept a deposit of money from or on account of a defendant in lieu of a surety or sureties, and on any breach of the condition of his recognisance that deposit shall be forfeited and shall be dealt with in the same manner as sums of money recovered in respect of forfeited recognisances.

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- Bail with surety. **15.**—(1) This section applies where a defendant is granted bail on condition that surety is provided for the purpose of securing the defendant's attendance at court.
- Schedule IV. (2) The persons listed in Part I of Schedule IV shall be exempt from acting as a surety.
- (3) In considering the suitability of a proposed surety, regard shall be had to such factors as the deciding official thinks relevant, including the proposed surety's—
- (a) profession, occupation, trade or business;
  - (b) character and previous convictions (if any);
  - (c) proximity, whether of kinship, place of residence or otherwise, to the defendant; and
  - (d) capacity to—
    - (i) supervise the conduct of the defendant, if required under any directions made to the surety by the deciding official; and
    - (ii) ensure the defendant's appearance in court where required, and the deciding official shall not refuse a proposed surety unless the proposed surety is exempt under sub-section (2) or is, in the deciding official's opinion, otherwise unsuitable for the purpose.
- Schedule IV. (4) The surety shall be required to make a declaration in the form set out in Part II of Schedule IV, and shall have a duty to—
- (a) adhere to the directions imposed on the surety with respect to the conditions of the defendant's bail; and
  - (b) ensure that the defendant appears in court when required.
- Schedule IV. (5) A declaration in the form set out in Part III of Schedule IV shall be made by a Justice of the Peace, a member of the Belize Police Department not below the rank of sergeant, a minister of religion, or a principal of an educational institution, as to the declarant's knowledge of the surety's identity and good character.
- Schedule IV. (6) A recognizance of the surety in accordance with the requirements of sub-sections (4) and (5) and in the form set out in Part IV of Schedule IV may be entered into before such person or description of person, as the deciding official may in the prescribed record specify or, if no such specification is made—

- (a) where the deciding official is a commissioned officer or a Magistrate, before any Magistrate;
- (b) where the deciding official is a Judge of the High Court or Court of Appeal—
  - (i) before any of the persons specified in paragraph (a); or
  - (ii) where rules of court otherwise provide, before such other person as may be so otherwise provided in the rules.

(7) Where a surety seeks to enter into a recognizance of the surety before any person in accordance with sub-section (6) but that person declines to take the recognizance because the person is not satisfied as to the surety's suitability, the surety may apply to—

- (a) the deciding official who fixed the amount of the recognizance; or
- (b) the Magistrate's Court for the judicial district in which the surety resides, for that deciding official or court, as the case may be, to take the recognizance and the deciding official shall, if satisfied as to the surety's suitability, take the recognizance.

(8) Where, pursuant to sub-section (7), a recognizance is entered into otherwise than before the deciding official that fixed the amount of the recognizance, the recognizance shall have full force and effect as if it had been entered into before that deciding official.

(9) Where a deciding official grants bail to a defendant but is unable to release the defendant because no surety or no suitable surety is available, the deciding official—

- (a) shall fix the amount in which the surety is to be bound, and sub-sections (6) and (7) shall apply for the purpose of enabling the recognizance of the surety to be entered into subsequently; and
- (b) may reduce the amount fixed under paragraph (a), for the purpose of enabling the release of the defendant on bail.

(10) A person who, in any declaration required under this section, makes a statement which the person knows to be false in any material particular commits an offence and shall be liable on summary conviction therefor before the Magistrate's Court to a fine not exceeding two thousand five hundred dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

(11) If a defendant who is committed for trial is admitted to bail—

- (a) the recognisance of bail shall be taken in writing, either from the defendant and one or more surety or sureties, or from the defendant alone, in the discretion of the Magistrate, according to the nature and circumstances of the case; and
- (b) shall be signed by the defendant and his surety or sureties, if any.

(12) Notwithstanding the provisions of this section, the deciding official may permit a defendant to provide surety for himself if—

- (a) the defendant provides proof of the requisite assets and—
  - (i) has been offered bail but is, within such period as the deciding official may consider reasonable having regard to the nature of the offence concerned, unable to provide a suitable person to act as surety on the defendant's behalf; or
  - (ii) is not likely to be sentenced to imprisonment on conviction for the offence; and
- (b) the deciding official is satisfied that the defendant is not likely to abscond if released on bail, commit an offence while on bail, or breach any condition of bail.

Forfeiture of  
security or  
recognizances.

**16.—(1)** Where bail is granted to a defendant and a surety has provided security for the purpose of securing the defendant's attendance at court, and the defendant—

- (a) fails to attend court; or
- (b) breaches any other condition of the defendant's bail, in any case where the defendant is a minor and the surety is the parent or guardian of that minor,

the court having jurisdiction in respect of the offence concerned may order the forfeiture of any amount up to the full amount of the security.

(2) Where a court orders the forfeiture of any security pursuant to sub-section (1), the court may declare the portion of the monetary value of that security that is to be forfeited, which may be any amount up to the full value of the security as the court thinks fit, and shall order that the remainder, if any, be paid over to the person entitled thereto.

(3) Security which has been ordered to be forfeited under sub-section (1) shall, to the extent of the amount ordered to be forfeited—

- (a) where it consists of money, be accounted for and paid in the same manner as a fine imposed by the court would be;
- (b) where it does not consist of money, be enforced by such Magistrate's Court as may be specified in the order.

(4) This section shall have effect in addition to any other provisions in law relating to the enforcement of recognizances entered into in criminal proceedings.

**17.—(1)** In any of the following circumstances, a surety shall be released from the obligations under the recognizance entered into by that surety where—

Release of surety  
or refund of  
payment.

- (a) a court grants such release, on an application made in accordance with sub-section (2);
- (b) a *nolle prosequi* is entered in relation to the defendant in respect of whom the surety was provided;
- (c) the matter against the defendant in respect of whom the surety is provided is dismissed and letter duly certified by the court is provided to the defendant confirming such dismissal;
- (d) the defendant concerned is acquitted or convicted, and the court concerned shall issue to the surety a release in the form set out in Part V of the Schedule IV.

Schedule IV.

(2) In sub-section (2), "duly certified" means certified—

- (a) where the deciding official is a commissioned officer or Justice of the Peace, by that commissioned officer or the commissioned officer in charge of the police station from which the defendant was released on bail, or the Justice of the Peace;
- (b) where the deciding official is a Magistrate, the Clerk or Deputy Clerk of the Court;
- (c) where the deciding official is a Judge of the High Court, the Registrar or Deputy Registrar of the High Court;
- (d) where the deciding official is a Judge of the Court of Appeal, the Registrar or Deputy Registrar of the Court of Appeal.

(3) An application made by a surety for release from the obligations under a recognizance shall be in writing to the court having jurisdiction to try the offence in relation to which the defendant is released on bail, and the surety may attend before that court for the hearing of the application.

(4) Where a surety is released in any of the circumstances specified in sub-section (1)–

- (a) any amount paid by the surety pursuant to section 7(2)(b) shall be refunded, but if a fine is imposed on conviction of the defendant, that amount may, with the surety's consent, be applied toward the payment of the fine; and
- (b) in any case under sub-section (1)(a), the court shall immediately notify the defendant of the release and may order that the defendant be taken into custody until the defendant provides other surety to the satisfaction of the court.

Prohibition of agreement to indemnify surety.

**18.**–(1) No person shall indemnify, or offer or agree to indemnify, another person against the possibility of loss arising from the absconding of the defendant, and a person who contravenes this sub-section commits an offence.

(2) An offence under sub-section (1) may be committed whether the–

- (a) offer or agreement is made before or after the person to be indemnified becomes a surety;
- (b) person to be indemnified becomes a surety or not; or
- (c) offer or agreement contemplates compensation in money or money's worth.

(3) A person who commits an offence under sub-section (1) shall be liable, on summary conviction to a fine not exceeding two thousand five hundred dollars, or to imprisonment for a term not exceeding one year.

Property not to be used concurrently as consideration for surety.

**19.**–(1) A surety shall not, without obtaining the prior approval of a court, offer as security or acting as surety for a defendant, property that constitutes security for the surety of another defendant.

(2) A surety who knowingly contravenes sub-section (1) commits an offence and shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year.

(3) In deciding whether to give approval for the purposes of sub-section (1), the court shall have regard to the sufficiency of the value of the property to cover the securities concerned.

### PART III

#### *Miscellaneous*

**20.** The enactments set out in the first column of Schedule V to this Act are repealed or amended to the extent specified in the second column.

Consequential  
amendments.  
Schedule V.

**21.—(1)** The Minister may, subject to affirmative resolution, make regulations generally for giving effect to the provisions and purposes of this Act.

Regulations.

(2) The Minister may by order subject to negative resolution—

(a) amend any of the Schedules;

(b) amend any monetary penalty imposed by this Act.

**22.—(1)** This Act shall come into force on a date appointed by the Minister by Order published in the Gazette.

Commencement.

(2) An order under sub-section (1) may appoint different dates for the commencement of different provisions of this Act.

**SCHEDULE I**  
*[section 5(2)]*

Offences in respect of which bail may only be granted by a Judge

1. Murder, attempted murder or conspiracy to murder;
2. Robbery or attempted robbery while in possession of a firearm;
3. Burglary or attempted burglary while in possession of a firearm;
4. Aggravated assault with the use of a firearm;
5. Kidnapping or attempted kidnapping;
6. A drug trafficking offence, under the Misuse of Drugs Act, where the quantity of the controlled drug involved is more than the quantities specified in paragraphs (i), (ii), (iii) and (iv) of the proviso to section 18(1) (a) of the Misuse of Drugs Act;
7. Carnal knowledge of a girl under sixteen years of age;
8. Incest;
9. An offence under the Firearms Act;
10. An offence under section 2 of Part I of the Crime Control and Criminal Justice Act relating to the suppression of criminal gangs;
11. An offence under Part IA, 1B, 1C or 1D of the Crime Control and Criminal Justice Act (which Parts relate respectively to suppression of criminal gangs, injunctions for gang-related violence, restriction on certain publications and prohibition of weapons);
12. The offence of entering Belize elsewhere than at an approved port or place of entry under section 24 of the Immigration Act;
13. The offences under section 112 (2) (b) or (c) of the Customs Regulation Act.
14. An offence of causing harm or death to another arising out of the use of a motor vehicle.
15. An offence under sections 73, 74, 75, 76, 77, 82, 87, 88 and 89 of the Motor Vehicle and Road Traffic Act ( which relates to speeding, driving under the influence, driving with alcohol above the prescribed limit, failure to accompany a police officer to the hospital, the failure to provide blood



specimen, reckless driving, failure to stop, give aid and report an accident, riding abreast or holding on to motor vehicle)

**SCHEDULE II**  
**PRESCRIBED FORM FOR THE QUESTION OF BAIL**  
*[section 9(1)]*

BAIL NO. /20

BETWEEN:

DEFENDANT

AND:

CROWN

TAKE NOTICE that \_\_\_\_\_ [insert name  
and office of deciding official] hereby

☐ Grants

☐ Refuses

☐ Imposes or varies any condition in respect of a defendant's

☐ Revokes

Bail of \_\_\_\_\_ (defendant's name)

The question of bail relates to the following offence(s): [specify the  
details of the offence (where applicable).

Reasons for action taken \_\_\_\_\_ [insert the reasons  
for grant, refusal, variation or revocation of bail

Notice of this decision is being given to the following persons:

The Applicant(s) \_\_\_\_\_

The Surety(s)(if any) \_\_\_\_\_

The Prosecution \_\_\_\_\_

Dated the \_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of the deciding official

**SCHEDULE III***[section 11(3)]*

Notice of Appeal by Prosecution against Grant of Bail

IN THE COURT OF APPEAL OF BELIZE

BAIL APPEAL NO. /20

BETWEEN THE DIRECTOR OF PUBLIC PROSECUTIONS

APPELLANT

AND

DEFENDANT

TAKE NOTICE that the Appellant/Crown appeals the decision of Honourable/ Madam Justice .....[insert name] to grant bail, given on the day of \_\_\_\_\_, 20\_\_\_. In the matter of

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

*[set out name of accused person(s), charge and information number(s)]*

and in which oral notice of appeal was given on the day of \_\_\_\_\_, 20\_\_\_. The details of the order made in relation to bail are as follows \$.....bail with one or ..... sureties To report at the .....Police Station every .....between the hours of .....am/pm to .....am/pm.

Other Conditions (*please tick*)

- ☐ Wearing of electronic tracking device
- ☐ Stop order at airport and other ports of entry and departure
- ☐ Surrender travel documents
- ☐ Curfew order
- ☐ not to interfere with complainant and witnesses
- ☐ to reside at .....

☐ Other (please specify) .....

The ground(s) on which it is contended that the decision should be varied or revoked is/are that there are substantial grounds for believing that the Defendant, if released on bail would—(*please tick*)

☐ fail to surrender to custody;

☐ commit an offence while on bail;

☐ interfere with witnesses or otherwise obstruct the course of justice, whether in relation to himself or any other person;

☐ the defendant is charged with an offence alleged to have been committed while he was released on bail;

☐ Other (please specify) .....

The learned Judge exercised his/her discretion improperly when one considers (*please tick*)

☐ the likelihood of conviction, having regard to the strength of the prosecutions' case

☐ the nature and seriousness of the offence

☐ the risk of the defendant absconding

☐ the risk of the defendant interfering with the course of justice

☐ the defendant has been convicted on a previous occasion for offences which are punishable with imprisonment

☐ the strength of the Crown's case

☐ Other (please specify) .....  
.....

NOTICE: This application will be heard by a Judge in Chambers on the ..... day of ....., 20.... If you do not attend at this hearing personally or by an attorney-at-law, an order may be made in your absence. Notice of this application is being given to the following persons:

<input type="checkbox"/> The respondent	<input type="checkbox"/> The Registrar
.....	Court of Appeal
.....	
.....	

[ ] Chief Executive Officer, Kolbe Foundation, Belize Central Prison

DATED the ..... day of ....., 20

.....  
... For the DIRECTOR OF PUBLIC PROSECUTIONS

FILED BY the DIRECTOR of PUBLIC PROSECUTIONS, #6 Regent Street, Belize City, Attorneys-at-Law, for and on behalf of the Appellant herein whose address for service is #6 Regent Street, Belize City. Telephone number (501) 227-2913. Fax (501) 227-3032.

**SCHEDULE IV**

*[sections 15(2), (4),(5) and (6), and 17(1)(d)]*

**PART 1****Persons Exempt from Acting as a Surety**

1. The Governor-General.
2. A member of either House of Parliament.
3. A member of the judiciary.
4. The Attorney-General or a person employed in the post of a Judicial and Legal Officer in the Attorney-General's Ministry.
5. The Director of Public Prosecutions or a person acting as the prosecution in any criminal matter.
6. A Chief Executive Officer of a Government Ministry .
7. The Commander of the Belize Defence Force or Belize Coast Guard.
8. A commissioned officer.
9. An attorney-at-law on record for the defendant concerned, in relation to the offence.
10. A person charged jointly with the defendant concerned, or charged with aiding or abetting in the commission of the offence.
11. A person who has a criminal charge pending against that person before any court.
12. A person who is not resident in Belize.
13. A person who is entitled to immunity from legal process in Belize.



Judge, Clerk of Courts, Registrar.

### PART III

#### *Declaration as to Surety's Identity and Good Character*

I .....hereby certify that I have been  
     *(name of declarant)*  
 personally acquainted with ..... for a period  
                                     *(name of surety)*  
 of....., and I hereby attest to the said..... 's  
   *(name of surety)*  
 good character.

I make this declaration conscientiously believing the same to be true and according to the Oaths Act, and I am aware that if there is any statement in this declaration which is false in fact which I know or believe to be false or do not believe to be true, I am liable to imprisonment for any term not exceeding two years, or to a fine not exceeding five hundred dollars, or to both such fine and term of imprisonment.

*Tick applicable description of declarant:*

- ☐ Justice of the Peace
- ☐ Principal of educational institution other than a pre-primary school
- ☐ Member of the Belize Police Department not below the rank of Sergeant
- ☐ Minister of religion

### PART IV

#### *Recognizance of Surety*

Before.....in the Judicial District  
 of *(Court or prescribed official)* .....

Take notice that you.....of.....  
     *(insert name of defendant)*                      *(insert address of defendant)*  
 ..... are bound in the sum of \$ .....  
 your sureties .....  
     *(insert*                      *names*                      *of*                      *sureties)*



of.....,  
*(insert address of sureties)*

in the sum of \$ ..... each, to appear at .....  
 in the Judicial District of....., on the....day of  
 .....20., and, unless you personally make your appearance accordingly,  
 the recognizance entered into by you and your sureties will be forthwith  
 ordered to be forfeited and the amount thereof levied on the property provided  
 as security therefor, and if the security is insufficient each of you may be  
 imprisoned for such period as the court considers just, not exceeding six  
 months.

Dated this .... day of ....., 20....

.....  
*(Signature of Judge or prescribed official)*

## PART V

### *Form of Release of Surety In the Court*

In the .....Court

To: .....  
*(name of surety)*

In the matter of the recognizance entered into by you in the matter of :—  
 Name of defendant: ..... Case/  
 Information and Complaint No:..... in the amount of  
 \$....., secured by: (describe property)

on..... (date).

Take note that you are hereby absolutely discharged from liability to pay  
 the aforementioned sum and from responsibility for assuring the  
 adherence of the defendant to the conditions of bail.

.....  
 Signature of Judge [Seal of court to be  
 affixed]

Dated this .... Day ..... of , 20....

**SCHEDULE V***[section 20]***REPEALS AND AMENDMENTS**

<b>Short Title</b>	<b>Extent of Repeal or Amendment</b>
Bail Reform Act, CAP 100	The whole is repealed
Police Act, CAP 138	Sections 18 and 47 are repealed.
Indictable Procedure Act, CAP 96	Sections 56, 57(1) and (2), 58, 59, 60(1) and (2), 61, 63 and 64 are repealed.
Crime Control and Criminal Justice, CAP 102	<p>Section 16 of the principal Act is amended—</p> <p>(a) by repealing sub-section (3) and replacing it with the following—</p> <p>“Where the bail is refused by the Magistrate or Justice of the Peace under the foregoing provisions of this section, the person charged may apply to the High Court for bail and the High Court may, in accordance with the Bail Act, but subject to sub-section (4), grant bail to such a person.</p> <p>(b) in sub-section (4)(a), by deleting the word “ten” and substituting the word “five”.</p> <p>(c) in sub-section 4(b) by repealing paragraph (b) and replacing it with the following—</p>

	“The court shall impose such conditions as it considers appropriate as pursuant to section 8 of the Bail Act.
Inferior Courts Act, CAP 94	Section 57 is repealed.
Senior Courts Act, Act No. 27 of 2022	Section 117(4) is repealed. Section 220 is repealed.