

BELIZE:

MAGISTRATE COURT BILL, 2025

ARRANGEMENT OF CLAUSES

PART I

Preliminary

1. Short title.
2. Interpretation.
3. Application of Act.

PART II

General

Sub-Part 1

Judicial Districts, Establishment and Constitution of Court

4. Judicial districts.
5. Jurisdiction at port of entry.
6. Establishment of court.
7. Constitution of court.
8. Jurisdiction of court.
9. Specialised divisions.
10. Municipal Court and jurisdiction.
11. Revenue of Municipal Court.

Sub-Part 2

Appointment, Powers etc., of Magistrates and Officers of the Court

12. Chief Magistrate and duties.

-
13. Appointment of senior magistrate and magistrate.
 14. Duties of magistrate and senior magistrate.
 15. Residence of senior magistrate and magistrate.
 16. Salary of Chief Magistrate, senior magistrate and magistrate.
 17. Judicial oath.

Sub-Part 3

Staff of the Court

18. Clerk.
19. Duties of clerk.
20. Account of clerk.
21. Bailiff.
22. Duties of bailiff.
23. Account of bailiff.
24. Exclusion of liability of bailiff.
25. Assault on bailiff in execution of duty.
26. Additional staff of court.
27. General supervision of clerk and other staff of court.
28. Salaries.
29. Transfer from judicial district to another.

Sub-Part 4

Sittings of Court

30. Sittings of court.
31. Virtual sittings of court.
32. Adjournment of court generally.

-
33. Vacation.
 34. Change of place of hearing.
 35. Preservation of order at sittings of court.
 36. Duty of police officers to obey magistrate.
 37. Punishment for contempt of court.

PART III

Criminal Jurisdiction and Procedure

Sub-Part 1

General Provisions

38. Criminal jurisdiction.
39. Jurisdiction as to punishments.
40. Award of compensation to the person injured.
41. Effect of payment of compensation.
42. Acts done partly within and partly beyond the jurisdiction of a court.
43. Presumption of age of a child.
44. Saving of jurisdiction of the High Court.
45. Savings of offences constituted by other laws.
46. Restrictions of jurisdiction in respect of questions of title or insolvency.

Sub-Part 2

Abetment and Attempt

47. Abetment of summary conviction offence.
48. Attempt and incitement to commit summary conviction offence.
49. Abetment of, and attempt to commit, crime under Schedule III.

Sub-Part 3

Institution of Criminal Proceedings

- 50. Mode of instituting proceeding.
- 51. General right of making complaint.
- 52. Limitation of complaint.
- 53. Form and requisites of complaint.
- 54. Statement of exception.

Sub-Part 4

Search with and without Warrant

- 55. Issue of search warrant and proceedings.
- 56. Searching licensed places.
- 57. Mode of searching a woman.

Sub-Part 5

Enforcing Appearance of Defendant

- 58. Issue of summons to defendant in criminal matter.
- 59. Hearing *ex parte* or issue of warrant on nonappearance of defendant.
- 60. Issue of warrant for defendant in first instance.

Sub-Part 6

Arrest

- 61. Arrest of offender in certain cases.
- 62. When a person arrested is mentally ill.
- 63. Bail where offender taken into custody without warranty.
- 64. Form and requisites of warrant of apprehension.
- 65. Execution of warrant.
- 66. Handcuffing of person arrested.

-
67. Police station to be lock-up.
 68. Proceedings relating to stolen goods, etc.
 69. Recovery of unlawfully pawned, etc.
 70. Restoration of goods stolen, etc.
 71. Restitution order and its effect.
 72. Goods of unknown owner may be sold.

Sub-Part 7

Enforcing Attendance of Witness

73. Issue of summons to witness in criminal matter.
74. Service of summons to witness in criminal matter.
75. Warrant for witness after summons.
76. Issue of warrant for witness in first instance.
77. Dealing with witnesses arrested under warrant.
78. Non-attendance of witness on adjourned hearing.
79. Dealing with witness refusing to be sworn or give evidence.

Sub-Part 8

Hearing and Order Hearing of Complaint

80. Time and place of hearing.
81. Conduct of case.
82. Non-appearance of complainant.
83. Non-appearance of defendant.
84. Plea of guilty plea by letter.
85. Non-appearance of both parties.
86. Hearing.

-
- 87. Record of evidence in court.
 - 88. Cross complaints.
 - 89. Address in criminal matter.
 - 90. Adjournment in criminal matter.
 - 91. Taking of prints by order of court.

Sub-Part 9

Transfer of Causes

- 92. Transfer of causes.
- 93. Reduction of a charge from crime to summary conviction offence.
- 94. Preliminary Inquiries.
- 95. Where charge appears to be proper for indictment.

Sub-Part 10

Proof of Service or Process and Proof of Previous Conviction

- 96. Proof of service or process.
- 97. Proof of previous conviction.

Sub-Part 11

Making of Order

- 98. Time of decision and order.
- 99. Imprisonment in default of payment of penalty.
- 100. Power to impose a fine in lieu of imprisonment.
- 101. Scale of imprisonment for non-payment of money adjudged to be paid by order.
- 102. Full offence charged attempt proved.
- 103. Full offence charged part proved.
- 104. Discharging defendant without punishment.

105. Order of costs and compensation.

Sub-Part 12

Enforcement of Order

106. Powers of court as to mode of payment of money adjudged to be paid by order.

107. Allowances of further time.

108. Deposit of money in lieu of surety.

Sub-Part 13

Distress Warrant

109. Distress warrant.

110. Commitment or security until return made to distress warrant.

111. Imprisonment in default of distress.

112. General provisions with respect to distress warrant.

113. Payment of amount of distress warrant.

Sub-Part 14

Seizure and Restitution of Property

114. Seizure of property the proceeds of summary conviction offence.

115. Seizure of things intended to be used in commission of summary conviction offence.

116. Enforcement of order of seizure.

117. Return of property found on person apprehended.

118. Application of money found on person apprehended.

119. Restitution of property in case of conviction.

Sub-Part 15

Keeping the Peace

-
120. Finding sureties to keep the peace.
 121. Binding over parties to be of good behaviour.
 122. Bringing up person imprisoned for want of sureties.
 123. Sanction of compromise.
 124. Recognisance taken out of court.
 125. Enforcement of recognisance to keep the peace or to be of good behaviour.
 126. Mode of enforcing recognisance.

Sub-Part 16

Commitment of Defendant

127. Committal of the defendant.
128. Obligation prior to issuing warrant of commitment.
129. Limitation on warrant of commitment.
130. Postponing issue of warrant of commitment.
131. Where the conviction or order directs imprisonment only.
132. Varying or discharging of order for sureties.
133. Right of person imprisoned in default to be released on payment of sum adjudged to be paid.
134. Imprisonment for a subsequent offence.
135. Summary order to do a specific act.

Sub-Part 17

Summary Trials of Hybrid Offences Generally

136. Remand of person charged.
137. General provisions as to dealing summarily with crimes.
138. Certain crimes declared summary conviction offences and limitation of jurisdiction.

-
- 139. Mode of charges in one indictment.
 - 140. Duty to surrender.
 - 141. Amendment of Schedule III.
 - 142. Deportees.

Sub-Part 18

Ownership of Property

- 143. Statement of ownership of property.
- 144. Statement of ownership of church.
- 145. Statement of ownership of public property.

Sub-Part 19

Saving of Validity Process

- 146. Provision as to certain proceedings in the court.
- 147. No object to jurisdiction unless taken at hearing.
- 148. Effect of variance or defect in proceedings.

Sub-Part 20

Appropriation of Penalties and Seizures

- 149. Appropriation of penalties and seizures, etc.
- 150. Dealing with forfeiture not pecuniary.
- 151. Remission by the Governor General of penalties.
- 152. Effect of acquiescence in remission.
- 153. Payment of sum adjudged to be paid by order by person imprisoned in default of payment.
- 154. Keeping account of money received.
- 155. Taking recognisance.
- 156. Magistrate may disallow payment to an informer.

Sub-Part 21

Maintenance Orders (Facilities for Enforcement)

- 157. Interpretation of terms in Sub-Part 21.
- 158. Enforcement in Belize of maintenance orders made in England or Northern Ireland.
- 159. Transmission of maintenance orders made in Belize.
- 160. Provisional Orders of maintenance against persons resident in England or Northern Ireland.
- 161. Confirmation of maintenance by court.
- 162. Regulations to facilitate communications between courts.
- 163. Mode of enforcing orders.
- 164. Application of provisions relating to the procedure of court.
- 165. Proof of document signed by officers of court.
- 166. Depositions to be evidence.
- 167. Extension of Act.

Sub-Part 22

Summary Offences and Misdemeanours

- 168. Offences punishable as misdemeanors.
- 169. Proof of unlawful purpose or intent.
- 170. Using threatening etc., words or behaviour towards an official.
- 171. Removal of derelict vehicles.
- 172. Intoxication.
- 173. Keeping brothel.
- 174. Determination of tenancy.
- 175. Dancing in town after midnight.

-
- 176. Circulation of or traffic in obscene objects.
 - 177. Power to search for, seize and destroy obscene objects.
 - 178. Summary proceedings against persons affixing, etc., indecent or obscene pictures or printed or written matter.
 - 179. Saving of certain rights of pathway.

PART IV

Civil Jurisdiction and Procedure

Sub-Part 1

Civil Jurisdiction

- 180. Civil jurisdiction of court.
- 181. Jurisdiction as to penalties imposed by corporate and other bodies.
- 182. Cause of action not to be divided.
- 183. Jurisdiction when action is for balance of account not exceeding \$15,000.00.
- 184. Action by or against an executor.
- 185. Action by young person for wages.
- 186. Procedure where several persons are jointly liable.

Sub-Part 2

Institution of Action

- 187. Commencement of action.
- 188. Issue of summons to defendant in civil action.
- 189. Misnomer not to vitiate summons.
- 190. Service of summons to defendant in civil action.
- 191. Summons may be served within one year from date of issue.
- 192. Mode of procedure.

-
193. Payment into court by defendant.
 194. Summonses for witnesses in civil action.
 195. Witnesses not appearing or refusing to testify.
 196. Mode of appearance.
 197. Procedure when plaintiff fails to appear or to prove case.
 198. Procedure when defendant fails to appear.
 199. Procedure when both parties appear.
 200. Address in civil action.

Sub-Part 3

Giving Judgment, References and Transfers

201. Judgment on conclusion of hearing.
202. Judgment in action for recovery of chattel.
203. Reference of matter of account to the clerk.
204. Reference to arbitration in certain cases.
205. Transfer of action.
206. Transfer of actions of contract or tort to the High Court.
207. Action brought without jurisdiction.
208. Second action for same cause.
209. Failure of magistrate to attend on day of hearing.
210. Order for new hearing.

Sub-Part 4

Court Costs, Execution etc., of Judgment

211. Costs in court.
212. Attorney fees.

-
- 213. Enforcement of judgment by execution.
 - 214. Execution in case of judgment for payment by instalments.
 - 215. Execution in case of cross judgments.
 - 216. Issue of writ of execution.
 - 217. Entry of time of application for writ.
 - 218. Endorsement on writ.
 - 219. Power to stay execution.
 - 220. Terms of writ, etc.
 - 221. Mode of dealing with cheque, etc., levied on.
 - 222. Sale of good and chattel seized.
 - 223. Claim for rent in arrears.
 - 224. Priority of executions issuing out of the High Court and the Magistrate Court.
 - 225. Stakeholder's interpleader.
 - 226. Bailiff's interpleader.
 - 227. Deposit of value of good levied.
 - 228. Execution upon real property.
 - 229. Execution against building.
 - 230. Payment of amount after levy.
 - 231. Order of commitment.
 - 232. Effect of irregularity in proceedings.

PART V

Miscellaneous

- 233. Appeals.
- 234. Cases decided by court.

-
- 235. Powers of amendment.
 - 236. Proceedings by or against officer of court.
 - 237. Process of magistrate valid throughout Belize.
 - 238. Administration of oaths.
 - 239. Affidavit by whom taken.
 - 240. Fees and costs.
 - 241. Fees on affidavit of service.
 - 242. Prepayment of fees and costs.
 - 243. Magistrate and clerk to be under audit regulations.
 - 244. Unclaimed suitor's moneys.
 - 245. Record book of court.
 - 246. Register of minutes of orders.
 - 247. Custody of records.
 - 248. Use of forms in Schedules IV and V.
 - 249. Rules of court.
 - 250. Practice directions.
 - 251. Reference in other enactments.
 - 252. Repeal and consequential amendment.
 - 253. Transitional and savings.
 - 254. Commencement.

SCHEDULE I

SCHEDULE II

SCHEDULE III

SCHEDULE IV

SCHEDULE V

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

AN ACT to repeal, replace, and consolidate the District Courts (Procedure) Act, Chapter 97 of the Substantive Laws of Belize, Revised Edition 2020; the Summary Jurisdiction (Procedure) Act, Chapter 99 of the Substantive Laws of Belize, Revised Edition 2020; and the Summary Jurisdiction (Offences) Act, Chapter 98 of the Substantive Laws of Belize, Revised Edition 2020; to repeal, replace, and consolidate the provisions of the Inferior Courts Act, Chapter 94 of the Substantive Laws of Belize, Revised Edition 2020, relating to the magistracy; to provide for the establishment, constitution and jurisdiction of the Magistrate Court; to regulate the practice and procedure before the Magistrate Court; 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 Senate of Belize and by the authority of the same, as follows:

PART 1*Preliminary*

- 1.** This Act may be cited as the

Short title.

MAGISTRATE COURT BILL, 2025.

- 2. –(1)** In this Act–

Interpretation.

“action” means any proceeding commenced by plaintiff in the court;

“adult” means a person who is eighteen years of age or above;

“bailiff” means a bailiff of the court;

“animal” includes any horse, mare, gelding, colt, filly, pony, mule, ass, bull, ox, cow, heifer, steer, ram, sheep, lamb, goat, pig or any beast of draught or burden;

“boat” includes any vessel, ship, bateau, punt, scow, dorey, pitpan, barge, sloop, raft, float or any other craft;

“cause” includes any action, suit, or other original proceeding between a plaintiff and a defendant;

“clerk” means the clerk of the court;

“child” means a person who, is determined by the court to be under the age of fourteen;

“complainant” includes any informant or arresting officer in any case relating to a summary conviction offence;

“complaint” includes any information or charge relating to a summary conviction offence;

“court” means the Magistrate Court established under section 6;

“crime” means an offence punishable on indictment under the Criminal Code Act or under any other law;

“defendant” means a person against whom a complaint is made;

“DNA” means Deoxyribonucleic Acid;

“derelict vehicle” means a vehicle that appears to the competent authority to have been abandoned by reason of its condition,

provided that for the purposes of this definition, the opinion of the competent authority shall be *prima facie* evidence of the truth of the matters contained in it, and in forming an opinion, the competent authority may take into account—

(a) the fact that the wheels or any of them, the engine or other parts have been removed; and

(b) any other factors taken together with the fact that the vehicle was unlicensed during the immediately preceding period of six months;

“electronic means” includes CD, ROMs, memory sticks, email, fax or other means of electronic communication of the contents of documents;

“execution-creditor” means a person in whose favour execution has been issued;

“execution-debtor” means a person against whom execution has been issued;

“goods” means any goods, chattels or effects, or any animal or bird, or other living thing;

“hybrid offence” means an offence that may be tried in the Magistrate Court or High Court;

“judgment” includes the dismissal of a cause as well as any other adjudication, order or decision of a magistrate under this Act;

“keeper” when used in relation to a prison includes the superintendent or other chief resident officer of prison;

“local authority” means the Belize City Council established under the Belize City Council Act, a Town Council established under the Town Councils Act, or the Belmopan City Council established under the Belmopan City Council Act;

CAP. 85.

CAP. 87.

CAP. 86.

“magistrate” means a person appointed under section 13;

“Minister” means the Attorney General;

“misdemeanour” means an offence punishable by less than one year imprisonment;

“obscene” means anything relating to sexual matters that is offensive to the sense of decency and propriety;

“order” includes any conviction in respect of a summary conviction offence;

“owner” includes any tenant or occupier and the attorney, agent, authorised representative or servant of an owner;

“party” includes every person served with notice of, or lawfully attending, any proceeding and who is directly interested in the subject matter in issue, has a right to make defence, control the proceedings, or appeal from the judgment;

“penalty” includes any pecuniary fine, forfeiture or compensation recoverable or payable under an order;

“person”, “owner”, and other words and expressions of the same kind include His Majesty and all governments, public bodies, bodies corporate, societies, and companies in relation to the acts and things they are capable of doing and owning respectively;

“plaintiff” means any person taking proceedings in respect of a cause;

“possession” includes constructive as well as actual possession, and the right to possession;

“premises” includes land, whether covered with water or not, canal, trench, pond, yard, garden, stalling, wharf, house or other immovable property;

“prescribed” means prescribed by rules made under this Act;

“prison” includes any lock-up house, police cell or other duly authorized place of detention for persons in custody;

“public place” means any location, road, church, chapel, court, courtyard, public office or room in which any public duty is carried on or performed, or to which the public have access;

“public way” means any highway, market-place, square, street, bridge or other way lawfully used by the public;

“street” includes any highway, public road, square, market-place, alley, thoroughfare, public passage or court in which several families may reside, and having on common entrance, whether with or without any door or gate;

“sum of money adjudged to be paid by an order” includes any costs, or costs and compensation, or costs and damages adjudged to be paid by the order, of which the amount is fixed by the order;

“summary conviction offence” means an offence punishable on summary conviction under this Act;

CAP. 230.

“competent authority” means a local authority or a transport officer appointed under the Motor Vehicles and Road Traffic Act;

“vehicle” includes any cart, sledge, caravan, carriage, wagon, wain, truck, barrow or other vehicle on wheels, however drawn or propelled, used to carry persons, loads or burdens;

“waterway” includes any river, creek, stream, canal, channel, inlet and trench; and

“young person” means a person who is fourteen years of age or upwards but under the age of eighteen years.

CAP. 101

(2) Crimes created by the Criminal Code, which are—

- (a) constituted summary conviction offences under section 138; and
- (b) triable summarily under section 138(5),

shall be interpreted and construed in accordance with the definitions and explanations contained in the Criminal Code and, accordingly, all the words and expressions defined in the Code shall have application for that purpose.

CAP. 101.

3. This Act applies to all proceedings in the Magistrate Court.

Application of Act.

PART II

General

Sub-Part 1

Judicial Districts, Establishment and Constitution of Court

4.-(1) There are judicial districts in Belize as follows—

Judicial districts.

- (a) Belize Judicial District;
- (b) Corozal Judicial District;
- (c) Orange Walk Judicial District;
- (d) Stann Creek Judicial District;
- (e) Toledo Judicial District; and
- (f) Cayo Judicial District.

(2) The Minister may, by Order published in the *Gazette*—

- (a) vary, subdivide, enlarge, re-arrange or alter the boundary of a judicial district;
- (b) establish a new judicial district;
- (c) abolish a judicial district and substitute other a defined area as the judicial district that was abolished; and
- (d) distinguish a judicial district by the name, letter or number as the Minister deems necessary.

(3) An Order under this section shall take effect on the date appointed by the Order.

5. The waters of any port of entry, as for the time being defined by law or otherwise, are for all purposes and intents deemed to be within the jurisdiction of the court in the judicial district where the port of entry is situated.

Jurisdiction at port of entry.

Establishment of court.	<p>6.-(1) There is established a court known as the Magistrate Court to sit in each judicial district which has power to exercise criminal jurisdiction or civil jurisdiction in accordance with this Act and subject to any law conferring upon the court jurisdiction to hear and determine any matter.</p> <p>(2) The court established under this section shall be a court of record.</p>
Constitution of court.	<p>7. The court shall be duly constituted when presided over by a magistrate lawfully empowered to adjudicate any matter, action or cause in the court.</p>
Jurisdiction of court.	<p>8. Without prejudice to the provisions of any other law, the court has jurisdiction to try—</p> <ul style="list-style-type: none"> (a) an offence, other than an offence punishable with death; (b) an offence punishable by imprisonment for a term not exceeding seven years; or (c) an offence which is stated in any law other than this Act to be triable summarily.
Specialised divisions.	<p>9. The Minister may establish specialised divisions of the court from time to time.</p>
Municipal Court and jurisdiction.	<p>10.-(1) There is in each judicial district a specialised division of the court referred to as the Municipal Court which has the power to hear and determine matters in accordance with and subject to—</p> <ul style="list-style-type: none"> (a) the Motor Vehicles and Road Traffic Act; (b) the Towns Property Evaluation Act; (c) the Intoxicating Liquor Licensing Act; (d) the Public Health Act; (e) the Trade Licensing Act; (f) the Town Councils (Control of Refuse) ByLaws; and (g) any other law conferring jurisdiction on the court to hear and determine any complaint or information or authorising it to do or perform any act or function. <p>(2) The Minister may, by order, appoint the time and the place for the sittings of the Municipal Court in each judicial district.</p>
Revenue of Municipal Court.	

11.-(1) Where the Municipal Court has heard and determined a matter in accordance with and subject to any law specified under section 10(1), all revenue or other moneys collected by the Municipal Court in relation to that matter shall be paid into the Consolidated Revenue Fund.

(2) For the purposes of this section, “Consolidated Revenue Fund” means the fund established under section 114 of the Belize Constitution.

CAP. 4.

Sub-Part 2

Appointment, Powers etc., of Magistrates and Officers of the Court

12.-(1) The Judicial and Legal Services Commission shall appoint a Chief Magistrate from among persons qualified as an attorney-at-law with experience for a period of not less than three years in the legal field.

Chief Magistrate and duties.

(2) The Chief Magistrate shall be under the general supervision of the Chief Justice.

(3) The duties of the Chief Magistrate include, but is not limited to—

- (a) being responsible for the overall direction, control, and administration of the court;
- (b) determining the distribution of the business of the court;
- (c) supervising the senior magistrates;
- (d) assigning senior magistrates to assist in the general supervision and administration of the court in the judicial districts;
- (e) ensuring the timely and accurate input of data, including data on case management and trial management, into the digital systems of the court; and
- (f) causing to be published online monthly reports on the business of the court.

(4) The Chief Magistrate may sit as a magistrate.

(5) Where a senior magistrate or magistrate is a party to any cause or matter or is unable to adjudicate on any cause or matter due to bias or any other sufficient reason, the Chief Magistrate shall assign the cause or matter to another senior magistrate or magistrate.

13.-(1) The Judicial and Legal Services Commission shall appoint, for the court, senior magistrates and magistrates as required for the efficient discharge of the business of the court.

Appointment of senior magistrates and magistrates.

(2) A senior magistrate or magistrate shall be a person qualified as an attorney-at-law.

CAP. 4. (3) Every senior magistrate and magistrate shall have security of tenure in accordance with section 93A(4) of the Belize Constitution.

(4) Every senior magistrate and magistrate appointed under this Act shall have the power to hear any cause or matter.

(5) A senior magistrate or magistrate shall be posted to any judicial district determined by the Judicial and Legal Services Commission on the recommendation of the Chief Magistrate.

(6) The Judicial and Legal Services Commission may, at any time, transfer a senior magistrate or magistrate from one judicial district to another.

(7) Notwithstanding sub-section (5), the Judicial and Legal Services Commission may assign more than one magistrate to a judicial district as the business of the court requires.

Duties of
magistrate and
senior
magistrate.

14.—(1) The duties of a magistrate include, but is not limited to—

- (a) hearing any cause or matter;
- (b) issuing orders and giving directions in any cause or matter before that magistrate;
- (c) signing summonses, warrants, orders, commitments, recognisance, writs of execution and other documents;
- (d) preparing written reasons for any proceedings before the court where reasons are required in accordance with any Act or regulations; and
- (e) performing any other duties connected with the court as assigned.

(2) In addition to the duties under sub-section (1), the duties of a senior magistrate include, but is not limited to—

- (a) providing general supervision of the court in the assigned judicial district;
- (b) assisting the Chief Magistrate in the administration of the court in the assigned judicial district;
- (c) visiting the court in the assigned judicial district at least once every three months;

- (d) providing general court related advice to the magistrates;
- (e) acting as a supervisor for the conduct, complaints, and general discipline of the magistrates and staff of court;
- (f) monitoring the punctuality of the magistrates and staff of court who are within the purview of that senior magistrate;
- (g) monitoring the affairs of the court with respect to the staff, building, furniture, security and any other matter and making recommendations to the Chief Magistrate;
- (h) assisting the Chief Magistrate in the preparation of the leave roster;
- (i) initially approving or rejecting subsistence claims;
- (j) making recommendations to the Chief Magistrate for the betterment of the court; and
- (k) performing any other duties connected with the court as assigned.

15.-(1) A senior magistrate or magistrate shall reside in a convenient place in a judicial district where the court is located.

Residence of senior magistrate and magistrate.

(2) Notwithstanding sub-section (1), a senior magistrate or magistrate may reside in another judicial district where special exemption is granted by the Chief Magistrate upon the approval of the Judicial and Legal Services Commission.

16. The Chief Magistrate and every senior magistrate and magistrate shall be paid a salary assigned to them by the Judicial and Legal Services Commission.

Salary of Chief Magistrate, senior magistrate and magistrate.

17. The Chief Magistrate and every senior magistrate and magistrate shall take the judicial oath before taking up office.

Judicial oath.

Sub-Part 3

Staff of the Court

18.-(1) The Public Service Commission shall appoint, for the court in each judicial district, a clerk who is a person qualified as a paralegal with basic knowledge of court procedures.

Clerk.

(2) The Public Service Commission may appoint assistant clerks for each court as the business of the court necessitates.

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- Duties of clerk. **19.**—(1) The duties of the clerk shall be to—
- (a) attend at any sitting of the court, as may be required;
 - (b) administer to any witness the oath or affirmation required by law to be taken or made by a witness prior to giving evidence before the court, as may be required;
 - (c) prepare summonses, warrants, orders, commitments, recognisance, writs of execution and other documents, and submit them for the signature of the magistrate, where necessary;
 - (d) record judgments, convictions and orders of court and to make copies of proceedings when required to do so by the magistrate;
 - (e) upload data into any software used by the court;
 - (f) receive all fees, fines and penalties, and all other moneys paid in respect of proceedings in the courts, and keep accounts of the court; and
 - (g) perform any other duties connected with the court as assigned.
- (2) The assistant clerk shall perform the duties connected with the court as may be assigned by the magistrate.
- Account of clerk. **20.** The account of the clerk shall at all times be fully written up and shall be examined by the magistrate once every month, and if, upon examination, it is found correct, it shall be certified by the magistrate.
- Bailiff. **21.**—(1) The Public Service Commission shall appoint, for the court in each judicial district, a bailiff.
- CAP. 138. (2) A bailiff shall be a person qualified to be a special constable under the Police Act.
- (3) A bailiff shall take the oaths prescribed for a special constable.
- (4) The Public Service Commission may appoint additional bailiffs as may be required.
- Duties of bailiff. **22.**—(1) The duties of the bailiff shall be to—
- (a) attend every sitting of the court;
 - (b) make court announcements;

- (c) serve all summonses and orders and execute all writs and other process assigned to the bailiff by the magistrate; and
- (d) obey the orders and directions of the magistrate.

(2) Where there is more than one bailiff, the duties of the office shall be apportioned between or among them in the manner directed by the magistrate.

23.—(1) Every bailiff who receives money by virtue of the office of the bailiff shall immediately submit the money to the clerk for recording, and shall, at the end of every month, submit to the clerk an account of all the moneys received during the month of reporting.

Account of
bailiff.

(2) The clerk shall pay out all the moneys received from the bailiff to the lawfully entitled parties and shall file and keep all receipts and accounts of the moneys paid out among the records of court.

24. A bailiff acting pursuant to any authority conferred by this Act shall not be liable to any action, suit or proceeding for, or in respect of any act or matter done or omitted to be done in good faith in the exercise or purported exercise of the functions conferred by or under this Act.

Exclusion of
liability of
bailiff.

25. A person who—

Assault on bailiff
in execution of
duty.

- (a) assaults, obstructs, or resists a bailiff in the execution of their duties; or
- (b) makes, or attempts to make, any rescue of any personal property taken in execution under the process of the court,

commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months.

26.—(1) The Public Service Commission shall, in consultation with the Minister, appoint other staff of court including a—

Additional staff
of court.

- (a) cashier;
- (b) clerk interpreter;
- (c) intake officer;
- (d) court orderly; and
- (e) secretary.

(2) The Public Service Commission may appoint counsellors, social workers, and mediators as may be necessary for the purpose of carrying out functions of the court in respect to family proceedings.

General supervision of clerk and other staff of court.

27. The clerk, assistant clerk, bailiff and other staff of court shall be under the general supervision of a magistrate.

Salaries.

28. The court clerk, assistant clerk, bailiff and other staff of court shall receive a salary, as may be determined by the Public Service Commission, out of moneys provided by the National Assembly.

Transfer from one judicial district to another.

29. The Public Services Commission shall, from time to time, transfer the clerk or assistant clerk, bailiff, and other staff of the court from one judicial district to another, but the transfer shall not affect any security given for the faithful performance of the duties of their office.

Sub-Part 4

Sittings of Court

Sittings of court.
CAP. 289.

30.-(1) The sittings of the court shall be held every day not being a Saturday, Sunday or a public or bank holiday as defined under the Holidays Act, from nine o'clock in the morning to five o'clock in the afternoon of each day from Monday to Thursday and four thirty o'clock in the afternoon on Friday for purposes of court business.

(2) Nothing in this section shall prevent a magistrate from ceasing a sitting of the court over which the magistrate is presiding during any luncheon interval or before the closing hours mentioned in sub-section (1) or in the afternoon of any day if the business of the court has been disposed of.

(3) Notwithstanding sub-section (1), the Minister may, by order, appoint the time and the place for the sittings of the court in each judicial district.

(4) An order made under this section shall be published in the *Gazette* and take effect on the publication or on the day appointed in the Order.

(5) A copy of an order made under this section shall be posted up in a conspicuous place in every courtroom of the judicial district to which the Order relates.

Virtual sittings of court.

31. Notwithstanding anything to the contrary in this Act, a hearing or trial under this Act may be conducted virtually in accordance any regulations made under section 249.

Adjournment of court generally.

32.-(1) A magistrate may adjourn a hearing or trial, due to sufficient cause, to any convenient day.

(2) Where the magistrate is not present at the time and place appointed for a sitting of any court, the clerk or the assistant clerk, or in the absence of both of the clerk and the assistant clerk, a bailiff may by public oral notice adjourn the sitting to the time as may be communicated to the bailiff by the magistrate.

(3) In the absence of any communication by the magistrate, the court may be adjourned to such time as may be convenient, and all persons bound to be present at the sitting so adjourned shall be equally bound to be present at the time appointed by the notice.

(4) In the absence of notice and of any notification to the contrary, all persons shall be bound to be present at the next succeeding time appointed by order in accordance with section 30 or otherwise for the sitting of the court in the same place.

(5) Where a day appointed for sitting or adjourned sitting of the court falls on a public holiday, the magistrate shall, if practicable, attend and transact the business appointed to be heard on the next day after the public holiday.

33.—(1) There shall be a vacation of the court in every year for a term not exceeding four weeks, the dates of which shall be fixed by the Chief Magistrate by Order published in the *Gazette*.

Vacation.

(2) The Chief Magistrate may designate a magistrate to function during the vacation for the purpose of dealing with urgent matters.

34. Subject to section 30, where an application is made by either party for the hearing of a cause or matter to be changed to another place, the Chief Magistrate may transfer the hearing to another place in the judicial district.

Change of place of hearing.

35. The Commissioner of Police shall cause a sufficient number of non-commissioned officers and police constables of the Belize Police Department to attend every sitting of the court for the purpose of preserving order, keeping prisoners in custody at every sitting during a summary hearing, and generally carrying out the orders and directions of a magistrate.

Preservation of order at sittings of court.

36. A police officer shall obey the orders and directions of the magistrate in exercise of jurisdiction of the magistrate in the court.

Duty of police officers to obey magistrate.

37.—(1) A person may, on an oral order of the magistrate, be removed from the court and detained in the nearest lock-up or place of detention for a time not later than the close of business of the court on the same day, as the magistrate may consider fit if that person—

Punishment for contempt of court.

(a) wilfully insults a magistrate;

(b) wilfully interrupts the proceedings of court;

- (c) misbehaves in any court; or
- (d) behaves in any other way which in the opinion of the court is contemptible.

(2) Subject to sub-section (1), a person removed and detained under sub-section (1) may be summarily ordered by the magistrate to pay, immediately or within a specified time, a fine not exceeding two hundred dollars and, in default of payment, to be imprisoned for a term not exceeding two months, unless sooner discharged by the magistrate.

PART III

Criminal Jurisdiction and Procedure

Sub-Part 1

General Provisions

Criminal
jurisdiction.

38.—(1) The court in every judicial district has criminal jurisdiction and has power to hear and try summary conviction offences in accordance with this Act and any other relevant law.

(2) The court has jurisdiction and power to—

- (a) hear and determine a complaint or information for a summary conviction offence, including a complaint or information for the recovery of a fine, penalty, or forfeiture not specifically assigned to the High Court by any Act;
- (b) receive and inquire into a charge of a hybrid offence and to make any order in respect of a preliminary inquiry as prescribed under the Indictable Procedure Act; and
- (c) generally, do all acts and things, required by any law or usage in force now or after relating to a summary jurisdiction court in England.

(3) The court in a judicial district bordering a bay or waterway within Belize may hear and determine an offence or matter committed or arising in or within the limits of that bay or waterway.

(4) An offence or matter described under sub-section (3) committed or arising on board any boat, beyond the limits described in sub-section (3), may be heard and determined by the summary jurisdiction court in the district off the shore of which, the ship, vessel or boat is at the time of the alleged commission of the offence or matter, or by the summary jurisdiction court in

the judicial district on or nearest to the shore of which the ship, vessel or boat first anchors or touches after the commission of the alleged offence or matter.

(5) The court may determine its own procedure for the conduct of a proceeding where there are no procedures specified in this Act or any other law regarding a specific matter under consideration but such procedure shall not be inconsistent with this Act or any other law.

39.-(1) Subject to this Act and any other law, the jurisdiction of a court in respect of sanctions for any summary conviction offence includes—

Jurisdiction as to punishments.

- (a) a fine;
- (b) payment of compensation for injury caused;
- (c) community service;
- (c) imprisonment; and
- (d) forfeiture and confiscation of property.

(2) Nothing shall prevent the court from imposing upon a person convicted of a summary conviction offence two or more of the sanctions under sub-section (1).

(3) Except where otherwise provided by any Act, the court may adjudge any person convicted of a summary conviction offence sanctionable by a fine to suffer any less fine by the Act constituting the offence.

(4) Where any person is convicted of a summary conviction offence punishable by imprisonment under any Act, the court may adjudge that person to undergo any less term of imprisonment than the term prescribed by this Act for the offence.

(5) Where a person adjudged to undergo a term of imprisonment for a summary conviction offence is already undergoing or has been at the same sitting of that court adjudged to undergo imprisonment for another offence, the court may direct that imprisonment for the subsequent offence shall be served concurrently or consecutively with the imprisonment which the person is already undergoing or which the person has been previously adjudged to undergo.

40. The court may, on the application of the complainant, adjudge any person convicted before it of a summary conviction offence to make compensation, not exceeding three thousand dollars, to any person injured by the commission of the offence, and any compensation so awarded shall be regarded and dealt with in all respects as if it were recovered on a judgment of the court under this Act.

Award of compensation to the person injured.

- Effect of payment of compensation.
- 41.** Where a person injured by the commission of a summary conviction offence accepts compensation for the injury under the order of court, the acceptance for the compensation shall be a bar to any action for the same injury.
- Acts done partly within and partly beyond the jurisdiction of a court.
- 42.** Where a person does or abets any act which if done wholly within or beyond the jurisdiction of a court would be a summary conviction offence cognizable in that court, whether done partly within or partly beyond that court's jurisdiction, the person is liable to be proceeded against, convicted, and punished for the offence in the same manner as if the act had been wholly done within that court's jurisdiction.
- Presumption of age of a child.
- 43.** Where any person is charged with an offence under this Act or under any other law in respect of a child or young person who is alleged in the complaint to be under any specified age, and the child or young person appears to the court to be under that age, the child or young person is, for the purposes of this Act or other law, deemed to be under that age, unless the contrary is proved.
- Saving of jurisdiction of the High Court.
- 44.** Nothing in this Act shall be construed to take away or affect the jurisdiction of the High Court.
- Savings of offences constituted by other laws.
- 45.** Nothing in this Act shall be construed to take away or affect the jurisdiction of a magistrate or justice of the peace in respect of offences constituted by any other law for the time being in force and not specified in this Act.
- Restrictions of jurisdiction in respect of questions of title or insolvency.
- 46.** Nothing in this Act shall authorise the court to hear and determine any complaint for a summary conviction offence—
- (a) in which any question in good faith arises as to the title to any real property or any interest in it or accruing from it; or
 - (c) arising out of any execution under the process of the High Court.

Sub-Part 2

Abetment and Attempt

- Abetment of summary conviction offence.
- 47.** A person who aids, abets, or procures the commission of a summary conviction offence commits an offence and is liable to be proceeded against and convicted for that offence, either together with the principal offender or alone, and is liable, on conviction, to the same punishment as that to which the principal offender is liable.

48. A person who attempts to commit or incites any other person to commit a summary conviction offence, commits an offence and is liable on conviction to one half of the punishment prescribed for that offence under this Act or any other law creating that offence.

Attempt and incitement to commit summary conviction offence.

49.-(1) A person who aids, abets, or procures another person to commit a crime mentioned in Schedule III—

Abetment of and attempt to commit crime under Schedule III.

(a) may be charged, tried, convicted, and punished in all respects as if the person had committed that crime alone; or

(b) may be tried together with the principal offender,

(2) A person convicted of an offence under sub-section (1) is liable on conviction to the same punishment as that of the principal offender.

(3) Where the principal offender would be guilty of an attempt to commit the crime only, the person who aided, abetted, or procured the attempt to commit the crime commits the offence of the attempt and may be charged, tried, convicted, and punished in the same manner as the principal offender.

(4) A person who attempts to commit a crime mentioned in Schedule III commits an offence and is liable to a fine not exceeding three thousand dollars or to imprisonment not exceeding one year, or to both.

Schedule III.

Sub-Part 3

Institution of Criminal Proceedings

50. A proceeding in a court for the obtaining of an order against any person in respect of a summary conviction offence shall be instituted by a complaint made before a magistrate.

Mode of instituting proceeding.

51. A person may make a complaint against another person who has committed a summary conviction offence unless it is provided by law that a complaint for that offence shall be made only by a particular person or class of persons.

General right of making complaint.

52. In every case where there is no limitation by law for making a complaint for a summary conviction offence, the complaint shall be made within six months from when the matter of the complaint arose and may, with leave of the court and for just cause, be made after six months.

Limitation of complaint.

53.-(1) A complainant may make a complaint in person or by the attorney-at-law of the complainant, or any person authorised in writing in that behalf.

Form and requisites of complaint.

(2) A complaint may be made orally or in writing unless required by law to be in writing.

(3) Where a complaint is made orally, it shall be reduced in writing by the clerk and be signed by the complainant and the clerk.

(4) A complaint made for the purpose of proceedings for an offence under this Act shall be sufficient if it contains the following—

- (a) a statement of the specific offence for which the accused person is charged with;
- (b) particulars, as may be necessary, for giving reasonable information as to the nature of the charge;
- (c) a description of the offence in ordinary language; and
- (d) a reference to a section of the law if the offence is one created by statute.

(5) Any information, complaint, summon, warrant or other document which is in a form that would have been sufficient in law if this Act had not passed shall, notwithstanding anything in this section, continue to be sufficient in law.

Statement of
exception.

54.—(1) Any exception, exemption, proviso, condition, excuse or qualification, whether it accompanies the description of the offence in the Act creating the offence, may be proved by the defendant but need not be specified in the complaint.

(2) If the exception, exemption, proviso, condition, excuse or qualification is specified, no proof in relation to the matter that is specified shall be required on the part of the complainant.

Sub-Part 4

Search with and without Warrant

Issue of search
warrant and
proceedings.

55.—(1) A magistrate may at any time issue a warrant under the hand of the magistrate authorising a police officer named in the search warrant to search the place for anything described in paragraphs (a), (b) and (c), and to seize and take it before the magistrate who issued the warrant or some other magistrate to deal with it according to law where the magistrate is satisfied, by proof upon oath, that there is reasonable ground for believing that there is in any place—

- (a) anything upon, or in respect of, which any summary conviction offence has been or is suspected to have been committed for which, according to any law, the offender may be arrested without warrant;

- (b) anything which there is reasonable ground for believing will afford evidence as to the commission of a summary conviction offence; or
- (c) anything which there is reasonable ground for believing is intended to be used for the purpose of committing any offence against the person punishable on summary conviction for which according to any law the offender may be arrested without a warrant.

(2) A search warrant may be issued by a magistrate and executed on a Sunday and shall be executed between the hours of five o'clock in the morning and eight o'clock at night.

(3) Notwithstanding sub-section (2), the magistrate may, by the warrant, authorise the police officer to execute the search warrant at any hour.

(4) Where an object is seized and brought before the magistrate, the magistrate may detain it, or cause it to be detained, taking reasonable care that the object is preserved until the conclusion of the matter.

(5) Where an appeal is brought, the court may order the object to further be detained for the purpose of or pending the appeal, but if no appeal is brought, the magistrate shall direct the object to be restored to the person from whom it was taken, except in the cases mentioned in sub-sections (6), (7) and (8) or unless the magistrate is authorised or required by law to dispose of it otherwise.

(6) Where, by virtue of a warrant, there is brought before the court any forged bank-note, bank-note paper, instrument or other object, the possession of which in the absence of lawful excuse is an indictable offence according to any law, the court may direct that object be detained for production in evidence or to be otherwise dealt with as the case requires.

(7) Where, by virtue of a warrant, there is brought before the court any counterfeit coin or other object, the possession of which with knowledge of its nature and without lawful excuse is a summary conviction offence or an indictable offence according to any law, the object shall be delivered up to the Minister responsible for finance, or to any person authorised by the Minister responsible for finance to receive it as soon as it has been produced in evidence or as soon as it appears that it will not be required to be so produced.

(8) Where the object to be searched for is gunpowder or any other explosive or dangerous or noxious substance or object, the person making the search shall have the same powers and protection as are given by any law to any person lawfully authorised to search for the object, and the object itself shall be disposed of in the manner as directed by law or, in default of direction, as ordered by the Minister responsible for firearms.

Searching
licensed places.

56. A police officer and any person assisting the police officer may enter, without warrant, into any house licensed for the sale of fermented or spirituous liquors for purposes of searching the house for offenders using as little disturbance to the occupants of the house as possible.

Mode of
searching a
woman.

57. Whenever it is necessary to cause a woman to be searched, the search shall be made by a woman police officer with strict regard to decency.

Sub-Part 5

Enforcing Appearance of Defendant

Issue of
summons to
defendant in
criminal matter.

58.—(1) Where a complaint is made before a magistrate that a person has committed, or is suspected to have committed, a summary conviction offence within jurisdiction of the magistrate, the magistrate may issue a summons directed to the person.

(2) The summons shall state concisely the substance of the complaint and require the person to appear before court at a certain time not less than forty-eight hours after the service of the summons.

(3) The court may, if it deems fit, with the consent of the parties, hear and determine the complaint before the period of forty-eight hour have elapsed.

(4) Nothing in this section shall oblige a magistrate to issue the summons in any case where the application for an order may by law be made *ex parte*.

Hearing *ex parte*
or issue of
warrant on
nonappearance
of defendant.

59.—(1) Where the defendant does not appear before the court at the time and place mentioned in the summons, after proof upon oath to the satisfaction of the court that the summons was duly served or that the defendant wilfully avoided service, the court may—

- (a) unless the law on which the complaint is founded otherwise directs, proceed *ex parte* to the hearing of the complaint and adjudicate on the complaint fully and effectually to all intents and purposes as if the defendant had personally appeared before the court in obedience to the summons;
- (b) adjourn the hearing for not more than sixty days; or
- (c) on oath being made by or on behalf of the complainant substantiating the matter of the complaint to the satisfaction of the court, issue a warrant to—
 - (i) apprehend the person summoned or avoiding service; and

- (ii) bring the person before the court to answer the complaint and to be further dealt with according to law.

(2) A defendant may appear by an attorney-at-law.

60. Where a complaint has been made in writing and upon oath being made before a magistrate for any summary conviction offence, the magistrate may, on good cause being shown for the magistrate so to do, instead of issuing a summons, issue, in the first instance, a warrant to—

Issue of warrant for defendant in first instance.

- (a) apprehend the person against whom the complaint has been made; and
- (b) bring the person before the court to answer the complaint and to be further dealt with according to law.

Sub-Part 6

Arrest

61.—(1) A police officer may apprehend and take into custody, without warrant, a person who is found committing an offence which is punishable on summary conviction. .

Arrest of offender in certain cases.

(2) A person who is found committing an offence which is punishable on summary conviction may be apprehended by the owner of any property on or with respect to which the offence is committed, or the servant of the owner of the property, or any other person authorised by the owner of the property, and shall be delivered into the custody of a police officer without delay, and in any case not later than twenty-four hours, to be dealt with according to law.

(3) Where a police officer or other peace officer refuses or wilfully neglects to take into custody a person found committing an offence, the police officer or other peace officer commits an offence and is liable on conviction to a fine not exceeding five hundred dollars.

(4) A member of the public may apprehend a person found committing an offence for which a person can be arrested without a warrant and may assist a police officer reasonably demanding the aid of that person in the—

- (a) taking of a person whom such police officer is authorised to arrest; or
- (b) prevention of a breach of the peace or of any injury attempted to be committed to any person or public property.

(5) In making an arrest, the police officer, peace officer or other person authorised under this section and making the arrest shall actually touch or confine the body of the person to be arrested, unless there is a submission to the custody by word or action.

(6) Where a person being arrested forcibly resists the arrest, or attempts to evade the arrest, the police officer, peace officer or other person authorised under this section may use all means reasonably necessary to effect the arrest.

(7) In this section “peace officer” means a person conferred with powers of arrest under this Act or any other law.

Person arrested
presumed is
mentally fit.

62.—(1) A person who is arrested and presumed to be mentally fit to stand trial shall be brought before court in accordance with this Act.

(2) Where a magistrate thinks that a person is mentally ill, the magistrate shall order the police to take the person to the nearest public hospital with a mental health nurse or psychiatrist to be evaluated if that person is fit for trial.

(3) Where a person evaluated under sub-section (3) is found not to be fit for trial, the magistrate shall order the person to be kept in a safe place until that is fit to stand for trial.

(4) A psychiatrist or a person authorised by the psychiatrist shall certify the fitness of the accused to stand trial by sending a report to the clerk stating that the accused is fit to stand trial.

Bail where
offender taken
into custody
without
warranty.

63.—(1) A person taken into custody without warrant for a summary conviction offence shall be brought before a magistrate without delay, and in any case not later than forty-eight hours, after the person is taken into custody, and a non-commissioned officer may inquire into the matter.

(2) Where a person is taken into custody under sub-section (1) and the offence appears to the non-commissioned officer to be of a serious nature, the non-commissioned officer shall discharge the person upon the person entering into a recognisance, with or without sureties, for a reasonable amount to appear before the court at the time and place specified in the recognisance.

(3) Where the person discharged under sub-section (2) fails to appear before the court at the time and place specified in the recognisance, the magistrate may issue a bench warrant to the person and the person’s surety.

Form and
requisites of
warrant of
apprehension.

64.—(1) A warrant for the apprehension of any person issued under this Act or, unless the contrary is expressly provided, under any other law relating to summary conviction offences, shall be dated on the day on which it is issued and be signed by the magistrate or the justice of the peace by whom it is issued.

(2) The warrant—

- (a) shall not be signed in blank;
- (b) shall not be issued without an information or other statement in writing upon oath;
- (c) may be directed to a police officer by name, or to the police officer and all other police officers, or generally to all police officers;
- (d) may be executed by the police officer named in the warrant or by any police officers to whom it is directed;
- (e) shall state concisely the offence or matter for which the warrant is issued;
- (f) shall state the name or otherwise describe the person to be arrested; and
- (g) shall order the police officer, or other police officer to whom the warrant is directed, to—
 - (i) apprehend the person; and
 - (ii) bring the person before the court to answer the information or statement, or to testify, or otherwise according to the circumstances of the case and to be further dealt with according to law.

(3) It shall not be necessary to make the warrant returnable at any particular time, but the warrant shall remain in force until it is executed.

(4) The magistrate or the justice of the peace who issues the warrant shall indorse on the warrant—

- (a) whether the person to be apprehended shall be admitted to bail; and
- (b) if the person is to be admitted to bail, whether with or without a surety and the amount of the recognisance into which the person is to enter.

(5) Where a person who has been arrested under the warrant is to be admitted to bail, the recognisance conditioned for appearance of the person before the court at the time and place specified in the warrant, may be entered into before any police officer not below the rank of corporal, who shall immediately discharge the prisoner.

Execution of
warrant.

65.-(1) A warrant of apprehension may be issued and executed on any day, including a Sunday, and at any time.

(2) A police officer executing the warrant shall, before making the arrest, inform the person to be arrested that there is a warrant for the apprehension of the person unless there is reasonable cause for abstaining from giving that information on the ground that it is likely to occasion escape, resistance or rescue.

(3) Subject to sub-section (6), it shall not be necessary for the police officer executing a warrant to possess the warrant, but if the police office is in possession of the warrant, the police officer shall, upon request, show the warrant to the person to be arrested.

(4) A person arrested on the warrant shall be brought before the court immediately after being arrested, or as soon as practicable following the arrest but not later than seventy-two hours.

(5) A police officer authorised to execute the warrant may, for the purpose of executing it with or without assistance from any other person, break open and enter any house, building or enclosed place, if admittance cannot otherwise be obtained.

Handcuffing of
person arrested.

66. A person arrested, with or without a warrant, shall not be handcuffed or otherwise bound, except in case of necessity, or of reasonable apprehension of violence, or of attempt to escape, or by order of the court.

Police station to
be lock-up.

67. A police station shall be deemed to be a lock-up house where a person charged with a summary conviction offence may be received and detained in accordance with the law.

Proceedings
relating to stolen
goods.

68.-(1) A magistrate or the justice of the peace, by warrant directed to a police officer may cause a dwelling-house or other place to be entered and searched at any time of the day or the night, on an information being laid, on oath before that magistrate or justice of the peace, that there is reasonable cause to suspect that a good, stolen or otherwise unlawfully obtained, is concealed or lodged in any dwelling-house, or in any other place.

(2) A magistrate or justice of the peace may empower a police officer to whom a warrant is directed with any assistance as may be necessary where a search warrant is issued under sub-section (1) and it is brought to the attention of the magistrate that it is necessary to use force to effect entry by breaking doors or otherwise.

(3) A warrant may direct the police officer to guard a good or thing found upon the search, where it was found, or to convey the good or thing to a place of safety until the person who stole them, or who otherwise unlawfully obtained them, can be taken before a magistrate to be dealt with according to law.

(4) A police officer shall take into custody and carry before the magistrate a person found in a house, or other place, who appears to have been privy to the goods being so concealed or lodged in that house or other place and knowing or having reasonable cause to suspect them to have been stolen, or otherwise unlawfully obtained.

69.—(1) Where a good is stolen or unlawfully obtained from any person, or being lawfully obtained, is unlawfully deposited, pawned, pledged, sold or exchanged, and information is laid before a magistrate that the good is in the possession of a broker, dealer in marine stores or other dealer in a second-hand property, or of a person who has advanced money upon the security of the good within any town, the magistrate may issue a summons or warrant for the appearance before the court of that broker, dealer or other person and for the production of the good, and to order the good to be delivered up to the owner without any payment or upon payment of a sum and at a time the magistrate considers appropriate.

Recovery of unlawfully pawned, etc.

(2) A broker, dealer or other person who—

- (a) has been ordered to return the good and refuses or neglects to give up the good; or
- (b) disposes of, or makes away with the good after having been given notice that it was stolen or unlawfully obtained,

shall forfeit to the owner of those goods the full value of the goods which shall be determined by the magistrate.

(3) An order of a magistrate under this section shall not bar the right of a broker, dealer, or other person to recover possession of the good from the person into whose possession it may come by virtue of an order by action brought within the two months after the order was made.

70. A magistrate may order that a good unlawfully pawned, pledged or exchanged which is brought before court, the ownership of which is established to the satisfaction of that court, be delivered to the owner by the party with whom the good was unlawfully pawned, pledged or exchanged, with or without compensation to the party in question as the court deems fit.

Restoration of goods stolen, etc.

71.—(1) Where any good or money alleged to have been stolen or fraudulently obtained is in the custody of a police officer by virtue of a warrant of a magistrate or a justice of the peace, or in the prosecution of any charge of felony or misdemeanour in regard to the obtaining of the good, and the person who has been charged with stealing or obtaining possession cannot be found, or is summarily convicted or discharged, but the property in custody is not included in any information upon which that person has been found guilty, the magistrate may make an order for the delivery of the good or money to the party who appears to be the rightful owner of the good, and if

Restitution order and its effect.

the owner cannot be ascertained, the magistrate may make an order in respect to the good or money as the magistrate deems fit.

(2) No order made under this section shall bar the right of a person to sue the party to whom the good or money is delivered, and to recover the good or money from the person by an action brought within the two months after the order was made.

Goods of
unknown owner
may be sold.

CAP. 335.

72. Where any good or money alleged to have been stolen or unlawfully obtained, and the owner is unknown, is ordered by a magistrate to be delivered to the Commissioner of Police or other proper officer, the Commissioner or other proper officer may, after the expiration of twelve months during which no person has made claim to the good or money as owner, sell or dispose of the good or money for the public benefit, and pay the proceeds in accordance with the Lost and Abandoned Property Act.

Sub-Part 7

Enforcing Attendance of Witness

Issue of
summons for
witness in
criminal matter.
Schedule IV.

73. Where, on or before the hearing of a complaint, it appears to court, on the statement of either party, that a person is likely to give material evidence for the complainant or defendant, the magistrate may issue a summons, in form set out in Schedule IV, to the person requiring the person to attend before court in person or virtually at the time and place mentioned in the summons and to give evidence relating to the hearing of the complaint.

Service of
summons to
witness in
criminal matter.

74. A police officer shall serve a summons to a witness by delivering it to the witness personally or if the witness cannot be found after exercising reasonable diligence, by leaving it with some other person at the last or most usual place of abode of the witness, or by electronic means as may be prescribed by regulations made under this Act.

Warrant for
witness after
summons.

75. Where the person to whom the summons is directed—

- (a) does not attend before the court in person or virtually at the time and place mentioned in the summons; and
- (b) does not offer any reasonable excuse for the non-attendance of the person,

upon proof, on oath, to the satisfaction of the court that the summons was duly served or that the person to whom the summons is directed wilfully avoids service, the court, being satisfied that the person is likely to give material evidence and a reasonable sum for the person's expense in that behalf was paid or tendered, or was ready to be paid or tendered, to the person, may issue a warrant to apprehend and bring the person, at the time and place to be mentioned in the warrant, to testify before the court.

76. A magistrate shall issue a warrant instead of a summons in the first instance for the apprehension of the person where that magistrate is satisfied by proof upon oath that a person who is likely to give material evidence will not attend to give evidence without being compelled to do so.

Issue of warrant for witness in first instance.

77.-(1) A witness who is arrested under a warrant issued in the first instance shall appear before the magistrate to give evidence for the hearing of the cause for which the witness' evidence is required.

Dealing with witnesses arrested under warrant.

(2) Where the appointed day for the hearing, for which evidence is required, is more than twenty-four hours after the arrest, the magistrate shall—

- (a) detain the witness for production at the hearing; or
- (b) release the witness from custody upon the witness furnishing security by recognisance to the satisfaction of the magistrate for the witness' appearance at the hearing.

(3) A witness who is detained under this section shall not be kept in the same place as the room as the defendant if the defendant is in custody.

78.-(1) A witness who is present when the hearing or the further hearing of a cause is adjourned, or who has been duly notified of the time and place to which the hearing or further hearing is so adjourned, shall be bound to attend at that time and place.

Non-attendance of witness on adjourned hearing.

(2) A witness who fails to attend at the time and place of the hearing or further hearing of a cause may be dealt with in the same manner as if the witness had failed to attend the court in obedience to a summons to attend and give evidence.

79.-(1) Where a witness, who is attending in obedience to a summons or by virtue of a warrant, or is in the court and is orally required by the court to give evidence in any cause, without offering any sufficient excuse—

Dealing with witness refusing to be sworn or give evidence.

- (a) refuses to be sworn as a witness;
- (b) refuses to answer any question put to that witness by or with the sanction of the court; or
- (c) refuses or neglects to produce any document which the person is required by the court to produce,

the court may adjourn the hearing of the cause for any period not exceeding eight days, and in the meantime, commit the person to prison by warrant unless the person sooner consents to do what is required of the person.

(2) Where the person, on being brought before the court at or after the adjourned hearing, again refuses to do what is required of the person, the court

may again adjourn the hearing of the cause and commit the person for the same period and may do so again from time to time until the person consents to do what is required.

(3) Nothing in this section shall affect the liability of the person to any other punishment or proceedings for refusing or neglecting to do what is required of the person or shall prevent the court from disposing of the matter according to any other sufficient evidence taken by it.

Sub-Part 8

Hearing and Order Hearing of Complaint

Time and place
of hearing.

80.—(1) The clerk shall call for hearing of the cause with respect to which the complaint was made in the court on the day and at the place mentioned in the summons or on the day and at the place which the defendant is brought before the court at which the case is adjourned.

(2) The place at which the court is held for the purposes of the hearing shall be an open and public court to which the public generally may have access so far as it can conveniently contain them.

Conduct of case.
CAP. 138.

81. Without prejudice to section 17 of the Police Act, a complainant and a defendant shall both be entitled to conduct their respective cases in person or by an attorney-at-law or by any other person designated by the Director of Public Prosecutions in writing to conduct prosecutions.

Non-appearance
of complainant.

82. Where, when the cause is called, the defendant appears voluntarily in obedience to the summons, or is brought before the court under a warrant, and the complainant, having had due notice of the time and place of hearing, which shall be proved to the satisfaction of the court, does not appear in person or by an attorney-at-law, the court shall dismiss the complaint, unless the court, having received a reasonable excuse for the non-appearance of the complainant, or for other sufficient reason, the court deems fit to adjourn the hearing to some future day.

Non-appearance
of defendant.

83.—(1) Where the defendant does not appear when the cause is called, the court after proof upon oath to the satisfaction of the court that the defendant was duly served, may—

- (a) proceed *ex parte*;
- (b) adjourn the hearing to some future day; or
- (c) issue a warrant to apprehend the defendant to attend before the court to answer charges provided the complaint was made on oath.

(2) Where service of summons is not proved to the satisfaction of the court, or if a warrant is issued for the apprehension of the defendant, the court may adjourn the hearing of the cause to some future day in order that proper service may be effected or until the defendant is apprehended.

84.—(1) Notwithstanding any other provisions of this Act, if in the case of any offence specified in Schedule II, the defendant pleads guilty by letter addressed to the court, the court may in lieu of any proceedings enter a plea of guilty.

Plea of guilty
plea by letter.
Schedule II.

(2) Where the court enters the plea of guilty in accordance with sub-section (1), the court shall read the letter written by the defendant containing the plea of guilty *mutatis mutandis* as if the defendant had appeared before the court in person and pleaded guilty.

(3) The court shall not impose in respect of an offence dealt in accordance with this section—

- (a) a fine exceeding fifty dollars or the maximum amount of a fine provided by law;
- (b) any term of imprisonment; or
- (c) forfeiture and confiscation of property.

(4) Where the procedure prescribed by sub-section (1) is applicable, the summons shall contain—

- (a) a provision that the defendant shall not be required to appear to answer the same complaint before the court before a certain date and time not less than fourteen days after the service of the summons; and
- (b) a footnote or endorsement as follows—

“By virtue of section 84, the court may accept a plea of guilty in a letter addressed to the clerk of the court and may impose a penalty as the law provides for the offence to which the defendant has pleaded guilty but shall not impose a fine exceeding fifty dollars or the maximum amount of a fine provided for by law, or a term of imprisonment or forfeiture and confiscation of property in respect of an offence. If the defendant decides to take this course, the defendant may, if the defendant chooses, mention in the letter any fact which the defendant thinks mitigates the offence. The court has a complete discretion as to whether the defendant should be required to attend and plead personally and if the statement of facts, if any in mitigation is disputed by the

prosecution at the hearing of the summons, this may lead to the personal appearance of the defendant being required.”.

Schedule II.

(5) The Minister may, by order published in the *Gazette*, amend Schedule II and the said Order shall be subject to the negative resolution of both Houses of the National Assembly.

(6) This section shall have no implication in the case of a defendant who is—

- (a) a child;
- (b) a young person; or
- (c) or determined to be under the age of eighteen years at the date of the service of the summons.

Non-appearance
of both parties.

85. Where both the complainant and the defendant do not appear when the cause is called, the court shall make an order that it considers just.

Hearing.

86.—(1) Where both the complainant and the defendant appear, the court shall proceed to hear and determine the complaint.

(2) At the commencement of the hearing, the court shall state to the defendant the substance of the complaint and ask the defendant whether the defendant pleads guilty or not guilty.

(3) Where the defendant pleads guilty and shows no cause or no sufficient cause as to why an order should not be made against the defendant, the court shall make an order against the defendant as the justice of the case requires.

(4) Where the defendant pleads not guilty, the court shall—

- (a) call the witnesses for both the complainant and the defendant out of the hearing and place them under the charge of a non-commissioned officer or a police constable or other person appointed by the court for that purpose;
- (b) hear the complainant and the witnesses that the complainant examines, and any further evidence adduced by the complainant in support of the complaint;
- (c) hear the defendant and the witnesses the defendant examines, and any other evidence adduced by the defendant in the defence; and

- (d) hear any witness that the complainant examines in reply if the defendant examines any witnesses or gives any evidence, as the court deems fit.

87.-(1) A magistrate or a person directed by a magistrate shall, during the hearing in every case, record the evidence which is material to the case in writing or by audio or video recording and the record shall be certified and kept by the court for that purpose at the conclusion of the proceeding of each day.

Record of evidence in court.

(2) A record of evidence taken by way of audio or video recording shall constitute the true record of the proceedings after it has been certified by the court.

88. Where two or more complaints appear to arise out of the same circumstances, the court may, hear and determine the complaints as one and at the same time.

Cross complaints.

89.-(1) The complainant may address the court at the commencement of the case of the complainant and the defendant may address the court at the commencement or the conclusion of the defendant's case, as the defendant thinks fit.

Address in criminal matter.

(2) Where the defendant examines a witness or gives any evidence, the magistrate may allow the complainant to reply on the conclusion of the cause.

90.-(1) The court may, at any time before or during the hearing of a complaint, adjourn the hearing to a certain time and place to be appointed and stated in the presence of the parties or their respective attorney-at-law.

Adjournment in criminal matter.

(2) Notwithstanding sub-section (1), the court may adjourn the hearing in the absence of a defendant if it is proved to the satisfaction of the court that the defendant is unable to appear by reason of illness or any other unavoidable cause.

(3) Upon the adjournment, the court may—

- (a) suffer the defendant to go at large;
- (b) commit the defendant to prison or to other safe custody as the court deems fit; or
- (c) discharge the defendant upon entering into a recognisance, with or without a surety to the satisfaction of the magistrate, conditioned for the defendant's appearance at the time and place to which the hearing or further hearing is so adjourned.

(4) No committal under sub-section (3)(b) shall be for a longer term than eight days and the day following that on which the committal is made shall be counted as the first day.

(5) Where, at the time and place to which the hearing or further hearing is so adjourned, either or both of the parties does not or do not appear, the court may proceed to the hearing or further hearing as if the party or parties were present or, if the complainant does not appear, the court may dismiss the complaint.

(6) The power to adjourn the hearing of a case includes the power, after the defendant has been convicted and before the defendant has been sentenced or otherwise dealt with, to adjourn the case for the purpose of enabling inquiries to be made or determining the most suitable method of dealing the defendant's case.

(7) The court shall not for the purpose specified in sub-section (4) adjourn the hearing of a case under this section for any single period exceeding three weeks.

Taking of prints
by order of court.

91.-(1) Where any person not less than fourteen years of age who has been taken into custody is charged with an offence before the court, the court may, on the application of a non-commissioned officer, order that the prints of the person be taken by a police officer or other person named in the order.

(2) The prints taken in pursuance of an order made under sub-section (1) shall be taken at the court or, if the person to whom the order relates is remanded in custody, at the place to which the person is committed.

(3) The police officer or other person named in the order may use reasonable force as may be necessary for that purpose.

(4) The provisions of this section shall be in addition to the provisions of any other enactment under which the prints of a person may be taken.

(5) Where the prints of a person individual have been taken in pursuance of an order made under sub-section (1) and the complaint against the person is dismissed, the prints and all copies and records shall be destroyed.

(6) For the purposes of this section, the expression "prints" include finger print, thumb print, palm print, sole print impression, specimen and DNA sample.

Sub-Part 9

Transfer of Causes

92.-(1) Where on the hearing of a complaint it appears to a magistrate that—

Transfer of causes.

- (a) the ground of the complaint arose beyond the limits of the jurisdiction of the court in the judicial district before which the complaint has been made; or
- (b) it is physically inconvenient to the parties to attend court in that judicial district,

the court may direct that the matter be transferred to another judicial district where the court has jurisdiction accordingly.

(2) The magistrate shall inform the defendant about the transfer of the matter to the judicial district where the matter arose and where the defendant is in custody, the magistrate shall direct that the custody shall continue.

(3) Where the defendant is not in custody, the magistrate shall give a warrant to a police officer for the purpose of placing the defendant in custody and the complaint and recognisance, if any, to be delivered to the magistrate before whom the defendant is to appear.

(4) The complaint and recognisance in sub-section (3) shall be treated for all intents and purposes as if they had been taken by the magistrate where the defendant is transferred to appear.

93.-(1) Where on holding of a preliminary inquiry on a charge of a crime, the magistrate is of the opinion that the evidence establishes, or is likely to establish the commission of a summary conviction offence, or an abetment of, or an attempt or incitement to commit, a summary conviction offence, the magistrate shall inform the accused person that based on the evidence, the charge is more suitable to be tried as a summary conviction offence, and all further proceedings in the matter shall be conducted as if the complaint had been made for a summary conviction offence, or as an abetment, attempt or incitement to commit a summary conviction offence.

Reduction of a charge from crime to summary conviction offence.

(2) Where the magistrate decides to deal with the case as a summary conviction offence, the magistrate shall set a trial date and the matter shall be tried in accordance with the provisions of this Act.

94. The practice and procedure in respect of a preliminary inquiry into an indictable offence shall be regulated by the Indictable Procedure Act and any other law relating to preliminary inquiries.

Preliminary inquiries.
CAP. 96

95. Where, on hearing of a complaint, it appears to the court that the cause ought to be tried on indictment before the High Court, or if the Director of Public Prosecutions orders in writing to that effect, all further proceedings in the cause as a summary conviction offence shall be stayed and depositions

Where charge appears to be proper for indictment.

shall be taken, and the cause shall in all other aspects be dealt with as if the charge had been originally one for a crime.

Sub-Part 10

Proof of Service or Process and Proof of Previous Conviction

Proof of service
or process.

96.-(1) In any proceeding in the court in which it is necessary to prove the service of a summons, notice, order or other process of the court upon any person, it shall be deemed to be sufficient proof of the service if the person by whom the process has been served is duly sworn to an affidavit of the service.

(2) The affidavit of service may be sworn by and before a magistrate, justice of the peace or, if authorised for that purpose by the Chief Magistrate, the clerk.

(3) The affidavit service shall be received in evidence in any proceeding of the court without proof of the signature or of the official character of the person making it, or of the person before whom it is made, and the onus of showing that the service referred to in the affidavit was not made in accordance with the tenor of the affidavit shall be on the party objecting.

(4) The affidavit of service shall be numbered by the clerk consecutively in the order in which it is received and filed as of record in the court in which it is entitled and, in every case in which an affidavit is used, it shall be sufficient to note on the proceedings its number and the court in which it is filed.

Proof of previous
conviction.

97.-(1) Where on hearing of a complaint, it is proposed to prove against the defendant the fact of a previous conviction—

- (a) a copy of the order of the court, in respect of the former offence purporting to be certified by the clerk of the court; or
- (b) production of a copy of a warrant of commitment reciting the conviction purporting to be certified under the hand of the keeper of the prison,

shall upon proof of identity of the person be sufficient evidence of the previous conviction.

(2) A previous conviction may in the alternative be proved against a person in a criminal proceeding by the production of evidence of the previous conviction as is mentioned in sub-sections (3), (4) and (5) and by showing that the person's fingerprints and the fingerprints of the person previously convicted are fingerprints of the same person.

(3) A certificate purporting to be signed by or on behalf of the Commissioner of Police, containing particulars relating to a conviction extracted from the criminal records kept by the Commissioner of Police, and certifying that the copies of the fingerprints exhibited to the certificate are copies of the fingerprints appearing from the records to have been taken in pursuance of section 19 of the Police Act from the person convicted on the occasion of the conviction, shall be evidence of the previous conviction and evidence that the copies of the fingerprints exhibited to the certificate are copies of the fingerprints of the person convicted.

CAP. 138.

(4) A certificate, purporting to be signed by or on behalf of the keeper of a prison in which any person has been detained in connection with a criminal proceeding, certifying that the fingerprints exhibited to the certificate were taken from the person while the person was detained shall be evidence in the proceedings that the fingerprints exhibited to the certificate are the fingerprints of the person.

(5) A certificate, purporting to be signed by or on behalf of the Commissioner of Police, and certifying that the fingerprints, copies of which are certified as provided in sub-section (3) by or on behalf of the Commissioner to be copies of the fingerprints of a person previously convicted and the fingerprints certified by or on behalf of the keeper of a prison as provided in sub-section (4), or otherwise shown, to be the fingerprints of the person against whom the previous conviction is sought to be proved are the fingerprints of the same person shall be evidence of the matter so certified.

Sub-Part 11

Making of Order

98.-(1) The Court shall at the conclusion of the hearing or within six weeks after the hearing at a subsequent sitting, give its decision in the cause either by dismissing the complaint or by making an order against the defendant as the justice of the case requires.

Time of decision
and order.

(2) Where, before pronouncing the decision of the court, the magistrate ceases to exercise jurisdiction in the judicial district or to hold office, that magistrate may within six weeks of the conclusion of the hearing, lodge a written decision with the clerk, who shall read it in open court at the earliest opportunity after notice to the parties and the decision when read shall be the decision of the court.

(3) Where the complaint is dismissed on the merits, the court shall, at any time within six weeks after the dismissal, make a formal order of dismissal and give to the defendant a certificate of the order of the dismissal, and the certificate shall upon production, without further proof, be a bar to any subsequent complaint for the same matter against the defendant.

(4) Where an order is made against the defendant, a concise minute or memorandum of the order made against the defendant shall be immediately entered in a book to be kept for that purpose and an order in proper form shall be formally drawn up within two days and the defendant shall be entitled to have a copy of the order without any fee being charged for the copy.

Imprisonment in default of payment of penalty.

99. Where by any law, the court is empowered to impose a penalty for a summary conviction offence, it may, in the absence of express provision to the contrary in the same or any other law, order the defendant, who is convicted of the offence in default of payment of the sum of money adjudged to be paid by the order immediately or at the time specified in the order, as the case may be, to be imprisoned in accordance with the scale set out in section 101.

Power to impose a fine in lieu of imprisonment.

100. Where a person is convicted of a summary conviction offence for which the court, under any law, has authority to impose imprisonment but has no authority to impose a fine, the court, notwithstanding the provisions of that law, may, if it deems that the justice of the case will be better met by a fine than by imprisonment, impose on the person a fine not exceeding five thousand dollars and not being an amount that will, under the provisions of this Act, subject the person in default of payment of the fine to any greater term of imprisonment than that to which the person is liable under the law authorizing the imprisonment.

Scale of imprisonment for non-payment of money adjudged to be paid by order.

101. In every case, subject to the provisions of the law on which the order is founded, the period of imprisonment which is imposed by the court in respect of non-payment of any sum of money adjudged to be paid by an order shall be the period which, in the opinion of the court, will satisfy the justice of the case, but it shall be a period not exceeding the period mentioned in the second column of the following scale in respect of the sum of money mentioned in the first column.

Where the sum of money adjudges to be paid by order—

exceeds \$10.00 but does not exceed \$100.00	seven days
exceeds \$ 100.00 but does not exceed \$300.00	one month
exceeds \$300.00 but does not exceed \$600.00	two months
exceeds \$600.00 but does not exceed \$1,000.00	three to six months
exceeds \$1,000.00 but does not exceed \$3,000.00	six months to one year

exceeds \$3,000.00 but does not exceed \$5,000.00 one year to three years

102.—(1) Where the complete commission of the offence charged is not proved, but the evidence establishes an attempt to commit the offence, the magistrate may convict the defendant of the attempt and punish that defendant accordingly.

Full offence charged attempt proved.

(2) After a conviction for the attempt under sub-section (1), the defendant shall not be liable to be prosecuted again for the offence which the defendant was charged with committing.

103. A complaint shall be deemed divisible, and if the commission of the offence charged as described in the law creating the offence, or as charged in the complaint, includes the commission of any other offence, the defendant may be convicted of the offence so included which is proved, although the whole offence charged is not proved, or the defendant may be convicted of an attempt to commit the offence so included.

Full offence charged part proved.

104. If on the hearing of a complaint it appears to the court that although the complaint is proved, the offence was, in the particular circumstances of the case, of so trifling a nature that it is inexpedient to inflict any punishment, or any other than a nominal punishment, the court may—

Discharging defendant without punishment.

- (a) without proceeding to a conviction, dismiss the complaint and, if the court considers just, order the defendant to pay damages not exceeding twenty-five dollars and costs of the proceedings, or either of them, and the damages shall be payable to the person directed by the court; or
- (b) on conviction, discharge the defendant conditionally upon giving security, with or without sureties to the satisfaction of the court, to appear for sentence when called upon, or to be of good behaviour, and without payment of damages and costs, or subject to the payment of damages and costs, or either of them, which the court deems reasonable.

105.—(1) In every case where the complaint is dismissed, the court may order that the complainant shall pay to the defendant the costs which the court deems just and reasonable.

Order of costs and compensation.

(2) Where the court considers that the complaint was frivolous or vexatious, it may order the complainant to pay to the defendant a reasonable sum not exceeding five hundred dollars as compensation for any trouble and expense to which the defendant has been put by reason of that complaint in addition to the costs of the defendant.

(3) Where an order is made against the defendant, the court may order the defendant to pay the costs of the complainant and subject to the provisions of any law, compensation as the court deems just and reasonable to the complainant or any other person.

(4) An order for payment of costs made against the defendant may include any costs of, and attendant upon, the apprehension of the defendant.

(5) An order for payment of costs shall not include any fees to an attorney-at-law.

(6) Any sum which is allowed for costs or for costs and compensation shall in every case be specified in the order of dismissal or order, as the case may be, and the payment of costs or compensation may be enforced in the same manner as payment of a penalty.

Sub-Part 12

Enforcement of Order

Powers of court as to mode of payment of money adjudged to be paid by order.

106.—(1) The court which makes an order for payment of any sum of money adjudged to be paid may do any or all of the following things—

- (a) order that the payment of the sum adjudged be made immediately;
- (b) allow time for payment of the sum adjudged;
- (c) direct payment of the sum adjudged to be made by instalments; or
- (d) direct that the person liable to pay the sum adjudged shall be at liberty to give to the satisfaction of the court security, with or without surety, for the payment of the sum or of any instalment of the sum.

(2) Where a sum of money is directed to be paid by instalments and default is made in the payment of an instalment, the same proceedings may be taken as if the default had been made in payment of all the remaining unpaid instalments.

Allowances of further time.

107. Where time has been allowed for the payment of a sum adjudged to be paid by a conviction or order of court, further time may, subject to the provisions of this Act, on an application by or on behalf of the offender, be allowed by the court, or the court may, subject to the allowance of further time, direct payment by instalments of the sum so adjudged to be paid.

Deposit of money in lieu of surety.

108. The court may accept a deposit of money from or on account of a person in lieu of surety and, on any breach of the condition of the

recognisance of the person, the deposit shall be forfeited and be dealt with in the manner mentioned in section 147.

Sub-Part 13

Distress Warrant

109.—(1) A sum of money adjudged to be paid by an order shall, if the law on which the order is founded directs, but subject to the provisions of sub-sections (2), (3) and (4) and may, in the discretion of the court, in other cases, be levied upon the good and chattel of the defendant by distress and sale of the good and chattel.

Distress warrant.

(2) Subject to sub-section (1), the court may issue a warrant of distress for the purpose of levying the sum, and the warrant shall be in writing and signed by the magistrate.

(3) The court may, when an application is made to it to issue a distress warrant, order the defendant, on non-payment of the sum, to be imprisoned for a term not exceeding the term prescribed by section 100 in respect of a similar sum in the scale adjudged to be paid by the order instead of issuing a distress warrant if it appears that—

- (a) the defendant has no personal property on which to levy the distress;
- (b) in the event of the distress warrant being issued, the good and chattel will be insufficient to satisfy the sum of money adjudged to be paid by the order; or
- (c) the levy of the distress will be more injurious to the defendant or the family of the defendant than imprisonment.

(4) The wearing apparel and bedding of the defendant and the family of the defendant, or any tool and implement of the defendant's trade over the value of twenty-five dollars shall not be taken under the distress warrant issued by the court.

110. Where a distress warrant is issued against the defendant, the court may allow the defendant to go at large or, by a warrant in that behalf, order that the defendant be kept and detained in safe custody until return has been made to the warrant unless the defendant gives sufficient security by recognisance, or otherwise, to the satisfaction of the court for the defendant's appearance before the court at the time and place appointed for that return.

Commitment or security until return made to distress warrant.

111. Where a distress warrant is issued against the defendant and a return is made by a public officer charged with the execution of the warrant to the effect that no sufficient good or chattel of the defendant can be found on

Imprisonment in default of distress warrant.

which to levy the distress, the court may order the defendant, on non-payment of the sum of money adjudged to be paid by the order and all costs and charges of the distress and of the commitment, to be imprisoned for a term not exceeding the term prescribed by section 100 in respect of a similar sum in the scale of imprisonment in default of payment of the sum of money adjudged to be paid by the order.

General
provisions with
respect to
distress warrant.

112.—(1) The following provisions shall have effect with respect to the execution of a distress warrant issued by the court—

- (a) a distress warrant shall be executed by or under the direction of a police officer;
- (b) if the police officer charged with the execution of the warrant is prevented from executing the warrant by fastening of doors or otherwise, the magistrate may, by writing endorse on the warrant, authorise the police officer to use the force necessary to enable the police officer to execute the warrant;
- (c) except so far as the person upon whose good and chattel the distress warrant is levied consents in writing, the distress warrant shall be sold at a public auction, and at least three days shall intervene between the making of the distress warrant and the sale, but where the consent is given, the sale may be made in accordance with the consent; and
- (d) subject to paragraph (c), the distress shall be sold within the time fixed by the warrant, and if no time is so fixed, the distress shall be sold within the period of fourteen days from the date of the making of the distress unless the sum for which the warrant was issued, and the charges of taking and keeping the distress, are paid.

(2) Where a person charged with the execution of a distress warrant wilfully retains from the proceeds of any property sold to satisfy the distress, or otherwise exacts a greater costs or charges than those to which the person is entitled by law, or makes any improper charge, the person is, on conviction, liable to a fine not exceeding fifty dollars.

(3) Nothing contained in this section shall affect the liability to be prosecuted and punished for extortion.

(4) A written account of the costs and charges incurred in respect of the execution of a distress warrant shall, as soon as practicable, be delivered by the police officer charged with the execution of the warrant to the magistrate, and the person upon whom the good and chattel the distress was

levied may, at any time within one month after the making of the distress, inspect the account without a fee or reward at any time during office hours, and take a copy of the account.

(5) The police officer charged with the execution of a distress warrant shall sell the distress or cause the distress to be sold, and may deduct the costs and charges incurred in effecting the sale out of the amount realised.

(6) After any deduction under sub-section (5), the police officer charged with execution of a distress warrant shall pay to the magistrate, or to any other person specified by the magistrate, the remainder of the amount in order that it may be applied in payment of the sum for which the warrant was issued and of the proper costs and charges of the execution of the warrant.

(7) Any surplus of the proceeds of the sale shall be paid to the person upon whose good and chattel the distress was levied.

113. Where a person against whom a distress warrant is issued pays or tenders to the police officer having the execution of the warrant the sum mentioned in the distress warrant or produces to the police officer the receipt of the clerk for the sum, and also pays the amount of the costs and charges of the distress up to the time of the payment or tender, the police officer shall cease to execute the warrant.

Payment of
amount of
distress warrant.

Sub-Part 14

Seizure and Restitution of Property

114.—(1) The court may order the seizure of any property which there is reason to believe has been obtained by, or is the proceeds of, a summary conviction offence, or into which the proceeds of a summary conviction offence have been converted.

Seizure of
property the
proceeds of
summary
conviction
offence.

(2) Where the court orders the seizure of any property under sub-section (1), the court may direct that the property shall be kept or sold, and that the property or the proceeds of the property, if sold, shall be held as the court directs, until some person establishes, to the satisfaction of court, a right to the property.

(3) Where no person establishes a right to the property within twelve months from the seizure, the property, or the proceeds of the property, shall become vested in the Financial Secretary for the public use of Belize and be disposed of accordingly.

115. The court may order the seizure of any instrument, material, or thing which there is reason to believe is provided or prepared or being prepared with a view to the commission of a summary conviction offence and may direct them to be held and dealt with in the same manner as property seized under section 114.

Seizure of things
intended to be
used in
commission of
summary
conviction
offence.

Enforcement of
order of seizure.

116. An order made under section 114 or 115 may be enforced by a search warrant under this Act.

Return of
property found
on person
apprehended.

117. Where, upon the apprehension of a person charged with a summary conviction offence, any property is taken from the person, a report shall be made by the police to the court of that fact and of the particulars of the property, and the court shall if it is of the opinion that the property, or any portion of the property, can be returned consistently with the interest of justice and with the safe custody of the person charged, order the property, or any portion of the property, to be returned to the person charged or to any other person who the court directs.

Application of
money found
person
apprehended.

118. Where, upon the apprehension of a person charged with a summary conviction offence, any money is taken from the person, the court may, in case of a conviction, order the money, or any part of the money, to be applied to the payment of any costs, or costs and compensation, directed to be paid by the person convicted.

Restitution of
property in case
of conviction.

119.—(1) Where a person is convicted of a summary conviction offence, any property found in the person's possession, or in the possession of any other person for the person, may be ordered by the court to be delivered to the person who appears to the court to be entitled to the property.

(2) Where a person is convicted of having stolen or dishonestly obtained any property and it appears to the court that the property has been pawned to a pawnbroker or other person, the court may order the delivery of the property to the person who appears to the court to be the owner upon payment, or without payment, of the amount of the loan or any part of the amount of the loan to the pawnbroker or other person, as it deems just in all the circumstances of the case.

(3) Where the person in whose favour the order is made pays the money to the pawnbroker or other person under the order and obtains the property, the person shall not afterwards question the validity of the pawn, but except to that extent, no order made under this section shall have any further effect than to change the possession, nor prejudice any right of property or right of action in respect to property existing or acquired in the good before or after the offence was committed.

(4) Nothing in this section shall prevent the court from ordering the return to a person charged with a summary conviction offence, or to a person named by the court, of any property found in the possession of the person charged, or in the possession of any other person for the person charged, or of any portion of the property, if the court is of opinion that the property or any portion of the property can be returned consistently with the interest of justice, and with the safe custody, or otherwise, of the charged person.

Keeping the Peace

120.—(1) Where a complaint is made by a person against another to the effect that there is reason to fear that the defendant will do the complainant some bodily injury, the court may, if the complaint is established, order the defendant to enter into a recognisance, with or without a surety to the satisfaction of the magistrate, to keep the peace and be of good behaviour, either towards the complainant individually or towards the complainant and all persons within Belize.

Finding sureties to keep the peace.

(2) Where the Director of Public Prosecutions considers that a breach of the peace is likely to occur by reason of the utterances, acts or other conduct within public hearing or public view of any person, the Director of Public Prosecutions may complain to a magistrate against the person.

(3) Where the Director of Public Prosecutions makes a complainant under sub-section (1) and the complaint is established, the court may order the defendant to enter into a recognisance, with or without a surety to the satisfaction of the magistrate, to keep the peace and be of good behaviour towards all persons within Belize.

(4) The provisions of this Act shall apply to the hearing of a complaint under this section, and the complainant, the defendant, and any witness may be called and examined and cross-examined, and the complainant and the defendant shall, respectively, be liable to the payment of costs, or of costs and compensation, as in the case of any other complaint.

(5) The court may order a defendant, in default of compliance with the order of the court, to be imprisoned for a term not exceeding twelve months.

121.—(1) The court shall have power in any complaint made for a summary conviction offence, whether the complaint is dismissed or the defendant is convicted, to bind both the complainant and the defendant, or both of them, to be of good behaviour.

Binding over parties to be of good behaviour.

(2) In default of compliance with the order, the court may order the complainant or the defendant to be imprisoned for a term not exceeding three months.

122. A person imprisoned under section 120 or 121 shall be brought before the High Court whenever the prison in which that person is confined is delivered.

Bringing up person imprisoned for want of surety.

123. The court may, in any case of breach of the peace, sanction any compromise between the parties to the complaint which it considers just.

Sanction of compromise.

124. Where the court has fixed, in respect of any recognisance, the amount in which the principal and the surety, if any, is to be bound, the recognisance,

Recognisance taken out of court.

notwithstanding anything in this or any other Act, need not be entered into before the court, but may be entered into by the parties before a justice of the peace or the clerk or, where any of the parties are in prison, before the keeper of that prison, and all the consequences of the law shall ensure, and the provisions of this Act shall apply as if the recognisances had been entered into before the court.

Enforcement of recognisance to keep the peace or to be of good behaviour.

125.—(1) Where a surety to a recognisance to keep the peace or to be of good behaviour has reason to suspect that the person bound as principal has been or is about to be guilty of conduct which was or would be a breach of the conditions of the recognisance, the surety may make a complaint before a magistrate having jurisdiction in the judicial district in which the principal is or is believed by the complainant to be or in the place where the court by which the recognisance was ordered to be entered into was held, and the magistrate may issue a summons against the principal.

(2) The court before which the principal appears in answer to a summons may—

- (a) order the principal to enter into a fresh recognisance with or without a surety to the satisfaction of the magistrate; or
- (b) deal with the principal in the same manner as if the principal were a person who had failed to comply with an order to enter into a recognisance and find a surety to keep the peace or to be of good behaviour.

(3) The court shall, in each case under sub-section (2), order that the first-mentioned recognisance be discharged.

Mode of enforcing recognisance.

126.—(1) Where a recognisance is conditioned for the appearance of a person before the court or for doing some other act or thing to be done before the court or in a proceeding in the court, the court may, if the recognisance appears to be forfeited, declare it to be forfeited, and order the sum due under the recognisance to be levied upon the personal property of the person liable in the same manner as if the sum were a penalty adjudged by the court to be paid, and were an order.

(2) The court may at any time cancel or mitigate the forfeiture upon the person liable under the recognisance applying and giving security, to the satisfaction of the court, for the future performance of the condition of the recognisance, and paying, or giving security for the payment of, the costs incurred in respect of the forfeiture, or upon any other conditions the court deems just.

(3) Where a recognisance to keep the peace and to be of good behaviour, or not to do or commit some act or thing, has been entered into by a person as principal or as a surety before the court, the court may, on proof of the conviction of the person bound as principal by the recognisance of an

offence which is by law a breach of the condition of the recognisance, by order adjudge the recognisance to be forfeited and adjudge the person bound by the recognisance, whether as principal or as a surety or both of them, to pay the sums for which the person is bound, and the recognisance shall be dealt with in the manner prescribed under this section.

(4) Notwithstanding sub-section (4), where a recognisance to keep the peace or to be of good behaviour, or not to do or commit some act or thing is adjudged to be forfeited under that sub-section, the magistrate shall, on the demand in writing of the Director of Public Prosecutions, transmit the forfeited recognisance to the High Court, and the forfeited recognisance shall be further dealt with as if it were an estreated recognisance under section 192 of the Indictable Procedure Act.

CAP. 96.

(5) All sums paid or recovered in respect of a recognisance declared or adjudged by the court in pursuance of this section to be forfeited shall be paid to the clerk and shall be paid over and accounted for in the same manner as a penalty imposed by the court.

Sub-Part 16

Commitment of Defendant

127.—(1) Where an order is made against a person for the payment of a sum of money and the person is liable to be imprisoned for a certain term unless the sum is sooner paid, the court may, if the person does not pay the sum immediately or at the time specified in the order for its payment, issue a warrant of commitment under the hand of the magistrate.

Committal of the defendant.

(2) The warrant of commitment shall require the police officer to whom the warrant is directed to take and convey the person to prison and deliver the person to the keeper, and shall require the keeper to receive the person into prison and imprison the person for the time directed and appointed by the warrant of commitment unless the sum adjudged to be paid by order and all other costs are paid sooner.

128.—(1) Notwithstanding section 127, a warrant committing a person to prison in respect of non-payment of a sum adjudged to be paid by an order of the court shall not be issued immediately.

Obligation prior to issuing warrant of commitment.

(2) Prior to issuing a warrant committing a person to prison in respect of non-payment of a sum adjudged to be paid by an order of the court, a magistrate shall review the sentence giving consideration to—

- (a) the guidelines set forth in section 81 of the Alternative Sentencing Act;
- (b) whether the person is possessed of sufficient means to enable that person to pay the sum immediately; and

Act No. 13 of 2024.

- (c) whether the person desires that time should be allowed for payment.

(3) On reviewing a sentence, the magistrate may, in addition to any other power of enforcement—

- (a) vary and reduce the sum adjudged to be paid;
- (b) substitute the penalty with any other sentence provided for under the Alternative Sentencing Act; or
- (c) allow additional time for the payment of the sum adjudged.

(4) Where the person desires to be allowed time for payment, the court, in deciding what time ought to be allowed, shall consider any representation made by the person, but the time allowed shall not be less than thirty days.

(5) If before the expiration of the time allowed the person convicted surrenders to the court and the person states that the person prefers immediate committal to awaiting the expiration of the time allowed, that court may immediately issue a warrant committing the person to prison.

(6) Where a person who has been allowed time for payment appears to the court to be not less than sixteen or more than eighteen years of age, the court may and subject to any provisions of this Act, order that the person be placed under supervision of another person as may be appointed by the court until the sum adjudged is to be paid is paid.

(7) Where an order placing a person under supervision with respect to a sum of money is in force, the court shall not issue a warrant committing the person to prison in respect of non-payment of the sum, unless the court has considered any report as to the conduct and means of the offender, which may be made by the person under whose supervision the person has been placed.

(8) Where time is not allowed for payment, the reasons of the court for the immediate committal shall be stated in the warrant of commitment.

(9) Nothing in this section shall apply to an order made by the court for the maintenance of a spouse, child or a family member whom the defendant is liable to support under any law or for the maintenance of any child of the defendant.

129. Notwithstanding section 127, a warrant committing a person to prison in respect of non-payment of a sum adjudged to be paid by an order of the court shall not be issued after the expiration of twelve years from the date on which the person is liable to be imprisoned for non-payment of the sum adjudged and where such a warrant of commitment was issued, a stay of

execution or further execution of that order shall be entered and the offender shall be discharged immediately.

130. Where an application is made to the court to issue a warrant for committing a person to prison for non-payment of a sum of money adjudged to be paid by an order, the court may postpone the issue of the warrant until the time and on the conditions, if any, the court considers just.

Postponing issue of warrant of commitment.

131.—(1) A magistrate may issue a warrant of commitment requiring the police officer to whom the warrant is directed to take and deliver the defendant to the keeper to be imprisoned for the time directed and appointed by the warrant of commitment where on conviction—

Where the conviction or order directs imprisonment only.

- (a) the court directs that the defendant shall be imprisoned only; or
- (b) the order for the doing of some act and the court directs that if the defendant neglects or refuses to do the act, the defendant shall be imprisoned, and the defendant neglects or refuses to do the act.

(2) Where a person is brought by a police officer to be imprisoned by virtue of a warrant of commitment, the police officer shall endorse on the warrant the day on which the person was arrested by virtue of the warrant, and the imprisonment shall be computed inclusive of the day of imprisonment.

(3) Where on conviction or order a sum for costs is adjudged to be paid by the defendant to the prosecutor or complainant, the sum may, be levied by distress warrant in accordance with the provisions of this Act.

(4) Where the defendant defaults the distress, the defendant may be committed to prison to be imprisoned for a term not exceeding one month.

(5) The imprisonment under sub-section (4) shall commence at the expiration of the term of imprisonment the defendant is already undergoing unless, if the magistrate thinks fit to order, the sum for costs and charges of the distress are paid sooner.

132. Where a person has been committed to prison by court for default in finding a surety, on application made to the court by the person or by someone acting on behalf of the person, the court may, having regard to all the circumstances of the case—

Varying or discharging of order for sureties.

- (a) inquire into the case of that person; and
- (b) upon new evidence being produced to the court or proof of a change of circumstances,

reduce the amount for which it was ordered that the surety should be bound or dispense with the surety, or otherwise deal with the matter as the court deems just.

Right of person imprisoned in default to be released on payment of sum adjudged to be paid.

133.—(1) Where a term of imprisonment is imposed by a court in respect of non-payment of a sum of money adjudged to be paid by an order of a court, the term shall, upon payment to the clerk of a part of the sum of money adjudged to be paid, be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days in the term as the sum paid bears to the sum adjudged to be paid.

(2) In computing the number of days by which any term of imprisonment ought to be reduced under sub-section (1), the first day of imprisonment shall not be taken into account, and in computing the sum which secures the reduction of a term of imprisonment, fractions of a cent shall be omitted.

(3) Where a person has been committed to prison by the court for non-payment of any sum of money adjudged to be paid by an order, the person may pay or cause to be paid, to the keeper of the prison, the sum mentioned in the warrant of commitment together with the amount of the costs, charges and expenses.

(4) Upon receipt of any sum of money paid or cause to be paid under sub-section (3), the keeper of the prison shall discharge the person committed to prison by the court for non-payment of any sum adjudged to be paid by an order unless the person is in custody for some other matter.

(5) Where a person has been committed to prison by the court for non-payment of any sum of money adjudged to be paid by an order, upon payment to the keeper of the prison of any sum in part satisfaction of the sum adjudged to be paid, the term of imprisonment shall be reduced by a number of days bearing, as nearly as possible, the same proportion to the total number of days for which the person is sentenced as the sum paid bears to the sum adjudged to be paid.

(6) Where, under sub-section (5), a sum has been received in part satisfaction of a sum of money due from a person in consequence of the conviction of the court, the sum shall be applied—

- (a) firstly, towards the payment in full or in part of any costs or damages or compensation ordered by the conviction of the court to be paid to the prosecutor; and
- (b) secondly, towards the payment of the fine, if any, imposed on the person.

(7) The keeper of a prison who receives any sum of money under this section, in part or full payment, of costs or damages or compensation ordered

by the court to be paid to the prosecutor, shall immediately transmit the sum to the clerk of the court in which the conviction took place, and the clerk shall pay it to the prosecutor ordered to be paid.

134.—(1) Where a magistrate upon information or complaint adjudges the defendant to be imprisoned and the defendant is undergoing imprisonment upon a conviction of another offence, the warrant of commitment for the subsequent offence shall be immediately delivered to the keeper of the prison where the defendant is undergoing imprisonment.

Imprisonment
for a subsequent
offence.

(2) Upon receipt of the warrant of commitment for the subsequent offence under sub-section (1), the keeper of the prison where the defendant is undergoing imprisonment shall, under the authority of the warrant, imprison the defendant in accordance with the directions in the warrant.

135.—(1) Where a power is, by any law, given to the court to require a person to do or to abstain from doing an act or thing other than the payment of money, or to require an act or thing to be done or left undone other than the payment of money, and no mode of enforcing the requisition is presented by that law, the court may—

Summary order
to do a specific
act.

- (a) exercise the power by an order;
- (b) annex to the order any condition as to time or mode of action or otherwise which the court deems just;
- (c) suspend or rescind the order upon an undertaking being given, or condition being performed, which the court deems fit; or
- (d) generally, make any arrangement for carrying the power into effect as appears fit to the court.

(2) A person who defaults in complying with an order of the court in relation to a matter arising under a law other than payment of money—

- (a) shall be given a penalty in the manner prescribed by that law; or
- (b) if no penalty is prescribed by law, may, subject to sub-section (3), be ordered to pay a sum not exceeding five dollars for every day during which the person is in default, or to be imprisoned until the person has remedied the default.

(3) A person shall not, for non-compliance with the direction of the court made by one or more orders to do or abstain from doing an act or thing, be liable under this section to the payment of any sum amounting in aggregate to more than four hundred dollars or to imprisonment for a period amounting in the aggregate to more than two months.

(4) In making an order under this section, the court may order that–

- (a) in default of compliance with the order, the defendant shall pay to the complainant a sum of money which the court awards as a fair compensation the defendant for the default; and
- (b) in default of the payment of the sum, the defendant shall be imprisoned for a term not exceeding the term prescribed by section 101 in respect of a similar sum in the scale of imprisonment in default of payment of sums of money adjudged to be paid by an order.

Sub-Part 17

Summary Trials of Hybrid Offences Generally

Remand of
person charged.

136.–(1) Where a person is charged before the court with a crime which the court has power to deal summarily in accordance with the provisions of section 138, the court, without prejudice to any other power which it possesses, may for the purpose of ascertaining whether it is expedient to deal with the case summarily before or during the hearing of the case, adjourn the cause and remand the person charged.

(2) A person may be remanded under this section in the same manner in all respects as a person accused of a crime may be remanded.

General
provisions as to
dealing
summarily with
crimes.

137.–(1) Where a crime is authorised to be dealt with summarily in the circumstances mentioned under section 138–

- (a) the procedure shall–
 - (i) before the court assumes the power to deal with the crime summarily, be the same in all respects as if the crime were to be throughout dealt with under the Indictable Procedure Act; and
 - (ii) after the court assumes the power to deal with the crime summarily, be the same, from and after that period, as if the crime were a summary conviction offence, and the provisions of this Act shall apply accordingly, but nothing in this section shall be construed to prevent the court from dealing thereafter with the crime under the provisions of the Indictable Procedure Act if it thinks fit to do so;
- (b) the evidence of a witness taken before the magistrate who has the power to deal with the offence summarily need not be taken again, but the witness shall, if the defendant or the

CAP. 96.

CAP. 96.

prosecutor requires, be recalled for the purpose of cross-examination;

- (c) the conviction for the crime shall have the same effect it would have as a conviction on a trial on indictment;
- (d) where the court deals with the crime summarily and dismisses the complaint on the merits, the court shall, if required, deliver to the person charged, a copy certified by the magistrate of the order of dismissal, and the dismissal shall have the same effect it would have as an acquittal on a trial on indictment for the crime; and
- (e) the conviction shall contain a statement as to the plea of guilty of the person charged.

(2) Where, under the provisions of section 138, a person is tried summarily by the court for a crime and is convicted of the crime by the court, if in all the circumstances of the case, including the prevalence of the crime for which the accused has been convicted and the character and antecedents of the accused, the court is of opinion that a greater punishment ought to be inflicted in respect of the crime than that which the court has power to inflict, the court may, in lieu of dealing with the person, commit the person in custody for sentence by the High Court.

(3) Where a person has been committed for sentence under the powers conferred by sub-section (2), the magistrate shall, within fourteen days or as soon as is practicable after committing the person, transmit the record of the case to the Registrar together with a copy of the record for the Director of Public Prosecutions, and the Registrar shall as soon as practicable after receiving the record and a copy of the record, deliver them to the Chief Justice and the Director of Public Prosecutions.

(4) The Chief Justice shall, as soon as practicable after receiving the record, issue an order to the keeper of the prison that the person is confined to bring the person before the court at the time and place fixed in the order and the Registrar shall notify the Director of Public Prosecutions and the person accordingly.

(5) A person committed to the High Court for sentence shall be liable to be dealt with and punished in the same manner as if the person was convicted in the High Court for the crime by the verdict of a jury.

(6) Nothing in this section shall be construed to prevent the court from dealing with the crime under the provisions of the Indictable Procedure Act, if the court considers just.

CAP. 96.

Certain crimes
declared
summary
conviction
offences and
limitation of
jurisdiction.
Schedule III.
CAP. 101.

138.—(1) Notwithstanding any section of the Criminal Code, the crimes created by the sections of the Criminal Code mentioned in Schedule III shall also be summary conviction offences and, subject to this section, shall be punishable accordingly.

CAP. 96.

(2) Where, at any stage of the proceedings, a magistrate forms the opinion that the offence complained of is a fit subject for prosecution on indictment, the magistrate shall abstain from adjudication of the offence as a summary conviction offence and deal with the offence in all respects as if the offence were a complaint or information for a crime given to a magistrate under section 21 of the Indictable Procedure Act.

(3) Where money or property is involved in the commission of a crime which is made a summary conviction offence by sub-section (1), the jurisdiction of the court to hear and determine that offence shall be limited to cases in which the amount or value of the property in respect of which the offence is committed does not exceed fifty thousand dollars.

CAP. 101.
Schedule III.

(4) Subject to sub-section (1), a person convicted of a crime created by a section of the Criminal Code mentioned in Schedule III shall be liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three years, provided that—

- (a) where a person is convicted of the crime of theft in circumstances which show that theft was committed from the person of the victim, the penalty for the first offence shall not be more than a fine of one thousand dollars and the penalty for the second or subsequent shall not be more than one year;
- (b) where a person is convicted of the crime of aggravated assault in circumstances which show that the assault was committed with intent to rob, the penalty for the first offence shall not be less than a fine of one thousand dollars, and the penalty for the second or subsequent offence shall not be less than imprisonment for one year; and
- (c) where a person is convicted of a crime of robbery, burglary or aggravated burglary and the court imposes—
 - (i) a fine, such fine shall be in accordance with this section; or
 - (ii) a term of imprisonment, such term of imprisonment shall be in accordance with the Criminal Code.

CAP. 101.

(5) Notwithstanding anything in section 88, where a person is charged before the court with two or more offences and the offences are of a kind as

may properly be joined in one indictment under the provisions of the Indictable Procedure Act, the court may try both or all the charges together.

CAP. 96.

139.—(1) A description of the crime charged in an indictment, or where more than one crime is charged in an indictment, of each crime charged, shall be set out in the indictment in a separate paragraph called a count.

Mode of charges
in one indictment

(2) More than one incident of the commission of the offence may be included in a count if the incidents taken together amount to a course of conduct having regard to the time, place or purpose of commission or the victim of the offence.

140.—(1) Where a warrant for the arrest of a person has been issued for an offence for which the penalty of death or with imprisonment for three years or more may be imposed and the police is unable to apprehend the person after making reasonable efforts, the police may give a notice, to the person in two newspapers circulating in the place where the person was last known to reside, requiring the person to surrender to the authority specified in the notice within a period of seven days or such longer period as may be specified in the notice.

Duty to
surrender.

(2) A copy of the notice issued under sub-section (1) shall be left at the last known place of abode of the person.

(3) Where the person named in the warrant or in the notice fails to surrender in compliance with the notice issued under sub-section (1), the person commits an offence and is liable on conviction to a fine of five thousand dollars or to imprisonment for a term not exceeding five years, or to both.

(4) It shall be a defence for a person charged with an offence under this section to prove that the circumstances were such that the person did not know and would not have known of the warrant or the notice.

141.—(1) The Minister may, by Order published in the *Gazette*, amend Schedule III to this Act.

Amendment of
Schedule III.

(2) Every order made by the Attorney General under sub-section (1) shall be laid before the National Assembly, as soon as may be, after the making of the order and shall be subject to negative resolution.

142.—(1) A deportee shall, if required by the Commissioner of Police by notice in writing—

Deportees.

- (a) report to the police daily or at any other interval as may be specified, at the time and place designated by the police;
- (b) not change residence without prior notification to the Commissioner of Police;

- (c) not associate with a criminal gang or member of the gang;
and
- (d) comply with any other requirement as the Commissioner of Police may specify.

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

(3) For the purpose of this section, a certificate under the hand of the Commissioner of Police or an officer designated by the Commissioner of Police to the effect that a person was deported to Belize from another country shall be conclusive evidence of the fact.

(4) Notwithstanding any rule of law to the contrary, a deportee upon conviction for a crime in Belize shall not be treated as a 'first offender' and shall not be eligible for community service order.

(5) While sentencing a deportee for a crime committed in Belize, the court shall receive as evidence a certificate of foreign criminal record without further proof and shall give it the same weight and effect as a local criminal record.

(6) In this section, the expression "a deportee" means a person who is deported to Belize from another country.

Sub-Part 18

Ownership of property

Statement of
ownership of
property.

143.—(1) Where, in any document in any proceeding under this Act, it is necessary to state the ownership of any property, real or personal, which belongs to or is in the possession of more than one person, it shall be sufficient to name one of the persons, and to state that the property belongs to the person and another or others, as the case may be.

(2) Where in the document, it is necessary to mention for any purpose, any partner or other joint owner or possessor, it shall be sufficient to describe them in a similar manner as that described in sub-section (1).

(3) The provisions of this section shall be construed to extend to a joint stock company and association, society, and trustee.

Statement of
ownership of
church.

144. Where, in any document in any proceeding under this Act, it is necessary to state the ownership of any church, chapel or building set apart for religious worship, or of anything belonging to or being in the church, chapel or building, it shall be sufficient to state that the church, chapel,

building, is the property of the clergyman, the officiating minister, or of the churchwarden of the church, chapel or building, without naming them.

145. Where in any document in any proceeding under this Act it is necessary to state the ownership of—

Statement of ownership of public property.

- (a) any work or building made, erected or maintained, wholly or partially, at the expense of inhabitants of Belize, or of any city, town or village of Belize;
- (b) any thing belonging or used in relation to the inhabitants of Belize, or of any city, town or village of Belize;
- (c) any thing provided for the use of the poor or of a public institution or establishment;
- (d) any material or tool provided or used for repairing the work or building, or a public road or highway; or
- (e) any other property whatever, real or personal, of the inhabitants of Belize, or of any city, town or village of Belize,

it shall be sufficient to state that the property is the property of the inhabitants of Belize, or of the city, town or village, as the case may be, without naming any of them.

Sub-Part 19

Saving of Validity Process

146. The following provisions with respect to certain proceedings in the court shall have effect, this is to say—

Provision as to certain proceedings in the court.

- (a) a warrant of commitment shall not be held void by reason only of a defect if it is alleged in the warrant that the offender has been ordered to do or to abstain from doing any act or thing required to be done or left undone, and there is a good and valid order to sustain the allegation;
- (b) a distress warrant shall not be held void by reason only of a defect in the distress warrant if it is alleged in the warrant that an order has been made and there is a good and valid order to sustain the allegation;
- (c) a person acting under the distress warrant shall not be deemed a trespasser by reason only of a defect in the warrant or of any irregularity in the execution of the warrant;

- (d) this provision shall not prejudice the right of a person to satisfaction for any special damage caused by any defect in, or irregularity in the execution of, a distress warrant, and—
- (i) if amends are tendered before the action is brought;
 - (ii) if the action is brought, the amends are paid into court in the action; and
 - (iii) the plaintiff does not recover more than the sum tendered and paid into court,
- the plaintiff shall not be entitled to any costs incurred after the tender, and the defendant shall be entitled to costs, to be taxed as between attorney and client; and
- (e) a summons or warrant or other process shall not be held void by reason of the magistrate who signed warrant dying or ceasing to hold office.

No objection to jurisdiction unless taken at hearing.

147. A person shall not impeach, in any proceedings or in any other manner, any order made by the court on the hearing of a complaint on the ground that the court had no jurisdiction to make the order, unless the objection was taken on the hearing of the complaint or at the time of the making of the order.

Effect of variance or defect in proceedings.

148.—(1) In any cause in the court, no variance between the complaint, summons, or warrant and the evidence adduced in support of the complaint, summons or warrant, as to the time at which the cause of complaint is alleged to have arisen shall be deemed material, if it is proved that the complaint was made within the time limited by law for making the complaint.

(2) No variance between the complaint, summons or warrant and the evidence adduced in support of the complaint, summons, or warrant as to the place in which the cause of complaint is alleged to have arisen shall be deemed material.

(3) No objection shall be taken or allowed, in any proceeding in the court, to any complaint, summons, warrant or other process for any alleged defect therein in substance or in form, or for any variance between any complaint or summons and the evidence adduced in support complaint or summons.

(4) Where it appears to court that the variance or defect mentioned in this section is to the effect that the defendant has been deceived or misled, the court may make any necessary amendment and, if it is expedient to do so, adjourn the cause for further hearing.

Appropriation of Penalties and Seizures

149. Subject to the provisions of this Act or any other law, a penalty or any part of the penalty recovered in the court in respect of a summary conviction offence and the proceeds of any seizure or forfeiture made or incurred subject to the process of the court, shall be paid to the Accountant General by the officer who received them.

Appropriation of penalties and seizures, etc.

150.—(1) Subject to the express provisions of any law, a forfeiture that is not pecuniary, which is incurred in respect of a summary conviction offence, or which may be enforced by the court, may be sold or disposed of in the manner directed by the court.

Dealing with forfeiture not preliminary.

(2) Where the forfeiture that is not pecuniary is sold under sub-section (1), the proceeds of sale shall be applied in the same manner as if the proceeds were a penalty imposed under the law on which the proceeding for the forfeiture is founded.

151.—(1) The Governor General may remit, in whole or in part, any sum of money imposed as a penalty and as costs, charges and expenses in connection with the penalty on any person convicted of a summary conviction offence although the money may be, in whole or in part, payable into the Treasury for the public use of Belize, or to some party other than the Crown.

Remission by the Governor General of penalties.

(2) The Governor General may extend royal mercy to a person who may be imprisoned for non-payment of a sum of money imposed, although the money may be, in whole or in part, payable into the Treasury for the public use of Belize, or to some party other than the Crown.

(3) The Governor General may order the restoration of anything seized or detained in connection with the summary conviction offence.

(4) Any remission or restoration under this section may be made in the manner and subject to any term and condition the Governor General deems fit to direct subject to the Belize Constitution.

152. A person who accepts or acquiesces in any remission or restoration as provided in section 151 shall be debarred from having, maintaining, or continuing, an action or suit in respect of a matter to which the remission or restoration relates, and no further proceedings shall be taken against the person in relation to the matter.

Effect of acquiescence in remission.

153. Where a person, who is committed to prison on an order for non-payment of any sum of money adjudged to be paid by the order, desires to pay the money and costs before the expiration of the time for which the person was ordered to be imprisoned by the warrant of commitment, the person shall pay the money and costs to the keeper of the prison in which the person is imprisoned, and the keeper shall immediately transmit a receipt for the

Payment of sum adjudged to be paid by order by person imprisoned in default of payment.

moneys to the magistrate of the court which issued the warrant of commitment.

Keeping account
of moneys
received.

154. A magistrate and keeper of a prison shall keep a true and exact account of all moneys received by the magistrate or keeper under this Act, and shall, within the first seven days of every month, transmit a fair copy of the account for the preceding month to the Accountant General.

Taking of
recognisance.

155. Where a magistrate has made an order directing or allowing a recognisance to be taken and it is not practicable or convenient for the magistrate to attend at the time and place where the recognisance is to be taken, any other magistrate may attend and take the recognisance, which shall, after it has been taken, have effect and be dealt with in the same manner as if it had been taken by the magistrate directing or allowing the recognisance.

Magistrate may
disallow
payment to an
informer.

156. A magistrate by whom a conviction has been made may adjudge that no part of a penalty, or only the part of the penalty, as the magistrate deems fit, shall be paid to an informer, although any part of the penalty is directed by law to be paid to the informer, in order to discourage corrupt practices by common informers.

Sub-Part 21

Maintenance Orders (Facilities for Enforcement)

Interpretation of
terms in Sub-Part
21.

157. In this Sub-Part—

“certified copy”, in relation to an order of the court, means a copy of the order certified by the proper officer of the court to be a true copy;

“dependants” means those whom the person against whom the maintenance order was made, according to the law in force in the part of His Majesty’s dominions in which that order was made, is liable to maintain; and

“prescribed” means prescribed by rules of court.

Enforcement in
Belize of
maintenance
orders made in
England or
Northern Ireland.

158.—(1) Where a maintenance order has been made against a person by a court in England or Northern Ireland, and a certified copy of the order has been transmitted by the Secretary of State to the Minister responsible for foreign affairs, the Minister responsible for foreign affairs shall send a copy of the order to the Minister with a request that the prescribed officer of the court in Belize registers it.

(2) Upon receipt of the maintenance order, the order shall be registered in the prescribed manner and shall, from the date of the registration, be of the same force and effect and, subject to the provisions of this Sub-Part, all proceedings on the order may be taken, as if it had been an order originally

obtained in the court in which it is registered, and that court shall have power to enforce it accordingly.

(3) The court in which a maintenance order is to be registered under sub-section (2) shall, if the court by which it was made was a court of superior jurisdiction, be the High Court and, if the court was not a court of superior jurisdiction, be the Magistrate Court.

159. Where the Magistrate Court in Belize has made a maintenance order against a person, and it is proved to the court that the person is resident in England or Northern Ireland, the court shall send a certified copy of the order to the Minister of Foreign Affairs for transmission to the Secretary of State.

Transmission of maintenance orders made in Belize.

160.—(1) Where an application is made to the Magistrate Court in Belize for a maintenance order against a person, and it is proved that the person is resident in England or Northern Ireland, the court may in absence of the person, if after hearing the evidence the court is satisfied of the justice of the application, make an order the court might have made if a summons had been duly served on the person and the person had failed to appear at the hearing.

Provisional Orders of maintenance against persons resident in England or Northern Ireland.

(2) An order made under sub-section (1) is provisional and shall have no effect unless and until confirmed by a competent court in England or Northern Ireland.

(3) The evidence of a witness examined on the application shall be put into writing, and the deposition of the witness shall be read over to and signed by the witness.

(4) Where an order is made under sub-section (1), the court shall send to the Minister of Foreign Affairs, for transmission to the Secretary of State—

- (a) the depositions taken;
- (b) a certified copy of the order;
- (c) a statement of the grounds on which the making of the order might have been opposed if the person against whom the order is made had been duly served with a summons and had appeared at the hearing; and
- (c) any information the court possesses for facilitating the identification of the person and ascertaining the person's whereabouts.

(5) Where an order under this section has come before the court in England or Northern Ireland for confirmation and has been remitted to the Magistrate Court in Belize for the purpose of taking further evidence, the Magistrate Court, after giving the prescribed notice, proceed to take the

evidence in like manner and subject to the like conditions as the evidence in support of the original application.

(6) If upon hearing the further evidence it appears to the Magistrate Court that the order ought not to have been made, the court may rescind the order, but in any other case the depositions shall be sent to the Minister of Foreign Affairs and dealt with in like manner as the original depositions.

(7) The confirmation of an order made under this section shall not affect the power of the Magistrate Court to vary or rescind that order.

(8) On making, varying, or rescinding an order, the Magistrate Court shall send a certified copy of the order to the Minister of Foreign Affairs for transmission to the Secretary of State.

(9) In the case of an order varying the original order, the order shall not have any effect unless and until confirmed in like manner as the original order.

(10) The applicant shall have the same right of appeal, if any, against a refusal to make a provisional order as the applicant would have had against a refusal to make the order had a summons been duly served on the person against whom the order is sought to be made.

Confirmation of
maintenance by
court.

161.—(1) Where—

- (a) a maintenance order has been made by a court in England or Northern Ireland;
- (b) the order is provisional only and has no effect unless and until confirmed by the Magistrate Court in Belize;
- (c) a certified copy of the order, together with the depositions of witnesses and a statement of the grounds on which the order might have been opposed, has been transmitted to the Minister responsible for foreign affairs; and
- (d) it appears to the Minister responsible for foreign affairs that the person against whom the order was made is resident in Belize,

the Minister responsible for foreign affairs may send the documents to the Minister with a request that an authorized officer of the Magistrate Court should issue a summons calling upon the person to show cause why the order should not be confirmed, and upon receipt of the documents and the requisition, the court shall issue the summons and cause it to be served upon that person.

(2) A summons issued under sub-section (1) may be served in Belize in the same manner as if it had been originally issued by the Magistrate Court in Belize.

(3) At the hearing, it shall be open to the person on whom the summons was served to raise any defence which the person might have raised in the original proceedings had the person been a party to the original proceedings, without additional defence.

(4) The certificate from the court which made the provisional order stating the grounds on which the making of the order might have been opposed if the person against whom the order was made had been a party to the proceedings shall be conclusive evidence that those grounds are grounds on which objection may be taken.

(5) Where at the hearing the person served with the summons does not appear or, on appearing, fails to satisfy the court that the order ought not to be confirmed, the court may confirm the order without modification or with any modification which the court, after hearing the evidence, deems just.

(6) Where the person against whom the summons was issued appears at the hearing and satisfies the court that for the purpose of any defence it is necessary to remit the case to the court which made the provisional order for the taking of further evidence, the court may accordingly remit the case and adjourn the proceedings for the purpose.

(7) Where a provisional order has been confirmed under this section, it may be varied or rescinded in same manner as if it had originally been made by the confirming court, and where on an application for rescission or variation the confirming court is satisfied that it is necessary to remit the case to the court which made the order for the purpose of taking further evidence, the confirming court may accordingly remit the case and adjourn the proceedings for the purpose.

(8) Where an order has been confirmed, the person bound by the order shall have the same right of appeal, if any, against the confirmation of the order as the person would have had against the making of the order had the order been one made by the court confirming the order.

162. The Minister may make regulations prescribing the manner in which a case can be remitted by a court authorised to confirm a provisional order to the court which made the provisional order, and generally for facilitating communications between the courts.

Regulations to facilitate communications between courts.

163.—(1) The officers of the court in which an order has been registered or by which an order has been confirmed under this sub-Part, shall take all steps for enforcing the order as may be prescribed, and the order shall be enforceable in similar manner as if it were a judgment for the payment of money under this Act.

Mode of enforcing orders.

(2) Where the order is of such a nature that if made by the court in which it is registered, or by which it is confirmed would be enforceable in similar manner as an order of affiliation, the order shall be enforceable in similar manner.

(3) A warrant of commitment issued by the court for the purpose of enforcing an order registered or confirmed under this section may be executed in any part of Belize.

Application of provisions relating to summary jurisdiction procedure.

164. The proceedings of this Act which apply to the proceedings in a summary conviction offence shall apply in a similar manner to the proceedings under this Sub-Part, and the power to prescribe fees and costs under section 240 shall include the power to prescribe fees and costs in respect of the proceedings under this Sub-Part.

Proof of document signed by officers of court.

165.—(1) A document purporting to be signed by a judge or officer of a court in England or Northern Ireland shall, until the contrary is proved, be deemed to have been signed by the judge or officer of the court without proof of the signature or judicial or official character of the person appearing to have signed the document.

(2) The judge or officer of the court in England or Northern Ireland by whom a document is signed shall, until the contrary is proved, be deemed to have been the proper officer of the court to sign the document.

Depositions to be evidence.

166. A deposition taken in a court in England or Northern Ireland for the purposes of this Sub-Part may be received in evidence in proceedings before the court under this Sub-Part.

Extension of Act.

167.—(1) Where the Minister is satisfied that reciprocal provisions have been made by the legislature of a Commonwealth country other than the United Kingdom for the enforcement within that country of a maintenance order made by the Magistrate Court in Belize, the Minister may by Order published in the *Gazette* declare that the provisions of this Sub-Part shall extend to a maintenance order made by the courts in the Commonwealth country in similar manner as it extends to maintenance orders made within England or Northern Ireland, and on that Order being made, this Sub-Part shall extend accordingly.

CAP. 1.

(2) For the purposes of this section, the expression “Commonwealth country” includes any territory which is defined as a Commonwealth territory in the Interpretation Act.

(3) In the application of this Sub-Part to a Commonwealth country other than the United Kingdom, an order intended to be registered or confirmed in the Commonwealth country shall be transmitted to the Minister of Foreign Affairs or his or her equivalent in the Commonwealth country.

Summary Offences and Misdemeanours

168.—(1) A person commits a misdemeanour if that person—

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| (i) unlawfully and wilfully damages a public building or other public property within Belize; | Offences punishable as misdemeanours.
Damaging public buildings, etc., within Belize. |
| (ii) wantonly or maliciously damages a lamppost, gate, wall, or steps set up for public or private convenience, or a roofing, sign-board or window; | Breaking lamppost, etc., set up for convenience. |
| (iii) knowingly takes, in exchange, anything belonging to a boat in any harbour or waterway adjacent to it, or a part of the cargo of the boat, or a store or article in charge of the owner or master of the boat, from a boatman or person not being the owner of the boat; | Taking things in exchange from boatman. |
| (iv) unlawfully damages a tool, machinery, or furniture of, or belonging to, a boat lying in any harbour, or waterway adjacent to it, with intent to steal or otherwise unlawfully obtain the boat or a part of the boat; | Damaging tools, etc., of boat. |
| (v) damages a package containing wine, spirit, or other liquor on board a boat, or in or upon a warehouse, pier, or bank, with felonious intent to steal or otherwise unlawfully obtain, or squander, any part of the contents of the package; | Damaging package on board boat. |
| (vi) wilfully damages a package containing a goods while on board a boat lying in any waterway, or on any pier, beach, or waterside adjacent to it, or on its way to or from a warehouse, with intent that the contents of the package or any part of the package may be spilled from the package or be otherwise wasted; | Damaging package containing goods. |
| (vii) pretends or professes to tell fortunes or uses any subtle craft or device by palmistry, <i>obeah</i> , or any similar superstitious means to deceive and impose upon a person; | Pretends to tell fortunes. |
| (viii) wanders abroad and lodges in an outhouse, unoccupied place or thing, or the open air, not having visible means of subsistence and not giving a good account of themselves; | Wandering or lodging in unoccupied building, etc. |
| (ix) wilfully exposes any indecent exhibition to view in any street or public place, or in the window of a house or shop in a street or public place; | Indecent exhibition. |

Exposing person in public.	(x) wilfully, openly, or obscenely exposes their genitals in a street, waterway, harbour, or a place in view the street, waterway, harbour or of public resort;
Frequent harbours, etc., to commit felony.	(xi) being a suspected person or reputed thief frequents a harbour or waterway, or a pier or warehouse near or adjoining the pier or warehouse, or a place of public resort, or an avenue leading to the place, or a street, or a place adjacent to a street with intent to commit a felony;
Entangling kite with telephone.	(xii) allows a kite, or a description of a thing hanging from or attached to the kite, to fall on or become entangled with a telephone or electric light wire;
Affixing placard, etc., on building.	(xiii) without due authority affixes or attempts to affix ay placard, document, or other thing on, or disfigures, or drives a nail or any other thing into a post, erection, or other thing used in the construction, maintenance, or management of an electric light system or a telephone system in Belize;
Affixing bills to buildings, etc.	(xiv) without the consent of the owner or occupier, affixes a paper against or upon any building, post or tree, or paints, or in any other way wilfully damages any part of the building, post or any of its fixture or appendage, or wilfully damages a tree, or plant in a public way or on any premises;
Fireworks.	(xv) discharges fireworks or sets bonfire, or causes fireworks to be discharged or bonfire to be set, without the written permission of a police officer first had and obtained;
Endangering life or limb by furious riding, etc.	(xvi) rides or drives furiously, so as to endanger the life or limb of a person, or to the common danger or terror of the passengers in a street;
Obstructing public crossing.	(xvii) by means of any vehicle or animal, wilfully obstructs a public crossing or street;
Drives, etc., on footway.	(xviii) drives a vehicle or leads or rides an animal upon a footway or curbstone, or fastens an animal in a manner which enables the animal to wander across or upon a footway or sideway;
Moving things along footway.	(xix) moves an object upon a footway or sideway, except for the purpose of loading or unloading a vehicle or of crossing the footway or sideway;

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| (xx) | sells or distributes, or offers for sale or distribution, or exhibits to public view, a profane, indecent or obscene print, drawing, photograph, painting or representation, or sings a profane or obscene song, or writes or draws an indecent or obscene word, figure or representation upon a conspicuous place, or upon a paper and exposes that paper to public view, or uses a profane, indecent or obscene language in a street or public place, to the annoyance of another person; | Selling, etc., obscene articles. |
| (xxi) | wilfully disturbs a meeting or congregation lawfully assembled for religious worship or a religious service or rite in a burial ground, or disturbs or molests a person at the religious service or rite in a burial ground; | Disturbing religious meeting, etc. |
| (xxii) | wantonly discharges a stone or a missile to the damage or danger of a person, glass, window, or roofing; | Throwing missiles. |
| (xxiii) | commits a wanton or mischievous act causing damage or annoyance not otherwise defined in this Act; | General mischievous act. |
| (xxiv) | throws or places rubbish or litter in or upon a street, or upon a seashore or bank, except upon places as are appointed to be used as dust heaps, or throws or causes the rubbish or litter to fall into any drain, waterway, or reservoir for water, or causes an offensive matter to run from a house or other place into a street or uncovered place; | Throwing rubbish in streets, etc. |
| (xxv) | whether by night or day in a public or private place, throws or causes any matter to fall into a waterway; | Throwing things in waterway. |
| (xxvi) | keeps a pigsty to the front of a street not being carcass shut out from that street by a sufficient wall or fence, or keeps a swine in or near a street, or in a dwelling so as to be a common nuisance; | Keeping pigsty near street. |
| (xxvii) | deposits or throws the carcass of a dead animal, or causes the carcass to be thrown or deposited, in any part of a town or into a waterway or caye in or adjacent to a town, or leaves or causes the carcass to be left upon the shores of the water way or caye; | Depositing dead animal in inhabited place. |
| (xxviii) | being the occupier or owner of any premises or place within a town, if unoccupied, neglects to keep clean a private avenue, passage, yard, privy and a way within the premises so as to cause a nuisance by offensive smell or otherwise; | Failure to clean private premises. |

Following passenger about.	(xxix) accosts a passenger or follows the passenger about in a street or public place without lawful authority or excuse, the proof of which shall be on the accused party;
Loitering in street.	(xxx) loiters or carouses in a street or public place, or in an open space of ground in the immediate neighbourhood of the street or public place, or in or about a shop or store, and does not quietly leave or move away when desired so to do by any police constable or by the owner of the shop or store;
Pulling down posting-bill, etc.	(xxxi) wilfully and wantonly damages a posting-bill or notice affixed upon a building, wall, fence, pile or tree without lawful authority or excuse;
Unmuzzled ferocious dog.	(xxxii) permits any unmuzzled ferocious dog to be at large, or sets on or urges any dog or other animal to attack, worry or put in fear any person or another animal;
Disorderly conduct.	(xxxiii) in a street, public place, or private enclosure or ground, acts disorderly or in a street or public place or within public hearing or public view, unlawfully fights with another person;
Boisterous behaviour.	(xxxiv) wilfully or wantonly vociferates or makes any other loud or unseemly noise near an inhabited house after being required to depart; or
Using threatening etc., words or behaviour.	(xxxv) uses to or at any other person or in the hearing of any person any threatening, abusive, profane, obscene, indecent or insulting words or behaviour, whether calculated to lead to a breach of the peace or not, such several offences being committed in a street, or public place, or in a private enclosure or ground.

(2) Subject to sub-sections (8) and (9), a person who commits a misdemeanour is liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding two months.

(3) In addition to a penalty to which a person may be liable to under sub-section (1) (xv), all fireworks found on or in the possession of the person shall be liable to be forfeited.

(4) A person convicted under sub-section (1)(xv) after a previous conviction for the same offence shall be liable to imprisonment for a period not exceeding six months.

(5) The permission mentioned sub-section (1)(*xv*) shall specify the area within, the day upon and the hours between which the fireworks may be thrown or discharged, or bonfire set, and the conditions, if any, upon which the permission is granted.

(6) Sub-section (1) (*xxvi*) shall only extend and be applicable to matters which occur within the limits of a town by law established.

(7) In relation to sub-section (1) (*xxvii*), the owner of an animal, the carcass of which is deposited or thrown as described in the sub-section, shall be deemed to have thrown or deposited the carcass, unless the owner proves affirmatively that the carcass was deposited or thrown without the owner's knowledge, consent, connivance, or default.

(8) A person who is convicted of an offence under sub-section (1)(*xxiv*) or (*xxv*) (hereinafter referred to as a 'littering offence') is liable to a fine not exceeding seven hundred and fifty dollars or to imprisonment for a term not exceeding six months.

(9) Where a person is issued with a violation ticket for a littering offence in accordance with the regulations made in accordance with sub-section (11) and does not request a court hearing, the fine stated on the violation ticket, which shall not exceed the maximum fine specified under sub-section (8), shall be the penalty for the offence.

(10) Notwithstanding anything contained in this Act, a person who is guilty of an offence under sub-section (1)(*xxix*) and (*xxx*) may be arrested by a police officer without warrant and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding two months.

(11) The Minister responsible for environment may make regulations for the issue of a violation ticket for littering offences and all matters connected to or incidental to them, and without prejudice to the generality of the foregoing, the regulations may provide for—

- (a) the form of the violation ticket;
- (b) subject to the maximum fine specified in sub-section (8), the fine to be stated on the violation ticket;
- (c) the person by whom a violation ticket may be issued;
- (d) the place where the fine stated on the violation ticket may be paid;
- (e) the time for paying the fine;

- (f) the penalty for failure to pay the fine within the time specified; or
- (g) the procedure for requesting a court hearing by a person who has been issued with a violation ticket.

(12) A conductor of an omnibus carrying passengers who permits or suffers a passenger while in the omnibus to throw rubbish or litter upon a street, or upon the seashore or bank, contrary to the provisions of this section, commits an offence and is liable on conviction to the same penalty as prescribed for a littering offence under sub-section (8).

(13) A person who has been served with a summons to appear in court for a littering offence may plead guilty by letter addressed to the clerk which issued the summons, and the court may in lieu of any other proceedings, enter a plea of guilty and deal with the case in the same manner, including the reading in open court of the letter containing the plea, *mutatis mutandis*, as if the defendant had appeared before the court in person and pleaded guilty.

(14) Subject to sub-section (13), the court shall not impose, in respect of a littering offence, a fine exceeding one hundred dollars or any term of imprisonment.

(15) In sentencing a person convicted of a littering offence under this section, the court shall take into consideration not only the purpose of these provisions in preventing the defacement by litter of a public place, but also the nature of the litter and any resulting risk of injury to a person or animal or of damage to property.

Proof of
unlawful purpose
or intent.

169.—(1) In relation to any offence in section 168 in respect of which it is necessary to prove unlawful purpose or intent to commit a misdemeanour, a person may be convicted if from the circumstances of the case and from the known character of the person, as proved to the court before whom or the person is brought, it appears to the court that the person's purpose or intent was as alleged.

(2) In proving unlawful purpose or intent to commit a misdemeanour, it shall not be necessary to show that the person suspected was guilty of a particular act tending to show the purpose or intent of the person.

Using
threatening etc.,
words or
behaviour
towards an
official.

170. A person who uses any threatening, abusive, profane, obscene, indecent, or insulting words or behaviour towards—

- (i) a person acting as a judicial and legal officer or as a peace officer;
- (ii) a member of the Belize Defence Force in the course of duty;
- (iii) a member of Belize Coast Guard in the course of duty;

- (iv) an Immigration Officer in the course of duty;
- (v) a Customs Officer in the course of duty;
- (vi) a member of the National Fire Service in the course of duty;
- (vii) a public officer in the course of duty;
- (viii) a prison officer in the course of duty;
- (ix) a teacher in the course of duty;
- (x) a member of the media in the course of duty; or
- (xi) an elected official, Members of the Cabinet and the National Assembly,

commits an offence and is liable on summary conviction to imprisonment for three years.

171.—(1) Where a derelict vehicle is left or caused to be left in a public place, the competent authority may give notice to the owner or the person who has left or caused the vehicle to be left in a public place, requiring the owner or person to remove the derelict vehicle within forty-eight hours of the notice.

Removal of
derelict vehicles.

(2) A notice under sub-section (1) may be given by affixing the notice to the windshield or some other conspicuous part of the derelict vehicle.

(3) A person who fails to comply with the requirements of the notice under sub-section (1) commits an offence and is liable, on summary conviction, to a fine not exceeding five hundred dollars and to a further fine not exceeding one hundred dollars for every day during which the failure is continued after conviction.

(4) The competent authority may, without prejudice to any further proceedings for a fine in respect of the failure, remove the derelict vehicle left or caused to be left and may recover the expenses reasonably incurred in removing the derelict vehicle from the person in default summarily as a civil debt.

(5) Without prejudice to sub-section (3), if a vehicle is not removed within the specified time in compliance with a notice given under sub-section (1), subject to sub-sections (10) and (11), the vehicle shall be deemed to have been abandoned and forfeited to the Crown.

(6) Without prejudice to the power of the competent authority to remove a derelict vehicle upon failure to comply with a notice issued under sub-section (1), the competent authority may, at any time without giving notice, remove any derelict vehicle found in a public place.

(7) A person who intentionally and without lawful cause removes or defaces or causes the notice to be removed or defaces the notice affixed to a vehicle in accordance with sub-section (2), is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars.

(8) Subject to sub-section (10), where any vehicle has been deemed to have been abandoned and forfeited to the Crown pursuant to sub-section (5), the vehicle shall be disposed of in a manner which the Minister responsible for finance may direct.

(9) Notwithstanding sub-section (8), where the competent authority is a local authority, the vehicle may be disposed of by that local authority and the sale proceeds credited to the account of the local authority.

(10) Where, before a derelict vehicle is disposed of by the competent authority in accordance with sub-section (9), the derelict vehicle is claimed by a person who satisfies the competent authority that the person is the owner and pays the competent authority the expenses incurred in respect of the removal and storage of the derelict vehicle, the competent authority shall permit the person to remove the derelict vehicle from the competent authority's custody during the period which may be specified by the competent authority.

(11) Where the competent authority disposes of a derelict vehicle by selling the derelict vehicle and, before the expiration of three months from the date of sale, a person satisfies the competent authority that at the time of the sale the person was the owner of the derelict vehicle, the competent authority shall pay over to the person the sum by which the proceeds of sale exceed the aggregate of the expenses incurred in respect of the removal, storage and disposal of the derelict vehicle.

(12) Where a derelict vehicle is removed or disposed of in pursuance of the provisions of this section, no action, suit, or other cause shall lie against the competent authority or the Crown, or their agent or servant unless it is shown that the removal or disposal was motivated by malice or fraud.

Intoxication.

172. A person found intoxicated in a public way or public place or on a licensed premises is liable on summary conviction to a fine not exceeding one hundred dollars.

Keeping brothel.

173.—(1) A person who—

- (a) keeps or manages, or acts or assists in the management of, a brothel;
- (b) being the tenant, lessee, occupier or person in charge of a premises knowingly permits the premises or any part of the premises to be used as a brothel;

- (c) being the landlord or lessor of the premises, or the agent of the lessor or landlord, lets the premises or a part of the premises with the knowledge that the premises or a part of the premises is being or is to be used as a brothel; or
- (d) being the landlord or lessor of the premises, or the agent of the landlord or lessor, is wilfully a party to the continued use of the premises or a part of the premises as a brothel,

commits an offence and is liable on summary conviction—

- (i) in the case of a first conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding two months; and
- (ii) in the case of a second or subsequent conviction, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months.

(2) In the case of a second or subsequent conviction, a person may, in addition to the fine or imprisonment, be required by the court to enter into a recognisance in a sum not exceeding one thousand dollars, with or without a surety, to the satisfaction of the court to be of good behaviour for a period not exceeding twelve months, and in default of entering into a recognisance, with or without a surety, the person may be imprisoned for a term not exceeding three months, in addition to a the fine or term of imprisonment imposed.

(3) Where a person is convicted of an offence under paragraphs (a) or (b) of sub-section (1), the Commissioner of Police shall cause a certified copy of the conviction to be served on the proprietor, landlord and agent, if any, of the premises to which the conviction relates.

(4) For the purposes of this section—

“agent” means a person who lets premises on behalf of a lessor or landlord or collects rent in respect of the premises on behalf of the lessor or landlord or is authorised by the landlord or lessor to do so; and

“brothel” means a place where people of the opposite sex are allowed to resort for illicit intercourse, whether the woman is a common prostitute or not, and includes a common ill-governed or disorderly house.

174.—(1) Upon the conviction of the tenant, lessee, or occupier of a premises of knowingly permitting the premises, or a part of the premises, to be used as a brothel, the landlord or lessor shall be entitled to determine the lease or other contract without prejudice to the rights or remedies of a party to the lease or contract accrued before the date of the determination.

Determination of
tenancy.

(2) Where the landlord or lessor determines the lease or other contract of tenancy, the court which convicts the tenant, lessee or occupier shall have power to make a summary order for delivery of possession to the landlord or lessor.

(3) Where the landlord or lessor, after the conviction for an offence as described in sub-section (1) is brought to the notice of the landlord or lessor, fails to exercise the rights under sub-section (1), and the offence is again committed in respect of the premises subsequently during the subsistence of the lease or contract, the landlord or lessor shall be deemed to have knowingly aided or abetted the commission of the offence unless the landlord or lessor proves that all reasonable steps were taken to prevent the recurrence of the offence.

(4) Where the landlord or lessor determines a lease or other contract under the powers conferred by this section and subsequently grants another lease or enters into another contract of tenancy with or for the benefit of the same person without causing all reasonable provisions for the prevention of a recurrence of an offence to be inserted in the lease or contract, the landlord or lessor shall be deemed to have failed to exercise the rights of the landlord or lessor under this section, and an offence committed during the subsistence of the subsequent lease or contract shall be deemed, for the purposes of this section, to have been committed during the subsistence of the previous lease or contract.

Dancing in town
after midnight.

175.—(1) The occupier of a house or building in a town in which a dance is held after the hour of twelve midnight of any day shall, at least twelve hours before the commencement of the dance, apply for and obtain a permit to hold the dance from the Commissioner of Police or other chief officer of police of the district in which the house or building is situate.

(2) A member of the Police Department may enter into a house or building in which the dance is being held after the hour of twelve midnight and require the occupier to produce the permit to hold the dance for inspection.

(3) The failure to produce a permit to hold the dance request shall be deemed a failure to obtain a permit under sub-section (1).

(4) The occupier of a house or building, who holds a dance or permits a dance to be held in the house or building without obtaining a permit as required by this section, commits an offence and is liable on summary conviction to a fine not exceeding three hundred dollars.

(5) If, in the opinion of the Commissioner of Police or other chief officer of police, the holding of the dance will cause unreasonable annoyance or disturbance in the neighbourhood, the Commissioner of Police or other chief officer of police may refuse to grant the permit to hold the dance and the occupier may immediately appeal to the court in a summary manner.

(6) For the purposes of this section, “dance” includes any exhibition, performance, amusement, or other like entertainment at which any musical instrument is played and to which the public is admitted for payment.

176. A person who—

Circulation of or traffic in obscene objects.

- (a) for the purposes or by way of trade, or for distribution or public exhibition, makes or produces, or is in possession, or imports, conveys or exports, or causes to be imported, conveyed or exported, or in any manner puts into circulation, any obscene writing, drawing, print, painting, printed matter, picture, poster, emblem, photograph, cinematograph film or any other obscene object;
- (b) carries on or takes part in a business, whether public or private, concerned with an obscene matter or thing, or deals in any of them, or exhibits them publicly, or makes a business of lending them; or
- (c) advertises or makes known by any means in view of assisting in the circulation or traffic that a person engaged in any of the above act, or advertises or makes known how or from whom the obscene matter or thing may be procured directly or indirectly,

commits an offence and is liable on conviction to a fine not exceeding five hundred dollars or imprisonment for six months.

177.—(1) On proof upon oath before a magistrate or a justice of the peace that there is reasonable cause to suspect that an obscene matter or thing is kept in a house, shop, room or other place within the limits of the jurisdiction of the magistrate for any of the purposes mentioned in section 176, the magistrate or other justice of the peace may authorise, by warrant under the hand of the magistrate, a police officer to enter in the daytime, by force if necessary, the house, shop, room or other place, and to search for, seize, and take before the court any of the obscene matter or thing found in the house, shop, room or other place.

Power to search for, seize and destroy obscene objects.

(2) Upon a matter or thing which was seized under a warrant being brought before the magistrate, the court shall, if satisfied that the thing or matter is obscene, issue a summons requiring the occupier of the house, shop, room, or other place to appear before the court to show cause why the matter or thing should not be destroyed.

(3) Where the occupier or some other person claiming to be the owner of the matter or thing does not appear before the court or, if appears, fails to satisfy the court that the matter or thing was not being kept for an obscene purpose, the court shall order the matter or thing to be destroyed immediately.

(4) Notwithstanding sub-section (3), the court may stay the execution of the order in respect of a matter or thing that the court may consider to be preserved for use in further proceedings or, on application being made in that behalf by an interested party, the court may stay the execution pending further proceedings or application.

(5) Where the court is satisfied that a matter or thing seized under a warrant is not obscene or was not being kept for an obscene purpose, the court shall direct that the matter or thing be returned immediately to the house, shop, room or other place in which the thing or matter was seized.

Summary
proceedings
against persons
affixing, etc.,
indecent or
obscene pictures
or printed or
written matter.

178. A person who—

- (a) affixes to or inscribes on a building, hoarding, tree or any other thing so as to be visible to a person being in or passing along a street, public highway or footpath;
- (b) affixes to or inscribes on a public urinal;
- (c) delivers or attempts to deliver, or exhibits, to an inhabitant or to a person being in or passing along any street, public highway or footpath;
- (d) throws within the area of a house; or
- (e) exhibits to public view in the window of a house or shop, a picture or printed or written matter which is of an indecent or obscene nature,

commits a summary conviction offence.

Saving of certain
rights of
pathway.

179.—(1) No labourer or other person having or occupying a house or cottage, or a room in the house or cottage on a plantation or settlement, having an open path or road, or way generally used leading from a public way to that house, cottage or room, or the labourer's family, relations and visitors, shall be deemed a wilful trespasser, within the meaning of this Act, by reason of passing or re-passing along or upon the open path or road, or way generally used.

(2) Nothing in this Act shall be deemed or construed to take away or lessen an existing right of the owner of cattle, by the owner or the owner's servant, to pass on foot or on horseback on an unenclosed or uncultivated land in search and pursuit of their cattle, or an existing right of a person to pass in and over the land in pursuit of an animal *ferae naturae*, or a right of a legally qualified surveyor, labourers and servants of the surveyor, in the discharge of the surveyor's professional duty, after having given the usual notice of the intention to run lines or define boundaries, or any practice or right of a person *bona fide* traveller to encamp on the bank of a waterway and remain there for a limited period.

(3) Notwithstanding sub-section (2), no encampment shall take place on an enclosed or cultivated land.

PART IV

Civil Jurisdiction and Procedure

Sub-Part 1

Civil Jurisdiction

180.—(1) The court has jurisdiction to hear and determine—

Civil jurisdiction
of court.

- (a) a personal action for the recovery of a debt, demand or damage where the amount claimed, whether on balance of account or otherwise, does not exceed fifteen thousand dollars; and
- (b) an action for the recovery of a chattel or thing where the value of the chattel or thing does not exceed fifteen thousand dollars.

(2) The court shall not have cognisance of an action in which an incorporeal right, or the title to any real property, is or may be in question, or in which the validity of a devise, bequest, or limitation under a will or settlement is or may be disputed, or of an action for malicious prosecution, libel, slander.

(3) The court has jurisdiction where—

- (a) the defendant resides in the judicial district;
- (b) the breach of covenant occurred, or the cause of action arose wholly or in part; or
- (c) the chattel of thing, the subject-matter of the action, is in the judicial district.

181. The court has jurisdiction over an action for the recovery of a penalty, not exceeding fifteen thousand dollars, imposed by the rules of a body corporate, public body, institution, or other lawful society upon the members or subscribers of the body corporate, public body, institution, or other lawful society, for the infraction of the rules of any such body corporate, public body, institution, or other lawful society.

Jurisdiction as to
penalties
imposed by
corporate and
other bodies.

182.—(1) A plaintiff shall not divide a cause of action for the purpose of bringing two or more actions in the court.

Cause of action
not to be divided.

(2) A plaintiff who has a cause of action for more than fifteen thousand dollars, for which an action may be brought under this Act, may abandon the excess and shall immediately, in proving the case of the plaintiff, recover an amount not exceeding fifteen thousand dollars.

(3) The judgment of the court in an action under sub-section (2) shall be in full discharge of all demands in respect of the cause of action, and entry of judgment shall be made accordingly.

Jurisdiction
when action is
for balance of
account not
exceeding
\$15,000.00.

183. Where the amount claimed in an action consists of a balance not exceeding fifteen thousand dollars after an admitted set-off of a debt or demand claimed or recoverable by the defendant from the plaintiff, the court shall have jurisdiction to hear and determine the action.

Action by or
against an
executor.

184. An executor or administrator may sue or be sued in the court in similar manner as if the executor or administrator was a party in their own right, and judgment and execution shall be as would be given or issued in the High Court in similar cases.

Action by a
young person.
for wages.

185. A young person may prosecute an action in the court for a sum of money, not exceeding fifteen thousand dollars, which may be due to the young person for wages, piece work, or work as a servant, in the same manner and with the same liability to the payment of costs if the young person is unsuccessful in the action as if the person were of full age.

Procedure where
several persons
are jointly liable.

186.—(1) Where a plaintiff has a cause against two or more persons jointly answerable, it shall be sufficient if any one of them is served with process, and judgment may be obtained, and execution issued against the person who was served notwithstanding that others jointly liable may not have been sued or served or may not be within the jurisdiction of the court.

(2) A person against whom judgment has been obtained under sub-section (1) and satisfies that judgment is entitled to demand and recover, in the court, contribution from another person jointly liable with that person.

Sub-Part 2

Institution of Action

Commencement
of action.

187.—(1) An action in the court shall be commenced by the plaintiff lodging, with the clerk, a written statement of the cause of the plaintiff, referred to as a plaint in this Act, and as many copies of the plaint as there are defendants.

(2) The plaint shall state the names and last known places or abode of the parties and the particulars of the demand or cause of action of the plaintiff.

188. Where an action has been commenced, the clerk shall prepare and issue a summons, in the form set out in Schedule V, which shall be served on the defendant at least three days, or such greater number of days as may be prescribed, before the day on which the court in which the action is to be tried is to be held.

Issue of summons to defendant in civil action.
Schedule V.

189.—(1) No misnomer or inaccurate description of any person or place in any such plaint or summons shall vitiate it if the person or place is described in it so as to be commonly known.

Misnomer not to vitiate summons.

(2) Where the misnomer or inaccurate description appears to the court at the hearing to have deceived or misled the defendant, the court may make the necessary amendment and, if it is expedient to do so, adjourn the further hearing of the case upon terms the court deems fit.

190.—(1) Service of the summons to the defendant shall be made by leaving it, together with a copy of the plaint annexed to it, with the defendant personally or with an adult person at the residence of the defendant, or most usual place of abode, or at the place of business of the defendant, and explaining to that person the nature and importance of it.

Service of summons to defendant in civil action.

(2) Where it is proved upon oath to the satisfaction of the court that the defendant keeps out of the way or keeps the house of the defendant closed to avoid service of the summons, service shall be made by affixing the summons with a copy of the plaint on one of the doors of the residence of the defendant or of the last or most usual place of abode or place of business of the defendant.

191. Where a summons for the appearance of a defendant at court on a particular date has not been served, it may be lawfully served for the defendant's appearance at the court for a subsequent date not later than twelve months after the date on which the summons was issued.

Summons may be served within one year from date of issue.

192.—(1) Unless otherwise directed by the court or required by any rule, all defences shall be oral and may be raised at any stage of the proceedings prior to judgment.

Mode of procedure.

(2) Where the defendant relies on a set-off or causes to have the benefit of infancy or a statute of limitation, the plaintiff shall be entitled to an adjournment of the trial if the plaintiff satisfies the court that the plaintiff is taken by surprise by the defence.

193.—(1) The defendant may, at any time not less than two days before the hearing—

Payment into court by defendant.

(a) file a written consent to judgment upon which the clerk shall enter judgment for the amount of the cause and costs; or

(b) pay into the court the sum of money which the defendant may think as full satisfaction for the cause of the plaintiff, together with the costs incurred by the plaintiff up to the time of the payment.

(2) Notice of the filing of the consent or payment shall be communicated by the clerk to the plaintiff without delay by causing the notice to be delivered at the last or most usual place of abode of the plaintiff or at place of business of the plaintiff.

(3) The money paid into court under sub-section (1) shall be paid to the plaintiff without delay.

(4) Where the plaintiff elects to proceed and recovers no further sum in the action than has been paid into the court, the court may order the plaintiff to pay to the defendant the costs incurred by the defendant in the action after the payment.

Summonses for witnesses in civil action. Schedule V.

194.—(1) A party to an action or matter may obtain, from the clerk, summonses for witnesses, in the form set out in Schedule V, to appear at the hearing of the action or matter and give evidence or produce any books, deeds, papers, writings or articles in their possession or control.

(2) The provisions of this Sub-Part with respect to service of the summons to a defendant shall, *mutatis mutandis*, apply to service of a summons to a witness.

Witnesses not appearing or refusing to testify.

195.—(1) Where a person who has been served with a summons as a witness in a cause or matter, without sufficient cause, refuses or neglects to appear and give evidence, and produce any books, deeds, papers, writings or articles in the person's possession or control, in obedience to that summons, the court may issue a bench warrant for breach of summons to appear.

(2) Where the witness appears and refuses to testify, upon application by the prosecution, the court may declare the witness a hostile witness.

Mode of appearance.

196. A party to the proceedings may be represented by an attorney-at-law, or if the court deems fit, a relative, servant or agent of the party.

Procedure when plaintiff fails to appear or to prove case.

197.—(1) Where the plaintiff does not appear on the day of the hearing or at any adjournment and does not sufficiently excuse the plaintiff's absence, the action may be struck out and the court may award costs to the defendant.

(2) Where the plaintiff appears but does not make proof of the cause of the plaintiff to the satisfaction of the court, the court may nonsuit the plaintiff or give judgment for the defendant.

198.—(1) Where the plaintiff appears but the defendant does not appear on the day of the hearing or an adjournment, or the absence of the defendant is not sufficiently excused, or the defendant neglects to answer when called in court, the magistrate may, on due proof of service of the summons, proceed to the hearing and trial of the action on the part of the plaintiff only, and the judgment shall be as valid as if both parties had appeared.

Procedure when defendant fails to appear.

(2) The magistrate may, at the same or a subsequent sitting of the court, set aside the judgment given in the absence of the defendant, and execution of the judgment, and grant a new hearing upon the terms, if any, as to the payment of costs, giving security or otherwise, as the magistrate may think just on sufficient cause being shown to the magistrate for that purpose.

199.—(1) Where on the day of the hearing both parties appear and the defendant does not admit the cause, the magistrate shall read out the plaint to the defendant so that defendant may answer or defend the plaint and proceed to hear and determine the cause and give judgment without further pleading or formal joinder of issue.

Procedure when both parties appear.

(2) Unless the court expressly orders otherwise, the witness for both parties shall be called and placed out of court and out of hearing and, if the court deems fit, under charge of an officer of the court or some other person appointed by the court for that purpose.

(3) The court shall proceed to hear the plaintiff, a witness who the plaintiff may examine, and any other evidence that plaintiff may adduce in support of the plaintiff's cause, and also to hear the defendant, a witness who the defendant may examine, and any other evidence that the defendant may adduce in defendant's defence.

(4) The court shall hear a witness who the plaintiff may, with leave of the court, examine in reply.

(5) Subject to the powers of amendment in accordance with this Act, no evidence of a cause of action shall be given by the plaintiff on the hearing unless the cause of action is stated in the plaint.

(6) The magistrate shall, in every case, take notes in writing, or by audio or video recording, of the evidence, or of so much of the evidence, which is material to the case, in a book or by electronic means to be stored kept for that purpose, and the evidence shall be certified by the magistrate at the conclusion of each day's proceedings.

200.—(1) The plaintiff or the attorney-at-law for the plaintiff shall be entitled to address the court at the commencement of the case of the plaintiff and the defendant or the attorney-at-law for defendant shall be entitled to address the court of at the commencement or the conclusion of the case of the defendant as they may think fit.

Address in civil action.

(2) Where the defendant gives evidence or examines a witness, the plaintiff or the plaintiff's attorney-at-law may, with leave of the court, reply on the conclusion of the defendant's case.

Sub-Part 3

Giving Judgment, References and Transfers

Judgment on
conclusion of
hearing.

201. On the conclusion of the hearing, the court shall give its judgment in the cause at the same or at a subsequent sitting of the court and shall, if required by the plaintiff or defendant, give the reasons for the judgment in writing to the plaintiff or defendant, as the case may be.

Judgment in
action for
recovery of
chattel.

202.—(1) Where the plaintiff in an action for recovery of any chattel or thing establishes the plaintiff's cause, judgment shall be given for the delivery of the chattel or thing or for the payment of the value the chattel or thing as proved at the hearing.

(2) Subject to sub-section (1), the court may award additional damages as the justice of the case may require.

Reference of
matter of account
to the clerk.

203. The magistrate may, after deciding or reserving the decision on a question of liability, refer a mere matter of account which is in dispute between the parties to the clerk and, after deciding the question of liability, may, if the magistrate thinks fit, give judgment on the report of the clerk.

Reference to
arbitration in
certain cases.

204.—(1) The magistrate may, with the consent of both parties to an action, order the action, with or without other matters in dispute between the parties within the jurisdiction of the court, to be referred to arbitration in accordance with the Arbitration Act.

CAP.125.

(2) Upon reference, the court may specify the arbitrator or umpire.

(3) Subject to sub-sections (4) and (5), the reference shall not be revocable by either party, except with leave of the court, and the award of the arbitrator or umpire, as the case may be, shall be entered as judgment in the action and shall be as binding and effectual as if given by the court.

(4) The court may, with the consent of both parties, set aside any award given as stated in sub-section (3), revoke the reference, or order another reference to be made in the manner mentioned in sub-section (1).

(5) A party may appeal an award entered as the judgment of the court as in the case of a judgment given by the court.

Transfer of
action.

205.—(1) Where, on the hearing of an application for appeal of award, the court is satisfied, by a party to an action pending in the court, that the action can be more conveniently or fairly heard in some other judicial district of like jurisdiction, the court may order that the action be transferred to that court.

(2) Where the action is transferred, the clerk of the court in the judicial district in which the action was commenced shall immediately transmit, by post or otherwise, a certified copy of all the proceedings in the action to the clerk of the court in the judicial district to which the action is transferred.

(3) Upon receipt of the certified copy of all proceedings in an action, the court in the latter judicial district shall appoint a day for the hearing and the clerk of that court shall send a notice of the hearings, by post or otherwise, to all interested parties.

(4) Where an action is transferred, all proceedings in the action shall be taken in the judicial district as if the action had been commenced in the judicial district.

206.—(1) Where an action founded on contract or tort for the recovery of a penalty, expenses, contribution, or other similar demand, is commenced in the court, the defendant may, within the time as may be prescribed, give notice of the objection of the defendant to the action being tried in that court.

Transfer of actions of contract or tort to the High Court.

(2) Where notice is given in accordance with sub-section (1), the court may order that the action be transferred to the High Court if—

- (a) the defendant gives security approved by the court for the amount claimed and the costs of the trial in the High Court not exceeding the total sum of sixteen thousand dollars; and
- (b) the magistrate certifies that some important question of law or fact is likely to arise.

(3) An action transferred under this section shall be tried in the High Court in accordance with the summary procedure of the High Court.

207.—(1) Where an action is commenced in the court over which the court has no jurisdiction, the magistrate shall order the action to be struck out.

Action brought without jurisdiction.

(2) Where the action is struck out, the magistrate has power to award costs in a similar manner, to the same extent, and recoverable in a similar manner as if the court had jurisdiction over the action and the plaintiff had not appeared or had appeared and failed to prove the cause of the plaintiff.

208.—(1) Where a party sues another party in the court for a cause of action for which the party has already sued the other party and obtained judgment in the same or another court, proof that the former action was brought and judgment obtained may be given, and the party suing shall not be entitled to recover in the second action.

Second action for same cause.

(2) The magistrate may order the party suing for the second action to pay three times the costs of the second action to the other party.

Failure of
magistrate to
attend on day of
hearing.

209. A cause shall not lapse by reason of failure of the magistrate to attend on the day of the hearing or adjourned hearing, but in such case, the parties may again, on another day the magistrate deems fit, be brought before the court by an oral or written notification from the court.

Order for new
hearing.

210.—(1) Where the court is satisfied by an unsuccessful party to an action that the unsuccessful party was prevented by circumstances beyond the unsuccessful party's control from placing the case fully before the court at the first hearing of the action or that the judgment was obtained by fraud or other improper conduct on the part of the successful party, the court may order a new hearing of the action to be had upon the terms the court deems reasonable and, in the meantime, stay the proceedings in the action.

27 of 2022.

(2) Nothing in this section shall be construed to take away or affect any right of appeal under Sub-Part 7 of Part II of the Senior Courts Act.

Sub-Part 4

Court Costs, Execution etc., of Judgment

Costs in court.

211.—(1) The awarding of costs shall be in the discretion of the magistrate who has the power to award and apportion them in any manner the magistrate considers just.

(2) Where an action, counterclaim, or matter is ordered to be transferred—

- (a) from the High Court to the Magistrate Court;
- (b) from the Magistrate Court to the High Court; or
- (c) from one Magistrate court in a judicial district to another judicial district,

the costs of the whole proceedings, both before and after the transfer, shall, subject to an order made by the court which ordered the transfer, be in the discretion of the court to which the proceedings are transferred and shall be taxed in the court.

(2) The court to which the proceedings are transferred has power to make orders with respect to the costs of the whole proceedings and the scales under which the costs of the several parts of the proceedings are to be taxed.

(3) Execution may issue for recovery of the fees and costs of a party in similar manner as for the amount of any judgment.

(4) The court shall have power to refuse costs in whole or in part to either party.

(5) A party to an action may apply by summons to a judge of the High Court in chambers for review of the taxation by the court of any bill of costs in such action.

212. In any action, the magistrate may award, in addition to costs, attorney fees in the sum the magistrate thinks fit not exceeding three thousand dollars.

Attorney fees.

213. Where the court has given judgment for the payment of money, the amount shall be recoverable immediately in the case of default or failure of payment, or at the time and in the manner directed by the writ of execution against any good and chattel of the party against whom the judgment has been given.

Enforcement of judgment by execution.

214.—(1) Where the court has given judgment against a party for payment of any sum of money by instalments, execution upon the judgment shall not be issued against the party until after the party has defaulted in the payment of an instalment.

Execution in case of judgment for payment by instalments.

(2) Where the party has defaulted in the payment of an instalment under sub-section (1), execution may be issued for the whole sum of money and costs remaining unpaid, or for the portion the court may order at the time of giving judgment or at a subsequent time.

215.—(1) Where there are cross-judgments between the parties to an action, execution shall only be taken out by the party who obtained judgment for the larger sum and only for the amount that remains after deducting the smaller sum.

Execution in case of cross-judgments.

(2) Where execution is taken out by the party who obtained judgment for the larger sum in accordance with sub-section (1), satisfaction shall be entered for the remainder and on judgment for the smaller sum.

(3) If the two sums are equal, satisfaction shall be entered upon both judgments.

216. Upon an application by the party prosecuting the judgment, the clerk shall issue a writ of execution, in the form set out in Schedule V, to levy the amount due on the judgment and costs, and the costs incurred subsequent to the judgment.

Issue of writ of execution. Schedule V.

217.—(1) The clerk shall enter the precise time when an application was made to issue the writ of execution in the execution book and on the writ of execution.

Entry of time of application for writ.

(2) Where two or more writs are delivered to the bailiff to be executed, the bailiff shall execute them in the order of the times the writs were entered.

Endorsement on writ.

218. Upon a writ of execution, the clerk shall state the sum of money and costs adjudged together with the sums allowed by this Act as increased costs for the execution of the writ.

Power to stay execution.

219. Where it appears to the satisfaction of the magistrate that a party to an action is unable, from sickness or other sufficient cause, to pay and discharge the amount of a judgment or an instalment given against the party, the magistrate may suspend or stay the judgment given or execution issued in the action for a time and on any term as the magistrate deems fit until it appears that the cause of inability has ceased.

Terms of writ, etc.

220.—(1) A writ of execution shall be addressed to the bailiff and by the writ of execution, the bailiff shall be empowered to levy the sum of money as may be ordered and the cost of execution by seizure and sale of a good and chattel, money or note, cheque, bill of exchange, promissory note, bond or other security for money belonging to the person against whom execution has been issued wherever the good and chattel, money or note, cheque, bill of exchange, promissory note, bond or other security for money may be found in Belize.

(2) A bailiff executing a writ of execution in accordance with sub-section (1) shall not seize any wearing apparel and bedding of the person against whom execution has been issued or the person's family, or any tool and implement of the person's trade over the value of twenty-five dollars.

(3) A police officers shall aid in the execution of a writ of execution.

Mode of dealing with cheque, etc., levied on.

221.—(1) A bailiff shall immediately deliver to the magistrate a cheque, bill of exchange, promissory note, bond or other security for money which was seized under a writ of execution.

(2) Where the magistrate receives the cheque, bill of exchange, promissory note, bond or other security for money under sub-section (1), the magistrate shall hold the cheque, bill of exchange, promissory note, bond or other security for money as security for the amount directed to be levied by execution, or for the amount that has not been otherwise levied, for the benefit of the party on whose behalf the writ of execution was issued.

(3) When the time for payment has arrived, the party on whose behalf a writ of execution was issued may sue in the name of the party against whom the writ was issued, or in the name of any person in whose name the latter party might have sued, for the recovery of the sum secured or made payable.

Sale of goods and chattels seized.

222.—(1) A good or chattel taken under a writ of execution shall remain in the custody of the bailiff until sale and delivery to a purchaser.

(2) Where a good or chattel is of a perishable nature, the bailiff may, with the written consent of the party against whom the writ of execution has

been issued, sell the good or chattel at any time before the time at which the good or chattel would have been due to be sold.

(3) A good or chattel which was levied shall be set up for sale by public auction not less than five days but not more than ten days after the day on which the good or chattel was levied.

(4) Notwithstanding sub-section (3)–

- (a) the bailiff may, if unable to complete the sale due to insufficient time, adjourn the sale to any time not exceeding three days and so on as often as may be necessary; or
- (b) the magistrate may, if the magistrate deems fit, direct that the sale be postponed for any time not exceeding twenty-eight days after the good or chattel was levied.

(5) Subject to sub-section (6), where a good or chattel levied is apparently over five thousand dollars in value, the bailiff shall set it up for sale at the court in the judicial district in which the good or chattel was levied.

(6) The sale of the good or chattel shall take place between the hours of seven o'clock in the morning and three o'clock in the afternoon and the good or chattel set up for sale shall be sold to the highest bidder for ready money.

(7) Notice of the day and hour of the sale of an animal and any other good or chattel apparently over one hundred and fifty dollars in value which was levied shall be published in a newspaper of Belize not less than four days before the day of the sale and a copy of the notice shall be posted on the door of the court in the judicial district in which the animal, good or chattel was levied within that time.

(8) The bailiff shall act as an auctioneer for the purposes of execution sales under this Act and the provisions of the Auctioneers Act shall not apply to the bailiff when acting as an auctioneer.

CAP. 274.

223.–(1) The landlord of a house or other building in which a good was seized in execution may claim the rent of the house or other building at any time within five days from the date of the seizure or before the removal of the good by delivering a statutory declaration signed by the landlord or the landlord's agent to the bailiff executing the writ of execution.

Claim for rent in arrears.

(2) The statutory declaration under sub-section (1) shall state the amount of rent claimed in arrear and the time for and in respect of which the rent is due.

(3) Where a claim under sub-section (1) is made, the bailiff executing the writ of execution shall distrain the rent being claimed and the costs of the distress.

(4) The bailiff shall not sell any part of a good taken within five days after the distress unless it is of a perishable nature or the written consent of the party whose good was taken is obtained.

(5) The bailiff shall sell as much of the goods taken in execution as may satisfy—

- (a) first, the cost of, and incidental to, the sale; and
- (b) second, the claim of the landlord not exceeding the rent of—
 - (i) four weeks where the house or other building is let by the week;
 - (ii) two terms of payment where the house or other building is let for any other term less than one year; or
 - (iii) one year in any other case; and
- (c) lastly, the amount for which the writ of execution was issued.

(6) The surplus of proceeds of the sale, if any, and the residue of the goods taken shall be returned to the party against whom the writ of execution was issued.

(7) The fees and costs of the bailiff in respect of the distress shall be the same as would have been payable if the distress had been an execution of the court, and no other fees shall be demanded or taken in respect of the distress.

Priority of
executions
issuing out of the
High Court and
the Magistrate
Court.

224.—(1) Where a writ of execution against a good of a party has been issued out of the High Court and a writ of execution against a good of the same party has been issued out of the Magistrate Court, the right to a good seized shall be determined by priority of the time of the delivery of the writ of execution to the Registrar to be executed, or of the application to the clerk for the issue of the writ of execution to be executed.

(2) The Registrar shall, on demand, inform the bailiff, in writing signed by the Registrar, of the precise time of the delivery of the writ of execution.

(3) The bailiff shall, on demand, show the writ of execution to the Registrar or the Deputy Registrar.

(4) The writing purporting to be signed, and the endorsement on the writ of execution, shall be sufficient justification to the bailiff or Registrar or the Registrar's deputy acting on the writ of execution.

225.—(1) Where an application is made by or on behalf of a defendant before the hearing of any action to the effect that—

Stakeholder's
interpleader.
Schedule V.

- (a) the defendant does not claim an interest in the subject-matter of the action;
- (b) the defendant claims that the right to the subject-matter belongs to a third party who has sued or is expected to sue for the same; and
- (c) the defendant does not collude with the third party,

the court shall issue a summons, in the form set out in Schedule V, to the third party as the defendant in an action on a feigned issue in which the plaintiff in the original action shall be the plaintiff.

(2) Where the court issues a summons under sub-section (1), the court shall determine the action in a summary way and the judgment shall be final, subject to the right of any party to appeal the judgment, and in the meantime all proceedings in the original action shall be stayed.

226.—(1) Where a person desires to make a claim to a good or chattel levied by execution or to the proceeds or value of a good or chattel, the person shall make the claim to the court in the judicial district where the writ of execution was issued or to the court in the judicial district where the good or chattel was levied by execution.

Bailiff's
interpleader.

(2) Where a claim is made under sub-section (1), the court shall, on application of the bailiff who levied the execution or of the party on whose behalf the writ was issued, summon the party making the claim as the plaintiff, and the party on whose behalf a writ of execution was issued as the defendant, to appear before the court.

(3) Where the parties are summoned under sub-section (2), the court shall proceed to hear and determine the matter summarily as in an ordinary action, and the judgement between the parties shall be final, subject to the right of any party to appeal the judgment.

(4) The court has the same powers under this section and section 225 as in an ordinary action before the court and costs shall be apportionable and recoverable in a similar manner as in an ordinary action.

(5) The fees to be demanded in an interpleader action under this section shall be the fees chargeable and payable in an ordinary action as set forth in Table B of Schedule I.

Schedule I.

Deposit of value
of good levied.

227.—(1) Where a claim is made under section 226, the plaintiff may—

- (a) deposit with the bailiff—
 - (i) the amount of the value of the good levied to be paid into the court by the bailiff to abide the decision of the court upon the claim; or
 - (ii) the sum which the bailiff may be allowed to charge as costs for keeping possession of the good until the decision is obtained; or
- (c) give to the bailiff, in the prescribed manner, security for the value of the good levied.

(2) Where there is dispute on the value of the good levied under sub-section (1)(a)(i), the value shall be fixed by appraisalment.

(3) Where the plaintiff fails to do any action under sub-section (1), the bailiff shall sell the good as if the claim had not been made and shall pay, into the court, the proceeds of sale to abide the decision of the court.

Execution upon
real property.

228.—(1) If no good or chattel of the execution-debtor, with reasonable diligence, is found or if the good or chattel is insufficient to satisfy the judgment and the execution-debtor is the owner of real property, the execution-creditor may apply, by petition, to a judge of the High Court for an order for the sale of the real property in accordance with the provisions of Order 46 of the Supreme Court Rules.

(2) If the judge is satisfied by affidavit or otherwise that the execution-debtor has no good or chattel to satisfy the judgment but is the owner of real property, the judge may make an order directing that the real property be sold and upon the sale, all the provisions of Order 46 of the Supreme Court Rules relating to execution and sale of the real property of an execution-debtor shall apply and have effect as if the execution had originally been issued out of the High Court.

(3) The High Court shall grant title to any real property sold to the purchaser in similar manner as title is for the time being granted in respect of other execution sales.

Execution
against building.

229.—(1) For the purposes of executing a writ of execution, a house or other building belonging to the owner of the land on which the house stands shall be dealt with as real property and be leviable accordingly.

(2) Where a house or other building is on leased land, the estate of the owner of the house or other building in the land comprised within the lease shall be sold together with the house or other building and be dealt with as real property.

230. Where the execution-debtor, after levy and before the actual sale of a good and chattel or real property, pays or tenders to the bailiff or Registrar, as the case may be, the sum of money and costs mentioned in the writ of execution, or the part of the sum which the person entitled to agrees to accept in full satisfaction of the person's debt or damages and costs, together with the fees mentioned in the writ of execution, the execution shall be superseded and the good and chattel or real property of the party which is levied upon shall be discharged and released.

Payment of
amount after
levy.

231.—(1) Where an order of commitment under the Debtors Act has been made by the court or a warrant of attachment has been ordered by the court to be issued, the order or warrant shall be directed to the bailiff of the court, who shall be empowered to take the body of the person against whom the order has been made or warrant issued.

Order of
commitment.

CAP. 168.

(2) A peace officer within the jurisdiction of the peace officer shall aid in the execution of the order or warrant and the Superintendent or Keeper of every prison mentioned in the order or warrant shall be bound to receive and keep the person until the person is discharged under the provisions of this Act or otherwise in due course of law.

232. A bailiff in executing a writ of execution, and a person at whose instance the writ is executed, shall not be deemed a trespasser by reason of an irregularity or informality in a proceeding on the validity of which the writ depends, or in form of the writ, or in the mode of executing the writ, but the party aggrieved may bring an action against the guilty party for a special damage that the party may have sustained by reason of the irregularity or informality.

Effect of
irregularity in
proceedings.

PART V

Miscellaneous

233. A person who is dissatisfied with a decision of the court may appeal to the High Court subject to the conditions prescribed by the Senior Courts Act.

Appeals.
27 of 2022.

234.—(1) At the end of every month, the Chief Magistrate shall forward to the Registrar of the High Court, in a form which may be directed by the Chief Justice, a return of all convictions and sentences recorded and passed by the court during that month for consideration by a judge.

Cases decided by
the court.

(2) The return shall show the—

- (a) names of the complainant and the defendant;
- (b) date of issue of the process or of arrest;
- (c) offence for which the defendant was tried;

- (d) provision of the law under which the defendant was charged;
- (e) date of the conviction;
- (f) penalty imposed on the defendant; and
- (g) previous character of the defendant.

Powers of amendment.

235.—(1) The court may, at all times, amend all defects and errors in a proceeding in the court whether there is anything in writing to amend or not and whether the defect or error is that of the party applying to amend or not.

(2) An amendment may be made with or without costs and upon terms as the court may deem fit.

(3) An amendment which may be necessary for the purpose of determining the real question in controversy between the parties shall be made, if duly applied for.

Proceedings by or against officer of the court.

236. A civil or criminal proceeding by or against any officer of the court for an offence or matter cognisable by the court may be brought in the court in the adjoining judicial district and the court in the adjoining judicial district shall have full jurisdiction and power in the matter of the proceeding.

Process of magistrate valid throughout Belize.

237. A summons, warrant, order, judgment, or process or proceeding issued out of the court shall have full force and effect in, and may be executed or served at, any place within Belize, by the bailiff, a police officer or other constable, or by any other person specifically authorised to execute or serve them.

(2) A summons, warrant, order, conviction and recognisance and all other process of the court shall be issued or made under the hand of the magistrate.

Administration of oaths.

238.—(1) A magistrate and justice of the peace is authorised to administer an oath required to be taken before a magistrate in the exercise of the jurisdiction and power conferred upon the magistrate by this Act or any other law.

(2) The oath administered under sub-section (1) may be administered by the clerk under the direction and in the presence of the magistrate.

Affidavit by whom taken.

239. An affidavit to be used in the court may be sworn to before a magistrate or a justice of the peace.

Fees and costs. Schedule I.

240.—(1) The fees and costs set forth in the tables in Schedule I shall be demanded and received by the clerk for and in respect of the several matters mentioned in the tables and in the absence of the clerk, they shall be demanded and received by a magistrate.

(2) The fees and costs, or any of them, including amounts for service of process, may from time to time be annulled or altered by an Order of the Minister, and other fees and costs and amounts may in a similar manner be fixed and imposed.

(3) An Order made under sub-section (2) shall be published in the *Gazette* and shall take effect on the publication or on the day appointed in the Order.

(4) The fees and costs payable under this Act or under any Order pursuant to sub-section (2) shall be collected in the manner and form directed by the Minister.

241. In the case of an affidavit of service of process, no fee shall be payable on the execution of the affidavit, but the fee shall be payable as and when the affidavit is tendered in evidence.

Fees on affidavit of service.

242.—(1) The fees and costs payable under or by virtue of this Act shall in the first instance be paid by the party applying for the summons, warrant or other process or document, in respect of where they are payable, but they shall be costs in the cause or matter in which they are paid.

Prepayment of fees and costs.

(2) A fee shall not be payable in a case in which a magistrate or justice of the peace endorses on the plaint, information or complaint that the case is proper to be brought by a public body or officer prosecuting as concerning the public interest, or that it is a fit case for the remission of fees on account of poverty of the party, and in that case, the fees and costs shall, in the discretion of the magistrate, be recoverable from the other party if the decision is given against that other party.

(3) Court fees or fees payable to an officer of the court shall not be taken under the Schedule or any Order of the Minister made under section 240 if they are payable by any Government department, but they shall be taken as paid for the purpose of assessing any costs which the court directs to be paid.

243.—(1) A magistrate and clerk shall be subject to the laws, regulations and orders for keeping and auditing the public accounts of Belize, and for the guidance and control of public officers in charge of, or dealing with, public moneys.

Magistrate and clerk to be under audit regulations.

(2) The magistrate shall examine the books of account kept by the clerk and check all moneys in the possession of the clerk as often as the magistrate may be required to do so by the rules made under this Act.

(3) The magistrate shall confirm that all moneys received by the clerk have been duly paid over to the Accountant General or a person entitled to receive the money.

(4) If after examination the magistrate finds that the accounts are correct and that all moneys have been duly accounted for, the magistrate shall certify in the books of account.

(5) Where the magistrate fails to make the examination required under sub-section (2), the magistrate shall be responsible for all moneys not duly accounted for by the clerk, or not duly paid over by the clerk to the Accountant General or to the person entitled to receive the money.

Unclaimed
suitor's moneys.

244. All moneys belonging to suitors in the court which remains undrawn for a period of six months after their receipt shall be paid over by the magistrate to the Accountant General, who shall carry the moneys to an account to be styled "Magistrate Court Suitors' Moneys", and any sum of money appearing in that account shall be payable only on the written order of a magistrate.

Record book of
court.

245.—(1) The clerk shall keep a record book for the court and in the case of—

Schedule IV.

(a) a criminal proceeding, the clerk shall enter, in the form set out in Schedule IV, the number of the cause, the date of making the complaint, the name of the defendant and the defendant's age, the substance of the complaint, the law under which the cause is tried, the date of adjudication, and the costs; and

Schedule V.

(b) a civil action, the clerk shall enter, in the form set out in Schedule V, the number of the case, the date of lodging the claim, the date of issuing the summons, the name of the plaintiff, the name of the defendant, the substance of the claim, the date of judgement, and the costs.

(2) The record book may be kept physically or by electronic means.

(3) Where the court refuses to entertain or dismisses a complaint, the clerk shall enter the refusal or dismissal with the grounds of the refusal or dismissal in the record book.

(4) The clerk shall also keep an account, in a book belonging to the court or by electronic means, of all moneys paid into or out of court.

Register of
minutes of
orders.

246.—(1) The clerk shall keep, physically or by electronic means, a register of the minutes or memoranda of all the orders of the court and of any other proceedings directed by the Chief Magistrate to be registered, and with the particulars and in the form, from time to time, directed by the Chief Magistrate.

(2) The physical or electronic register and any extract from them certified by the clerk to be a true extract shall, in a proceeding in the court, be *prima facie* evidence of the truth of the matters stated in the register or extract.

247. A record book and register mentioned in sections 245 and 246 shall remain in the judicial district and in the custody of the clerk or shall be stored as directed by the Chief Magistrate.

Custody of records.

248. Subject to any rules, the forms contained in Schedules IV and V may, with variations and additions as the circumstances of the particular case may require, be used in the cases to which they respectively apply, and when used, shall be good and sufficient in law.

Use of forms in Schedules IV and V.

249.—(1) The Minister may appoint a committee consisting of three magistrates, one of whom shall be the Chief Magistrate, for the purpose of making rules—

- (a) regulating the practice and procedure of the court in matters not provided for by this or any other Act;
- (b) regulating the conduct of a hearing or trial before the court virtually;
- (c) directing that service of the court process may be done by electronic means; or
- (c) any other purpose which the committee considers necessary to give effect to this Act.

Rules of court.

(2) The Chief Magistrate shall be Chairperson of the committee.

(3) The rules made under this section shall be subject to the approval of the Minister.

250. The Chief Magistrate shall issue practice directions prescribing sentencing guidelines to provide for consistency in sentencing.

Practice directions.

251. When in any other enactment in force prior to the commencement of this Act, reference is made to the Summary Jurisdiction (Procedure) Act, or to the Summary Jurisdiction (Offences) Act, or to the District Courts (Procedure) Act, or to summary jurisdiction court, or to district court, that reference shall be deemed to be a reference to the Magistrate Court Act or the magistrate court, as the case may be.

Reference in other enactments.

252.—(1) The following Acts are repealed—

Repeal and
consequential
amendment.
CAP. 99.

(a) Summary Jurisdiction (Procedure) Act;

CAP. 98.

(b) Summary Jurisdiction (Offences) Act; and

CAP. 97.

(c) District Courts (Procedure) Act.

(2) The Inferior Courts Act is amended by repealing the—

CAP.94.

(a) provisions of Parts I, II, III, IV, V, and VI; and

(b) Schedule.

Transitional and
savings.

253.—(1) A decision lawfully made by a summary jurisdiction court, district court, or municipal court, which was in force and effect immediately before the commencement of this Act, and anything done by that court shall, so far as is consistent with this Act, continue to have force and effect after the commencement of this Act and the continuance shall have effect notwithstanding any change in the authorities empowered to do or effect the thing, and any orders, directions or instructions given by that court shall continue in force until they expire according to their terms or are revoked under this Act.

(2) A person who, prior to the commencement of this Act, is appointed as a magistrate or staff of court shall, on the commencement of this Act, continue to be a magistrate or staff of court, as the case may be, for the purposes of this Act.

CAP. 99
CAP. 98.
CAP. 97.
CAP. 94.

(3) Notwithstanding the repeal of the Summary Jurisdiction (Procedure) Act, the Summary Jurisdiction (Offences) Act, the District Courts (Procedure) Act, and certain provisions of the Inferior Courts Act, nothing in this Act shall affect any proceedings taken or a right which has accrued or a liability which has been incurred under the repealed Acts.

CAP. 99
CAP. 98.
CAP. 97.
CAP. 94.

(4) Every proceeding commenced under the Summary Jurisdiction (Procedure) Act, the Summary Jurisdiction (Offences) Act, the District Courts (Procedure) Act, and the Inferior Courts Act shall be continued and completed as if the proceeding had been commenced under this Act.

CAP. 99
CAP. 98.
CAP. 97.
CAP. 94.

(5) Notwithstanding the repeal of the Summary Jurisdiction (Procedure) Act, the Summary Jurisdiction (Offences) Act, the District Courts (Procedure) Act, and certain provisions of the Inferior Courts Act, all Regulations, By-laws, Rules, Orders, Practice Directions and other subsidiary laws made under the repealed Acts, shall, to the extent that they are not inconsistent with this Act, continue in force until repealed by Regulations, By-laws, Rules, Orders, Practice Directions and other subsidiary legislation made under this Act.

254.—(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 240]**Tables of Fees and Costs*

TABLE A

Fees and Costs payable in respect of Criminal Proceedings in a Magistrate Court

1. Upon issuing every summons to a witness (and for taking declaration of service of summons).....\$25.00 within city limits
\$50.00 outside city limits
2. For certified copies of, or extracts from, any proceedings or record,
for each folio (75 words)
.....\$2.00
3. For every recognisance to keep the peace or be of good
behaviour.....\$2.00
4. Court Interpreter.....\$50.00 per hour

TABLE B

Fees and Costs payable in respect of Civil Proceedings in a Magistrate Court

1. Upon issuing every summons to a witness (and for taking declaration of service.....\$25.00 within city limits
\$50.00 outside city limits
2. For every commitment.....\$10.00
3. For certified copies of, or extracts from, any proceeding or record, for each folio..... \$2.00
4. Mileage to be paid as a personal fee to the person serving or executing any process in respect of every mile actually and properly travelled in order to effect such service or execution, one way only as follows,
 - (a) to a bailiff, for every mile beyond the first mile from the Court House of the judicial district in which process is served or executed.....\$1.30
 - (b) to a police constable, for every mile beyond the first mile from the police station at which the police constable is, for the time being, satisfied.....\$1.30
 - (c) to a person other than a bailiff or police constable, specifically authorised, such sum, as with the approval of the magistrate, may be agreed upon between such person and the person at whose instance such process is served or executed not exceeding.....\$1.30
5. All incidental expenses of executing process, including keeping possession and sale.
6. Defendant's History\$10.00
7. Summary of facts, information and complaint.....\$10.00

8. Visa Letter	\$20.00
9. Cost of Court	\$10.00
10. Notes of Evidence for each folio	\$2.00

SCHEDULE II

[section 84]

Offences to which the defendant may plead Guilty by Letter

1. MOTOR VEHICLES AND ROAD TRAFFIC

- (a) Any offences against sections 25, 26, 27, 40, 46(2), 46(3), 48(2), 49(3), 52, 53, 54, 60, 65(2), 66, 67, 68, 80, 81, 86 and 106 of the Motor Vehicles and Road Traffic Act, Cap 230.
- (b) Any offences against the Motor Vehicles and Road Traffic Regulations.
- (c) Any offences against the Motor Vehicles and Road Traffic (Road Crossings) Regulations.
- (d) Any offences against the Bicycles Regulations.

2. DOGS

Any offence against sections 3, 9 and 10 of the Dogs Act, Cap.153.

3. SUMMARY OFFENCES

Any offence against section 166(1)(*xvii*), (*xviii*), (*xxx*) and (*xxxiii*) and section 167.

SCHEDULE III

*[sections 49 and 138]**Crimes Triable Summarily*

No.	Crime	Enactment	Section
1.	(a) Obtaining credit by fraud (b) Making or causing to be made gift, delivery, transfer of, or charge on, property (c) Concealing or removing property	Debtors Act (CAP. 168)	8
2.	Forgery of dies or stamps	Stamp Duties Act (CAP. 64)	11
3.	Post office employee opening or delaying delivery of packet, etc.	Post Office Act (CAP. 228)	34
4.	Stealing, etc., of postal packet	Post Office Act (CAP. 228)	35
5.	Stealing out of packet	Post Office Act (CAP. 228)	36
6.	(a) Stealing or unlawfully taking away packet, etc. (b) Stopping mail with intent, etc.	Post Office Act (CAP. 228)	37
7.	Stealing from postal packet	Post Office Act (CAP. 228)	38
8.	Handling mail bag or postal packet	Post Office Act (CAP. 228)	39

No.	Crime	Enactment	Section
9.	(a) Fraudulent retention or secretion of mail bag, etc. (b) Refusal to deliver up, etc.	Post Office Act (CAP. 228)	40
10.	Criminal diversion of letters from addressee	Post Office Act (CAP. 228)	41
11.	Accessories before the fact	Post Office Act (CAP. 228)	42
12.	Common Assault	Criminal Code (CAP. 101)	44
13.	Aggravated Assault	Criminal Code (CAP. 101)	45
14.	Abandonment of infant	Criminal Code (CAP. 101)	60
15.	Intentional Harm	Criminal Code (CAP. 101)	79
16.	Wounding	Criminal Code (CAP. 101)	80
17.	Grievous Harm	Criminal Code (CAP. 101)	81
18.	Use of deadly means of harm	Criminal Code (CAP. 101)	83
19.	Administering Noxious matter	Criminal Code (CAP. 101)	84
20.	Throwing, etc., at a train	Criminal Code (CAP. 101)	88
21.	Obstructing trains	Criminal Code (CAP. 101)	89
22.	Interference with signals, etc.	Criminal Code (CAP. 101)	90

No.	Crime	Enactment	Section
23.	Negligent wound or grievous harm	Criminal Code (CAP. 101)	94
24.	Negligence by person in charge of dangerous things	Criminal Code (CAP. 101)	95
25.	Theft	Criminal Code (CAP. 101)	146
26.	Burglary	Criminal Code (CAP. 101)	148
27.	Removal of articles from places open to the public	Criminal Code (CAP. 101)	150
28.	Taking motor vehicle or other conveyance without authority	Criminal Code (CAP. 101)	151
29.	Abstracting of electricity	Criminal Code (CAP. 101)	152
30.	Obtaining property by deception	Criminal Code (CAP. 101)	153
31.	Obtaining pecuniary advantage by deception	Criminal Code (CAP. 101)	156
32.	False accounting	Criminal Code (CAP. 101)	162
33.	Boundaries, documents and accounts	Criminal Code (CAP. 101)	167
34.	Removing goods to evade legal process	Criminal Code (CAP. 101)	168
35.	Handling stolen goods	Criminal Code (CAP. 101)	171
36.	Going equipped for stealing, etc.	Criminal Code (CAP. 101)	173

No.	Crime	Enactment	Section
37.	Forgery of passport	Criminal Code (CAP. 101)	178
38.	Forgery of other documents	Criminal Code (CAP. 101)	179
39.	Uttering false documents (with reference only to the crime mentioned in section 179 of the Criminal Code)	Criminal Code (CAP. 101)	180
40.	Claiming upon a forged document (with reference only to the crime mentioned in section 179 of the Criminal Code)	Criminal Code (CAP. 101)	181
41.	Possessing false documents (with reference only to the crime mentioned in section 179 of the Criminal Code)	Criminal Code (CAP. 101)	182
42.	Punishment for selling medals resembling current coin	Criminal Code (CAP. 101)	189
43.	Damaging current coin	Criminal Code (CAP. 101)	190
44.	Uttering damaged coin	Criminal Code (CAP. 101)	191
45.	Possession of counterfeited or incomplete notes	Criminal Code (CAP. 101)	195
46.	Forging hall-marks	Criminal Code (CAP. 101)	199
47.	Forging trade-marks	Criminal Code (CAP. 101)	200
48.	Riot	Criminal Code (CAP. 101)	226

No.	Crime	Enactment	Section
49.	Rioting with weapons	Criminal Code (CAP. 101)	227
50.	Unlawful assembly	Criminal Code (CAP. 101)	229
51.	Provocation of riot	Criminal Code (CAP. 101)	230
52.	Forcible entry	Criminal Code (CAP. 101)	234
53.	Forcible detainer	Criminal Code (CAP. 101)	235
54.	Provocation to fight	Criminal Code (CAP. 101)	236
55.	Threat of death or grievous harm	Criminal Code (CAP. 101)	238
56.	Written threats	Criminal Code (CAP. 101)	239
57.	Violence against judges, witnesses, etc.	Criminal Code (CAP. 101)	240
58.	Disturbance of lawful assemblies	Criminal Code (CAP. 101)	241
59.	Obstructing public officers	Criminal Code (CAP. 101)	242
60.	False statutory declarations and other false statements without oath	Criminal Code (CAP. 101)	252
61.	Deceit of courts	Criminal Code (CAP. 101)	260
62.	Fictitious suits	Criminal Code (CAP. 101)	261
63.	Keeping away witnesses	Criminal Code (CAP. 101)	262

No.	Crime	Enactment	Section
64.	Perverting the course of justice	Criminal Code (CAP. 101)	263
65.	Hindrance of inquests	Criminal Code (CAP. 101)	265
66.	Neglect to hold inquests	Criminal Code (CAP. 101)	266
67.	Exciting prejudice as to a trial	Criminal Code (CAP. 101)	268
68.	Refusal to aid officers	Criminal Code (CAP. 101)	273
69.	Compounding crime	Criminal Code (CAP. 101)	275
70.	Refusal of office	Criminal Code (CAP. 101)	281
71.	False pretence of officer	Criminal Code (CAP. 101)	282
72.	False declarations, etc., of office	Criminal Code (CAP. 101)	283
73.	Corruption, oppression and extortion	Criminal Code (CAP. 101)	284
74.	False certificates	Criminal Code (CAP. 101)	285
75.	Destruction, etc., of documents	Criminal Code (CAP. 101)	286
76.	Oppression by gaolers	Criminal Code (CAP. 101)	287
77.	Bribery of officers	Criminal Code (CAP. 101)	289
78.	Agreement for influencing officers	Criminal Code (CAP. 101)	290

No.	Crime	Enactment	Section
79.	Disturbance of elections	Criminal Code (CAP. 101)	294
80.	Corruption, intimidation and personation	Criminal Code (CAP. 101)	295
81.	Unlawful voting	Criminal Code (CAP. 101)	296
82.	Falsification, etc., of votes, etc.	Criminal Code (CAP. 101)	297
83.	False pretence of impediment to marriage	Criminal Code (CAP. 101)	319
84.	Disturbing markets, etc., by false news	Criminal Code (CAP. 101)	325
85.	Selling unwholesome food	Criminal Code (CAP. 101)	327
86.	Any offence under Bankruptcy Act,	Bankruptcy Act (CAP. 244)	

SCHEDULE IV

CRIMINAL FORM 1

IN THE MAGISTRATE COURT

[section 73]

Summons of Witness- Criminal Jurisdiction

Country: Belize

To Wit:.....

To:.....

In the country of Belize, WHEREAS Complaint was made before the undersigned, one of His Majesty's Justice of the Peace in and for the said Country, now said that,

..... onof.....20.., at
intentionally and unlawfully

“.....” contrary to section..... of the Act
Chapter... of the Substantive Laws of Belize, Revised Edition.....
And it has been made clear to appear to me upon Oath that you were likely
to give material evidence on behalf the Prosecution in this behalf.

These summons are therefore to require you to be and appear on
theof20.. at
at.....located at.....at
Court Room.....- before the Justice of the Peace of Belize, to testify
what you shall know concerning the complaint.

Given under my hand and seal this of 20...
at.....in Belize.

.....
Magistrate / Justice of the Peace

Note:

(1) if without reasonable excuse you fail to appear in pursuit of this summons, upon proof of duly service, you may be arrested for disobedience of summons under section.... of this Act

*(2) Kindly visit Prosecution Branch Office, located at.....
for briefing at on your court date.*

CRIMINAL FORM 2

IN THE MAGISTRATE COURT

*[section 245(a)]**Record Book of Magistrate Court- Criminal Jurisdiction*

BELIZE.

In the	Magistrate Court.
	No. of cause
	Date of making complaint
	Date of issuing summons
	Name of Defendant
	Age of Defendant
	Substance of complaint
	Law under which cause is tried
	Date of adjudication
	Costs
	Remarks

[section 188]

Note.- Summonses for witnesses and for the production of documents by them will be issued upon application at the office of the Magistrate, upon payment of the proper fee.

Endorsement on Summons

This summons was served at on the day
of (*state mode of service and when*) and I
moreover told the defendant that the defendant was to appear
on the day of 20 , before the
Magistrate Court.

Sworn to this

day of

20 ,

etc., before me

Bailiff or Police Officer,

(as the case may be).

N.B.-This original summons is to be returned by the person effecting service immediately after service into the Magistrate Court from where it was issued.

The Defendant shall be served three clear days at least before the sitting of the Court as stated within, but the service, though it may be short service for the day named in the writ, shall hold good for the first subsequent sitting of the Court.

Provided that service shall be effected within one year after process issued.

[section 194]

Magistrate.

CIVIL FORM 3

IN THE MAGISTRATE COURT

[section 216]

Writ of Execution

BELIZE

In the Magistrate Court.

Plaintiff.

vs.

Defendant.

TO , Bailiff of
the Court.

WHEREAS on the day of , 20,
judgement was obtained by against
for the sum of together with costs:

This is therefore to authorise you to levy the same, with all subsequent costs as allowed by the Magistrate Court Act, on the goods and chattels (except the bedding and wearing apparel of the Defendant or the Defendant's family, and the tools and implements of the Defendant's trade to the value of twenty-five dollars) the said sum stated at the foot of this writ together with the costs of this execution, and to pay the same to the Clerk of this Court, and make return under this writ immediately upon the execution.

DATED this day of , 20 .

Magistrate.

Interpleader Summons to Third Party

Magistrate.

[section 226]

Magistrate.

CIVIL FORM 6

IN MAGISTRATE COURT

[section 226]

*Interpleader Summons to Party on whose behalf Execution
is Issued*

BELIZE

In the Magistrate Court.

Plaintiff.

vs.

Defendant.

TO of

TAKE NOTICE that
, of , has by notice
in writing dated the day of , 20
, and addressed to , Bailiff of the said
Court made claim to certain goods and chattels taken in execution under a
writ of execution issued by the said Court and bearing date the
day of 20 , in an action in which you are the plaintiff
and is the defendant and that the said
has made an application to the said Court to summon before it and hear the
allegations of the party making the claim as well as the party at whose
instance the writ of execution was issued:

This is therefore to require you to be an appear at o'clock in
the noon on day of on the day
of 20 , at before the said Court
to do all matters and things touching the premises by law required of you.

DATED this day of , 20 .

Magistrate.

CIVIL FORM 7

IN THE MAGISTRATE COURT

*[section 245(b)]**Record Book of Magistrate Court- Civil Jurisdiction*

BELIZE.

In the	Magistrate Court.
	No. of case
	Date of lodging claim
	Date of issuing summons
	Name of Defendant
	Name of Plaintiff
	Substance of claim
	Date of judgment
	Minute of judgment
	Costs
	Judgment if satisfied
	Remarks