



BELIZE

**CERTIFIED INSTITUTIONS
(CHILDREN'S REFORMATION) ACT
CHAPTER 121**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-	Page
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Amendments in force as at 31st December, 2000.	



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CHAPTER 121

**CERTIFIED INSTITUTIONS
(CHILDREN'S REFORMATION)**

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SCHEDULE

CHAPTER 121**CERTIFIED INSTITUTIONS
(CHILDREN'S REFORMATION)**

Ch. 157,
R.L., 1958.
CAP. 243,
R.E. 1980-1990.
40 of 1963.
20 of 1978.
14 of 1982.
22 of 1987.
S.I. 17 of 1964.

[15th July, 1939]

Short title.

1. This Act may be cited as the Certified Institutions (Children's Reformation) Act.

Interpretation.

2. In this Act, unless the context otherwise requires:-

“certified institution” means a home, school or other place which is certified in accordance with this Act and the management of which has agreed to accept the custody and care of children sent to such home, school or other place under a detention order issued under this Act;

“court” includes the Supreme Court or any court of summary jurisdiction;

40 of 1963.

“detention order” means an order in writing made by the Minister or a court order under this Act by which a child is ordered to be sent to and detained in a certified institution;

“guardian” includes any person who, in the opinion of the court having cognizance of any case in which a child is concerned, has for the time being the charge of or control over such child;

“manager” means the person for the time being in charge of a certified institution.

3. It shall be lawful for the Minister to purchase, lease or otherwise acquire and hold any land or building which may be necessary for the purpose of establishing a certified institution and to sell, assign, or otherwise dispose of any such land or building. Land, etc., for certified institution.
4. The Minister, if satisfied with the condition of an institution and its fitness for the reception of children, may certify that such institution is fit for the reception of children to be sent there in pursuance of this Act. Certification of institutions. 40 of 1963.
- 5.-(1) The Minister, if dissatisfied with the condition, management or superintendence of a certified institution may, at any time, by notice served on the manager of the institution, declare that the certificate of the institution is withdrawn as from a date specified in the notice, being not less than six months after the date of the notice, and at that specified date the withdrawal of the certificate shall take effect, and the institution shall cease to be a certified institution. Power of Minister to withdraw certificate.
- (2) The Minister may, if he thinks fit, instead of withdrawing the certificate, by notice served on the manager of the institution, prohibit the admission of children to the institution for such time as may be specified in the notice or until the notice is revoked.
6. The manager of a certified institution may on giving six months' notice, and the executors or administrators of a deceased manager of a certified institution may on giving one month's notice, in writing to the Minister of their intention to do so, resign the certificate for the institution, and, accordingly, at the expiration of six months or one month, as the case may be, from the date of the notice, unless before that time the notice is withdrawn, the resignation of the certificate shall take effect, and the institution shall cease to be a certified institution. Resignation of certificate by manager.
- 7.-(1) No child shall be received into a certified institution in pursuance of this Act after the date of the receipt by the manager of the institution of a notice of withdrawal of the certificate for the institution or after the date of a Effect of withdrawal or resignation of certificate.

notice of resignation of the certificate.

(2) Notwithstanding subsection (1), the obligation mentioned in section 11 of the manager to lodge, feed, care for and instruct any children detained in the institution at the respective dates aforesaid shall, except so far as the Minister otherwise directs, continue until the withdrawal or resignation of the certificate takes effect, or until the discontinuance of payments under rules made under this Act towards the expenses of the children detained in the institution, whichever may first happen.

Disposal of inmates on withdrawal or resignation of certificate.
40 of 1963.

8. When an institution ceases to be a certified institution, the children detained therein shall be, by order of the Minister, either discharged or referred to some other certified institution.

Publication of grant, etc., of certificate.

9. A notice of the grant of a certificate to an institution, or of withdrawal or resignation of such a certificate, shall within one month be published in the *Gazette*.

Official visitors.
14 of 1982.

10.-(1) Each magistrate shall be *ex officio* an official visitor to any certified institution within his district, and the Minister may appoint annually other official visitors for any certified institution.

4 of 1963.

(2) The members of the National Assembly shall be official visitors to certified institutions.

Duties of manager.

11.-(1) The manager of a certified institution in which a child is detained under a detention order shall have the custody and care of, and the power and authority of a parent over, such child, and shall-

(a) be responsible for seeing that the child is properly lodged, fed, cared for, and instructed;

(b) permit the official visitors or any person authorised by

the Minister in writing at any time to enter and inspect the buildings in which such child is lodged or instructed and to see and question the child either alone or in the presence of an officer of the institution;

- (c) forthwith notify the nearest magistrate and the Permanent Secretary, in the event of the death of the child or of the child leaving the institution whilst his detention order is in force; S.I. 17 of 1964.
- (d) keep and produce for inspection whenever required by an official visitor or any person authorised by the Minister in writing, all detention orders in force relating to children sent to such certified institution; and
- (e) not remove the child from the place to which he has been sent under the detention order, except with the consent of the Minister. 40 of 1963.

(2) If the manager contravenes or fails to comply with this section he shall be guilty of an offence and on conviction thereof be liable to a fine not exceeding two hundred and fifty dollars.

12.-(1) The manager of a certified institution may at any time, and shall, whenever so required by the Minister, make rules for the management and discipline of the institution. Power to make rules.

(2) All rules so made shall in all cases be subject to the approval of the Minister.

13.-(1) The production of the *Gazette* containing a notice of the grant, or of the withdrawal or resignation, of a certificate to a certified institution shall be sufficient evidence of the fact of a certificate having been duly granted to the institution named in the notice, or of the withdrawal or resignation of such Evidence of documents.

certificate.

(2) A certified institution to which any child is directed to be sent in pursuance of this Act shall, until the contrary is proved, be deemed to be a certified institution.

Detention Orders

Children under sixteen convicted and liable to imprisonment may be sent to an institution.

14. Where a child, who in the judgment of the court before whom he is charged, is apparently under the age of sixteen years and is convicted on indictment, or in a summary manner of an offence punishable in the case of an adult with imprisonment, the court may *in lieu* of sentencing him according to law to any other punishment, order that he be sent to an institution and be there detained.

Age at which magistrate may order child to be sent to an institution.

15. Where a child apparently under the age of sixteen years is charged before a court of summary jurisdiction with an offence punishable by such court and the child ought, in the opinion of such court, regard being had to his age and the circumstances of the case, to be sent to a certified institution, such court may order him to be sent to such institution and there detained.

Sending to an institution of refractory child under sixteen years.

16. When the parent or guardian of a child apparently under the age of sixteen years represents to the magistrate that he is unable to control the child, and that he desires that the child be sent to a certified institution under this Act, the magistrate, if satisfied on inquiry that it is expedient so to deal with the child and that the parent or guardian understands the results which will follow, may order such child to be sent to such institution and to be there detained.

Minister may transfer prisoner under sixteen years of age to an institution.

17. The Minister may order any child apparently under the age of sixteen years who is undergoing a sentence of imprisonment, in any prison in Belize, to be removed and taken to a certified institution, and the child shall be there detained for such period of time as the detention order shall specify and be subject to all the provisions of this Act as if he had been originally

ordered to be detained at a certified institution.

18.-(1) The order of the Minister or a court by which a child is ordered to be detained in a certified institution shall be specified in the form of the Schedule, or to the like effect.

Form of
detention order.
Schedule.

(2) No such order shall specify the period during which the child is to be so detained.

(3) Every child ordered by the Minister or by a court under this Act to be detained at a certified institution, shall be so detained and dealt with in accordance with the Act until such time as the Minister may order his discharge therefrom, but in no case shall any child be detained at a certified institution beyond the age of eighteen years.

19.-(1) The person by whom any child ordered to be sent to a certified institution is detained shall at the appointed time deliver him into the custody of the constable or other person responsible for his conveyance to the institution, who shall deliver him to the person in charge of the institution together with the detention order.

Conveyance to
an institution.

(2) The detention order in pursuance of which the child is sent to the institution shall be a sufficient authority for his conveyance and detention in the institution.

20. An order of a court ordering a child to be sent to and detained in a certified institution may, if the court thinks fit, be made to take effect either immediately or at any later date specified therein.

Operation of
order may be
deferred.

21. If-

(a) a detention order is made but is not to take effect immediately; or

Power of court to
make detention
order in certain
cases.

- (b) at a time specified for the order to take effect the child is unfit by reason of any disease or other physical defect or injury to be sent to an institution,

the court may make an order committing him either to the custody of a relative or other fit person or to be detained in a public hospital or prison and he shall be so kept in custody or be detained accordingly until he is sent to the institution in pursuance of the detention order.

Administration

Children may live outside a certified institution under licence.
40 of 1963.

22.-(1) The manager may at any time, with the sanction of the Minister, by licence in writing, permit any child to live outside the institution with any trustworthy and respectable person named in the licence, who is willing to receive, teach, train and take charge of him.

(2) Any licence so granted shall not be in force for more than six months, but may, before the expiration of the six months, be renewed for a further period not exceeding six months, to commence from the expiration of the previous period of six months, and so from time to time until the child shall be lawfully discharged from the institution or the licence be revoked by the Minister.

(3) The Minister may at any time by order in writing revoke any such licence, and order the child to return to the institution.

(4) At the termination of a licence for any cause whatever, and provided that the child has not reached the age of eighteen years, he shall be returned to the institution to be there detained.

(5) Any child running away from the person with whom he is placed under a licence as mentioned in subsection (1) or refusing to return to the institution on the revocation or expiration of his licence shall be liable to the same penalty as if he had run away from the institution itself.

(6) The time during which a child is absent from an institution in pursuance of a licence under this section shall be deemed to be part of the time of his detention in the institution.

(7) Where a licence has been revoked or has expired and the child refuses or fails to return to the institution, a court of summary jurisdiction, if satisfied by information on oath that there are reasonable grounds for believing that his parent or guardian or any other person could produce the child, may issue a summons requiring the parent, guardian or other person to attend at the court on such day as may be specified in the summons and to produce the child.

(8) If such parent, guardian or other person, without reasonable excuse, fails to do so, he shall, in addition to any other liability to which he may be subject under the provisions of this or any other Act, be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred and twenty-five dollars.

23. The manager may, with the consent of the child concerned, bind any child ordered to be detained in the institution as an apprentice to any trade, calling or service until he completes the age of eighteen years, and every such binding shall be valid and effectual to all intents and purposes.

Power to apprentice child in an institution.

24. Every indenture of apprenticeship entered into under this Act shall, after approval of its terms by the Minister, be executed by the manager, by the child to whom it relates and by the person such child agrees to serve, and shall contain provisions to the following effect-

Provisions which every indenture of apprenticeship shall contain. 40 of 1963.

(a) a provision binding the child to do and render the work, labour and services of the nature and extent therein described;

(b) a provision binding his employer to pay him the rate of

remuneration or wages therein specified, and also to supply him free of charge with food, lodging and clothing, and with medical aid and medicine, whenever necessary;

- (c) an agreement that the indenture shall be enforceable and proceedings may be taken in respect of any breach thereof in the district court of the district of Belize to which the child is going:

Provided that the court to which any complaint is made by either party to such indenture may, *in lieu* of enforcing it, terminate the contract on such terms as it thinks best;

- (d) a provision binding the employer to furnish the manager with any information as to the condition of the child which may be asked for by such person either in person or by letter, and to permit such person or any person authorised by him in writing to visit the child at any time during the day;
- (e) a statement of the duration of the contract; and
- (f) such other provisions not contrary to this Act as may be required or approved by the manager.

Period of apprenticeship deemed part of term of detention at an institution.

25. At the termination of an indenture made under this Act for any cause whatever, the child shall be returned to the institution to be there detained, if he has not attained the age of eighteen years.

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| <p>26. If any child apprenticed under this Act misconducts himself or runs away from the person to whom he is apprenticed, he shall be deemed to have run away from the institution and be liable to the same punishment as if he had actually so run away.</p> | <p>Punishment of children under apprenticeship misconducting themselves, etc.</p> |
| <p>27. The Minister may at any time order any child to be discharged from an institution, either absolutely or on such conditions as the Minister may approve, and the child shall be discharged accordingly.</p> | <p>Power of the Minister to discharge children from an institution.
40 of 1963.</p> |
| <p>28. No child who has, to the knowledge of the manager, attained the age of eighteen years shall be detained in an institution.</p> | <p>Discharge of child attaining eighteen years.</p> |
| <p>29.-(1) When the exact age of any child subject or likely or alleged to be subject to this Act is unascertainable, it shall be sufficient for all purposes of this Act to ascertain the approximate age of the child.</p> | <p>As to the ascertaining of a child's age.</p> |
| <p>(2) A person acting <i>bona fide</i> under this Act shall not be liable in any action for any act done thereunder where the plaintiff claims damages upon the ground that he was either over or under a certain age when the act complained of was done.</p> | |
| <p>(3) The age of a child shall be determined at the time of his entry into an institution, either by the court or by the manager in consultation with the parent or guardian of the child, and the age then determined shall be taken to be the age of such child during the whole term of his residence at the institution unless legal documentary evidence be produced to prove that his age is otherwise.</p> | |
| <p>30. A certificate purporting to be signed by the manager to the effect that the child therein named was duly received into and is, at the signing thereof, detained in the institution, or has been duly discharged or removed therefrom,</p> | <p>Evidence as to reception in and discharge from an institution.</p> |

or otherwise disposed of according to law, shall be evidence of the matters therein stated.

Protection of employees in an institution.

31. Every officer of a certified institution who is in charge of any child sent to the institution under this Act for the purpose of conveying him to or from the institution or of bringing him back to the institution in the case of his running away or refusing to return, shall for such purpose, and while engaged in such duty, enjoy the same powers, privileges and protection as any police or prison officer has or enjoys under any Act.

Rules.

32. The Minister may make rules with respect to-

40 of 1963.

(a) the determination of the sums or allowances to be from time to time paid or made out of moneys voted by the National Assembly for the upkeep and the expenses incidental thereto of any certified institution;

(b) the allowances to be from time to time made out of moneys voted by the National Assembly for the maintenance and support of children detained in any certified institution including the expenses of removal in the case of any child to be transferred from one institution to another and the expenses attendant upon dealing with children under this Act;

(c) all such other matters and things as may appear necessary or expedient for effectually carrying into operation the provisions of this Act;

(d) the forms to be used for the purposes of this Act.

Saving.
CAP. 119.

33. This Act shall be in addition to and not in derogation of any of the provisions of the Juvenile Offenders Act.

Offences and Penalties

34.-(1) If any child detained in a certified institution is guilty of-

Wilful breach of rules.
20 of 1978.

- (a) running away therefrom at any time before the expiration of his period of detention; or
- (b) any serious or wilful breach of the rules of the institution; or
- (c) inciting other inmates by his behaviour to break such rules; or
- (d) becoming so uncontrollable as to be a menace to the good order and discipline of the institution,

he shall be brought before a court of summary jurisdiction upon a complaint by the manager and be liable on summary conviction to have the period of his detention in the institution increased by any period not exceeding six months.

(2) If any such child is of the age of sixteen or upwards, he shall be liable to be imprisoned for a term not exceeding six months and if sentenced to such imprisonment the unexpired portion of his period of detention shall thereupon be remitted.

35. If any person-

Offences.

- (a) knowingly assists, either directly or indirectly, a child detained in an institution to run away therefrom; or
- (b) directly or indirectly induces any child to run away from an institution; or
- (c) knowingly harbours, conceals or prevents from returning

to an institution or assists in harbouring, concealing or preventing from returning to the institution any child who has run away therefrom,

he is guilty of an offence and is liable on summary conviction to be imprisoned for a term not exceeding three months, or to a fine not exceeding two hundred and fifty dollars.

Procedure

Summonses, notices or orders not invalidated for want of form.

36. No summons, notice or order made for the purpose of carrying into effect this Act shall be invalidated for want of form only.

Service of notices.

37. Service of notice may be made on a certified institution by delivery of it to the manager personally or by posting it in a letter addressed to the institution.

Evidence as to child being detained in the institution.

38. The production of the detention order in pursuance of which a child is directed to be sent to and detained in a certified institution, with a statement endorsed thereon or annexed thereto, purporting to be signed by the manager, that the child mentioned therein is, at the date of the signing thereof detained in the institution, or has been otherwise dealt with according to law, shall, in all proceedings relating to such child, be evidence of the identity of, and of the due making of the order and subsequent detention of, the child named in the order or other document.

SCHEDULE

[Section 18]

Detention Order

BELIZE

Be it remembered that on the _____ day of _____, 20____, in pursuance of the provisions of the Certified Institutions (Children's Reformation) Act, I, the Undersigned, CAP. 121.

being the _____ do order that _____ being a child apparently of the age of _____ years, and subject to the provisions of the said Act, be sent to _____ and that he be there detained and dealt with in accordance with the provisions of the said Act.

This Order shall take effect from the _____ day of _____, 20____. **GIVEN** under my hand at _____ on the _____ day of _____, 20____.

Minister.
Judge.
Magistrate.