



**BELIZE**

**CRIME CONTROL AND CRIMINAL JUSTICE ACT  
CHAPTER 102**

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**CHAPTER 102**

**CRIME CONTROL AND CRIMINAL JUSTICE**

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## CHAPTER 102

## CRIME CONTROL AND CRIMINAL JUSTICE

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 18 of 1998.  
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 S.I. 32 of 1993.  
 S.I. 10 of 1994.  
 S.I. 48 of 1994.  
 S.I. 14 of 1995.  
 S.I. 81 of 1998.

*[4<sup>th</sup> March 1993]*

## PART I

*Preliminary and Suppression of Criminal Gangs*

Short title and interpretation.

**1.**—(1) This Act may be cited as the Crime Control and Criminal Justice Act.

(2) In this Part, unless the context otherwise requires,

“criminal gang” means an organisation or association or combination of persons which is formed for, or which acquires, the purpose of committing or facilitating the commission of any of the offences set out in section 5(2) of this Act; and any such organisation or association or combination of persons shall be treated as a gang whether or not it has other objects or purposes.

Membership etc., of criminal gangs.

**2.**—(1) Subject to subsection (3) of this section, a person is guilty of an offence if he knowingly,

- (a) belongs or professes to belong to a criminal gang;
- (b) solicits or invites support for a criminal gang; or

- (c) arranges or assists in the arrangement of, or addresses, any meeting of three or more persons (whether or not it is a meeting to which the public are admitted) knowing that the meeting is,
  - (i) to support a criminal gang; or
  - (ii) to further the activities of a criminal gang.

(2) A person guilty of an offence under subsection (1) of this section, shall be liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

5 of 2008.

(3) A person belonging to a criminal gang is not guilty of an offence under this section by reason of belonging to a criminal gang if he shows,

- (a) that he became a member when it was not a criminal gang under this Act; and
- (b) that he has not since this Act came into force, taken part in any of its activities.

**3.-**(1) Any person who in a public place,

- (a) wears any item of dress; or
- (b) wears, carries or displays any badge, label, insignia or article,

Display of support  
in public.  
26 of 1992.  
5 of 2008.

with the intention of displaying his membership of, or support for, a criminal gang, is guilty of an offence and liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

(2) In this section “public place” includes any highways and any premises to which at the material time the public have, or are permitted to have, access, whether on payment of a fee or otherwise.

Forfeiture of  
property.  
26 of 1992.

**4.**—(1) Subject to the provisions of this section, the court by or before which a person is convicted of an offence under this Part may, in addition to any other penalty, order the forfeiture of money or other property which, at the time of the offence, he had in his possession or under his control provided it is shown that he had such property for the use or benefit of a criminal gang.

(2) Where a person other than the convicted person claims to be the owner of or otherwise interested in anything which can be forfeited by an order under this section, the court shall, before making such an order in respect of it, give him an opportunity to be heard.

Power of DPP to  
investigate gang-  
related criminal  
activities.  
26 of 1992.

**5.**—(1) If the Director of Public Prosecutions has any information suggesting the occurrence or threatened occurrence of any gang-related crime, or any conspiracy to commit such a crime, or any other information or material touching on the detection and prosecution of gang-related offences, he may appoint a Committee of Inquiry consisting of one or more (but not more than three) members, and authorising such a Committee to inquire into any of the matters mentioned in subsection (2) of this section.

(2) A Committee appointed under this section may be authorised to investigate any of the following matters,

- (a) offences under the Misuse of Drugs Act; Cap. 105;
- (b) drug-related killings or other crimes of violence;
- (c) offences under the Firearms Act, Cap. 143;
- (d) kidnappings and blackmail;
- (e) conspiracy to commit robberies.

(3) A Committee appointed under this section shall hold its sitting *in camera*.

(4) The evidence taken by a Committee appointed under this section and the record of its proceedings shall not be admissible in any court of



law save and except on a charge or perjury or contempt of court arising out of any sworn testimony given by any person before the Committee,

Provided that before any person gives evidence at any such inquiry, the Committee shall warn him that any false evidence given by him may lead to a charge of perjury against him.

(5) No person giving evidence before a Committee of Inquiry appointed under this section shall be compelled to disclose any matter which would tend to incriminate him, unless he has been given a written guarantee of immunity from prosecution for any such thing said by him before the Committee.

(6) Subject to the foregoing provisions of this section, the Attorney General may, after consultation with the Director of Public Prosecutions, make regulations governing the powers and procedures of a Committee of Inquiry appointed under this section, including, but not limited to, the summoning and swearing of witnesses, the penalties on witnesses for failing to attend at the inquiry or to give evidence or to produce documents, the payment and protection of witnesses, and all consequential and other matters necessary to give effect to the provisions of this section.

(7) Any regulations made by the Attorney General pursuant to subsection (6) of this section, shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution by both Houses of the National Assembly.

**6.–(1)** Subject to the provisions of this section, any person who has an article to which this section applies with him in a public place,

(a) between the hours of 8:00 pm and 5:00 am;

(b) at anytime in a gathering of people for political, social, sporting, cultural or other activities is guilty of an offence.

(2) This section applies to any article,

Offences of having article with blade or point in public place.  
28 of 1994.

- (a) which has a blade or is sharply pointed, except a folding pocket knife the cutting edge of which does not exceed three inches; or
- (b) which amounts to an offensive weapon as defined in this section.

(3) It shall be a defence for a person charged with an offence under this section to prove that he had the article with him for use at work or had other good reason or lawful authority for having the article with him in a public place.

(4) A person guilty of an offence under this section shall, unless any other penalty is specially provided, be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

(5) In this section,

“offensive weapon” means any article made or adapted for use for causing injury to or incapacitating a person, or intended by the person having it with him for such use, but does not include a firearm subject to the Firearms Act; Cap. 143;

“public place” includes any place to which at the material time the public have or are permitted access, whether on payment of a fee or otherwise.

## PART II

### *Prevention of Crime and Disorder*

7.-(1) An application for an order under this section may be made by a relevant authority if it appears to the authority that the following conditions are fulfilled with respect to any person aged 10 or over, namely,

- (a) that the person has acted in an anti-social manner, that is say, in a manner that caused or was likely to cause

Anti-social behaviour orders.

18 of 1998.

harassment, alarm or distress to two or more persons not of the same household as himself; and

- (b) that such an order is necessary to protect persons in the area in which the harassment, alarm or distress was caused or was likely to be caused from further anti-social acts by him;

and in this section “relevant authority” means the Department of Human or Social Development or a police officer of or above the rank of Assistant Inspector.

(2) Such an application shall be made by complaint to the Magistrate’s court of the judicial district where it is alleged that the harassment, alarm or distress was caused or was likely to be caused.

(3) If, on such an application, it is proved that the conditions mentioned in subsection (1) of this section, are fulfilled, the magistrate’s court may make an order under this section (an “anti-social behaviour order”) which prohibits the defendant from doing anything described in the order.

(4) The prohibition that may be imposed by an anti-social behaviour order are those necessary for the purpose of protecting persons in the area from further anti-social acts by the defendant.

(5) An anti-social behaviour order shall have effect for a period (not less than two years) specified in the order or until replaced by a further order.

(6) Subject to subsection (7) of this section, the applicant or the defendant may apply by complaint to the court which made an anti-social behaviour order for it to be varied or discharged by a further order.

(7) Except with the consent of both parties, no anti-social behaviour order shall be discharged before the end of the period of two years beginning with the date of service of the order.

(8) If without reasonable excuse a person does anything which he is prohibited from doing by an anti-social behaviour order, he shall be liable,

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand dollars, or to both such fine and term of imprisonment; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine not exceeding five thousand dollars, or to both such fine and term of imprisonment.

Sex offender orders. 18 of 1998.

**8.**-(1) If it appears to a police officer of or above the rank of Assistant Inspector that the following conditions are fulfilled with respect to any person, namely,

- (a) that the person is a sex offender; and
- (b) that the person has acted, since the relevant date, in such a way as to give reasonable cause to believe that an order under this section is necessary to protect the public from serious harm from him, the police officer may apply for an order under this section to be made in respect of the person.

(2) Such an application shall be made by complaint to the magistrate's court of the judicial district where it is alleged that the defendant acted in such a way as is mentioned in subsection (1)(b) of this section.

(3) If, on such an application, it is proved that the conditions mentioned in subsection (1) of this section are fulfilled, the magistrate's court may make an order under this section (a "sex offender order") which prohibits the defendant from doing anything described in the order.

(4) The prohibitions that may be imposed by a sex offender order are those necessary for the purpose of protecting the public from serious harm from the defendant.

(5) A sex offender order shall have effect for a period (not less than five years) specified in the order or until replaced by a further order.

(6) Subject to subsection (7) of this section, the applicant or the defendant may apply by complaint to the court which made a sex offender order for it to be varied or discharged by a further order.

(7) Except with the consent of both parties, no sex offender order shall be discharged before the end of a period of five years beginning with the date of service of the order.

(8) If, without reasonable excuse, a person does anything which he is prohibited from doing by a sex offender order, he shall be liable,

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand dollars, or to both such fine and term of imprisonment; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine not exceeding five thousand dollars, or to both such fine and term of imprisonment.

**9.**-(1) In section 8 of this Act and this section “sex offender” means a person who,

Sex offender orders.

- (a) has been convicted of rape, attempted rape, carnal knowledge, forcible abduction, unnatural offence, or indecent assault;
- (b) has been found not guilty of such an offence by reason of insanity, or found to be under a disability and to have done the act charged against him in respect of such an offence; or
- (c) has been punished under the law in force in a country or territory outside Belize for an act which,

Supplemental.  
18 of 1998.

- (i) constituted a sexual offence under that law; and
- (ii) would have constituted a sexual offence if it had been done in Belize.

(2) In subsection (1) of section 8 of this Act, “the relevant date”, in relation to a sex offender, means,

- (a) the date or, as the case may be, the latest date on which he has been convicted, found, or punished as mentioned in subsection (1) of this section; or
- (b) if later, the date of the commencement of that section.

(3) An act punishable under the law in force in any country or territory outside Belize constitutes an offence under that law for the purposes of subsection (1) of this section, however it is described in that law.

(4) Subject to subsection (5) of this section, the condition in subsection (1) (c) (i) of this section shall be taken to be satisfied unless, not later than rules of court may provide, the defendant serves on the applicant a notice,

- (a) stating that, on the facts as alleged with respect to the act in question, the condition is not in his opinion satisfied;
- (b) showing his grounds for that opinion; and
- (c) requiring the applicant to show that it is satisfied.

(5) The court, if it thinks fit, may permit the defendant to require the applicant to show that the condition is satisfied without the prior service of a notice under subsection (4) of this section.

**10.**–(1) An appeal shall lie to the Supreme Court against the making by a magistrate’s court of an anti-social behaviour order or sex offender order.

(2) On such an appeal the Supreme Court,

- (a) may make such orders as may be necessary to give effect to its determination of the appeal; and
- (b) may also make such incidental or consequential orders as appear to it to be just.

(3) Any order of the Supreme Court made on an appeal under this section (other than one directing that an application be re-heard by a Magistrate's court) shall, for the purposes of section 7(6) or 8(6) of this Act, be treated as if it were an order of the magistrate's court from which the appeal was brought and not an order of the Supreme Court.

### PART III

#### *Crime Ridden Areas and Right of Bail*

11. In this Part, unless the context otherwise requires,

Interpretation in  
this Part.

“Minister” means the Minister of National Security;

“Security Forces” means,

- (a) the Belize Police Department;
- (b) the Belize Defence Force, to the extent that such Force has been assigned to act in aid of and in the company of the Police;
- (c) the Special Police Constabulary; and
- (d) any auxiliary force prescribed by, or established pursuant to, regulations made under this Part;

42 of 1999.

“special area” means any area of Belize not exceeding one square mile in which the provisions of this Part have effect by virtue of an Order made under section 12 of this Act.

Declaration of special areas. 28 of 1994.

**12.**-(1) Where the Minister has reasonable grounds to believe that in the interest of public safety or public order, or for the purpose of preventing or detecting crime, it is requisite so to do, he may, by Order published in the *Gazette*, with the concurrence of the Crime Control Council, declare that the provisions of this Part shall, during the continuance in force of the Order, have effect in relation to any area of Belize not exceeding one square mile specified in the Order.

(2) An Order made under this section shall, subject to revocation or amendment by the Minister, remain in force for a period of thirty days or such longer period as may be sanctioned for the time being by resolution of the House of Representatives.

Powers of Security Forces in a special area. 28 of 1994.

**13.**-(1) In a special area, any member of the Security Forces may, *without warrant*, and using such force (if any) as may be reasonably justified in the circumstances,

- (a) undertake a search of any premises, place, vehicle, person or thing upon reasonable suspicion of being thereon or therein any unlawful drug or any unlicensed or prohibited firearm or ammunition, or any unlawfully-obtained article or thing, or any person wanted in connection with a criminal investigation;
- (b) seize, take away and detain any vehicle or article which he reasonably suspects is intended to be used, or has been used, for or in connection with the commission of any offence or is or has been unlawfully obtained or possessed;
- (c) arrest any person upon reasonable suspicion of his having committed or of being about to commit an offence; and
- (d) temporarily establish a cordon around the special area or any part thereof for a period not exceeding three hours in any period of twenty-four hours and restrict the freedom of movement of persons and vehicles into or out of any area so cordoned.



(2) No person who is a female shall be searched under paragraph, (a) of subsection (1) of this section, except by another female.

(3) Where anything is detained in accordance with paragraph (b) of subsection (1) of this section, a receipt therefor shall be given to the person from whose custody it was taken, and any such article or thing shall be kept, by virtue of such detention, for so long only as may be necessary for the purposes of any examination, investigation, trial or enquiry.

(4) The powers conferred upon the Security Forces by this section shall be without prejudice to any other powers conferred upon such Forces by any other law.

**14.** Where any member of the Security Forces purports to act in the exercise of authority conferred by or under this Part of this Act he shall be presumed to be acting within such authority in the absence of proof to the contrary.

Protection of  
Security Forces.  
28 of 1994.

**15.**-(1) The Minister may make regulations for the better carrying out of the provisions of this Part of this Act and, without prejudice to the generality of the foregoing, such regulations may make provision in relation to all or any of the following,

Regulations.  
28 of 1994.

- (a) the custody or disposal of anything detained under section 13 of this Act;
- (b) the operation of cordons;
- (c) the establishment of auxiliary forces with like functions, powers and immunities as those of the Belize Police Department and under the direction of the Commissioner of Police; and
- (d) anything authorised or required by this Part to be prescribed.

42 of 1999.

(2) Any regulations made under this Part may contain such incidental or supplementary provisions as appear to the Minister to be necessary or expedient for the purpose of the regulations.

(3) Regulations made under this Part shall be subject to negative resolution of the House of Representatives.

**16.**—(1) Without prejudice to section 62 of the Indictable Procedure Act, Cap. 96 but notwithstanding any other law, no magistrate, Justice of the Peace or a police officer shall admit to bail any person charged with an offence to which this section applies,

Provided that a magistrate may, for special reasons to be recorded in writing, grant bail to an accused person, but in every such case where the magistrate grants bail, the prosecution may appeal to a judge of the Supreme Court in chambers against the grant of bail or against the terms of bail.

(2) The offences to which this section applies are the following,

- (a) attempted murder;
- (b) a drug trafficking offence, where the quantity of controlled drug involved is more than the quantities specified in the *proviso* to section 17(1) (a) of the Misuse of Drugs Act, Cap. 103;
- (c) a drug-related offence other than a drug-trafficking offence, where the person charged has been convicted on two previous occasions of a drug-related offence;
- (d) a drug-related offence other than drug trafficking where the person charged is proved to have committed a drug-related offence while previously on bail for a similar offence;
- (e) an offence under the Firearms Act, Cap. 143 where the quantity of firearms or ammunition involved is more than five and fifty respectively;
- (f) robbery;

Restrictions on admission to bail. 26 of 1992. 6 of 1994. 28 of 1994.

5 of 2008.

- (g) aggravated assault with deadly weapons;
- (h) carnal knowledge of a girl under sixteen years of age;
- (i) incest;
- (j) an offence under the Firearms Act, Cap. 143;
- (k) an offence under section 2 of Part I of this Act (relating to suppression of criminal gang).

(3) Where the bail is refused in pursuance of subsection (1) of this section, the person charged may apply to a judge in chambers and in considering any such application the judge shall have regard *inter alia* to the prevalence of the crime with which the accused person is charged, the possibility of the accused person repeating the offence or interfering with witnesses while on bail, the need for assisting the security services in their drive against crime, and all other relevant factors and circumstances.

(4) (a) Before hearing an application for bail, the court shall give the Director of Public Prosecution not less than ten working days notice of the date of hearing, together with a copy of all the documents filed by the applicant in support of the application,

24 of 2010.

- (b) The court shall impose such of the following conditions as it considers appropriate in respect of an application for bail made pursuant to subsection (3) of this section,
  - (i) that the accused person provides one surety who possesses title to landed property or monetary value equivalent thereto;
  - (ii) that the accused person reports to the nearest police station on such day and at such time as is fixed by the court;
  - (iii) that the accused person hands over all his or her travelling documents to the court;

- (iv) that the accused person remains within the premises, and during the hours, fixed by the court;
  - (v) that the accused person does not directly or indirectly contact any witness or other person as the court shall direct;
  - (vi) such other conditions as the court considers necessary.
- (c) A police officer may, without a warrant, arrest and remand in custody any person who breaches the condition of his or her bail.

(5) Where for any reason the trial cannot be proceeded with within the time prescribed in subsection (4) of this section, the accused person may be admitted to bail in the discretion of the judge or magistrate, at any time following the last day upon which the trial should have been held under that subsection.

**17.**-(1) A judge, magistrate, justice of the peace or a police officer, when considering an application for bail by or on behalf of an accused person may require such person to produce such evidence of identity as to ensure that the accused person has given to the court or the police his true name, address, date of birth and other particulars.

(2) Bail may be refused if the accused person fails to give the particulars aforesaid or gives false particulars.

## PART IV

### *Corrective Training and Sentences*

**18.**-(1) Where a person who is under the age of twenty-one years,

Evidence of identity.  
28 of 1994.

Corrective training.  
28 of 1994.

- (a) is convicted of the offence of loitering or of any other petty misdemeanour or petty offence as contained in section 3 and 4 of the Summary Jurisdiction (Offences) Act, Cap. 98;
- (b) has been convicted on at least one previous occasion of the same or any other petty misdemeanour or petty offence; and
- (c) the court is satisfied that he qualifies for a sentence of corrective training as specified in subsection (2) of this section,

then, the court may, in addition to or *in lieu* of any other sentence, pass a sentence of corrective training for such term not exceeding four years as the court may determine.

(2) An offender qualifies for a sentence of corrective training within the meaning of subsection (1) of this section if,

- (a) he is neither gainfully employed nor is receiving instruction in a school or other educational institution; or
- (b) the court is satisfied, having regard to the social reports about the offender, that it is expedient with a view to his reformation and the prevention of crime that he should receive training of a corrective character.

(3) A sentence of corrective training may be passed concurrently with, or consecutive to, a sentence of imprisonment.

(4) A sentence of corrective training shall be served at such place as the Minister responsible for young offenders may direct, and whilst so detained at such place, the offender shall be deemed to be in lawful custody.

(5) The power conferred on a court by this section to impose a sentence of corrective training shall be without prejudice to section 12 of the Juvenile Offenders Act, Cap. 119 or any other provision of any law which requires the imposition of a mandatory custodial sentence.

Power to impose extended sentence.

**19.**—(1) Where an offender is convicted of an offence punishable with imprisonment for a term of one year or more (whether or not he was sentenced to such imprisonment), on two or more occasions, then, if the court is satisfied, by reason of his previous conduct and of the likelihood of his committing further offences, that it is expedient to protect the public from him for a substantial period, the court may impose an extended term of imprisonment under this section.

(2) The extended term of imprisonment which may be imposed under this section for any offence may exceed the maximum term authorized for the offence apart from this section if the maximum so authorised is less than ten years, but shall not exceed ten years if the maximum so authorised is less than ten years or exceed five years if the maximum so authorised is less than five years.

(3) Where an extended term of imprisonment is imposed on an offender under this section, the court shall issue a certificate stating that the term was so imposed.

Mandatory life sentence for serious crimes of violence. 6 of 1994.

**20.**—(1) If a person is found guilty of an offence specified in subsection (4) of this section on more than two occasions, after the commencement of this Act he shall, notwithstanding any other law to the contrary, be sentenced to a mandatory term of life imprisonment unless the court, for special extenuating circumstances to be recorded in writing, determines otherwise.

(2) Subsection (1) of this section, shall apply whether a person is convicted of the same offence on the third or subsequent occasion or of any other offence specified in subsection (4) of this section.

(3) Where the court refrains from awarding the mandatory sentence of life imprisonment under subsection (1) of this section, it shall sentence the offender in accordance with the law applicable to the relevant offence,

including any provision for a mandatory minimum sentence, as if this section had not been enacted.

(4) This section applies to the offences of rape, kidnapping, forcible abduction, dangerous harm, maim, use of deadly means of harm, robbery and blackmail.

## PART V

### *Power to make Community Service Orders*

- |                             |             |
|-----------------------------|-------------|
| <b>21.</b> <i>Repealed.</i> | 41 of 2001. |
| <b>22.</b> <i>Repealed.</i> | 41 of 2001. |
| <b>23.</b> <i>Repealed.</i> | 41 of 2001. |
| <b>24.</b> <i>Repealed.</i> | 41 of 2001. |

## PART VI

### *Crime Control Council*

**25.**—(1) There is hereby established a Crime Control Council (referred to in this Part as “the Council”), consisting of fourteen members appointed by the Prime Minister who shall include-

Establishment of  
Crime Control  
Council.

- |  |             |
|--|-------------|
| (a) the Minister of National Security or his representative;   | 28 of 1994. |
| (b) the Attorney General or his representative;                |             |
| (c) a Justice of the Supreme Court;                            |             |
| (d) the Director of Public Prosecutions or his representative; |             |
| (e) the Chief Magistrate or his representative;                |             |

- (f) the Commissioner of Police or his representative;
- (g) a representative of the Ministry of Human Resources;
- (h) a person nominated by the Belize Tourism Industry Association;
- (i) a person nominated by the Council of Churches;
- (j) a person nominated by Non-Governmental Organisations;
- (k) a person nominated by the Bar Association of Belize;
- (l) a representative of the business community;
- (m) one representative of the body bearing the name “Crime Advisory Board” existing immediately before the commencement of this Act; and
- (n) one person nominated by the Leader of the Opposition.

(2) The Prime Minister shall designate one person from among the members to be the Chairperson.

**26.**—(1) The functions of the Council shall be as follows,

- (a) to monitor the crime situation in the country on a continuing basis;
- (b) to plan, develop and coordinate comprehensive crime prevention programmes and strategies;
- (c) to promote employability and job placement of unemployed youth;
- (d) to liaise with a broad spectrum of community-based and social-service organisations to develop a coordinated team-approach to reducing gang violence

Functions of the Council.  
28 of 1994.



or the effects of substance abuse or other criminal activities;

- (e) to solicit contributions and donations from the business sector and other donor agencies to fund constructive programmes for reducing crime; and
- (f) to make recommendations to the Prime Minister for strengthening or reforming the law or the law enforcement agencies to better control and prevent the incidence of crime.

(2) In the exercise of its functions, the Council may establish Committees of its own members and may co-opt other persons for specific purposes.

**27.**—(1) The Prime Minister may make regulations for the better carrying out of the functions of the Council.

Rules and Regulations.  
28 of 1994.

(2) Subject to any regulations made by the Prime Minister under subsection (1) of this section, the Council may make rules to regulate its own procedure.