



BELIZE

**FAMILY COURTS ACT
CHAPTER 93**

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CHAPTER 93

FAMILY COURTS

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CHAPTER 93

FAMILY COURTS

PART I

Preliminary

CAP. 83A,
R.E. 1980-1990.
24 of 1988.
17 of 1998.
18 of 2000.
S.I. 43 of 1989.
S.I. 132 of 1991.
S.I. 39 of 1993.

[11th January, 1989]

1. This Act may be cited as the Family Courts Act.

Short title.

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

Interpretation.

“Family Court” means a Family Court established under section 3 of this Act;

“judicial district” has the meaning assigned to it in the Inferior Courts Act, Cap. 94.

PART II

*Establishment, Powers, Jurisdiction,
Functions etc., of Family Courts*

3. For the purpose of exercising the powers and functions conferred on a Family Court by or under the provisions of this Act, there shall be established a District Family Court in each judicial district.

Establishment of
Courts.
18 of 2000.

4. Every District Family Court shall comprise of the magistrate of the judicial district where the offence, cause or matter arose.

District Family
Courts.

Staff of District Family Courts.

5.—(1) There shall be appointed by the Public Services Commission to each District Family Court a Clerk of Court who shall, as far as possible, be a paralegal person with basic knowledge of law and court procedures, and who shall attend each sitting of a District Family Court and tender such advice to that Court on law and procedure as may be required of him.

(2) There may be appointed by the Public Services Commission to the District Family Courts such other officers, bailiffs, employees, counsellors and social workers as may be necessary for the purpose of the carrying out by those Courts of their functions under this Act,

Provided that until such officers, bailiffs and employees are appointed, the staff of the magistrate’s courts of the respective judicial districts may be required to assist the District Family Courts in the exercise of their functions.

Jurisdiction.

6. Notwithstanding anything to the contrary contained in any other law, a Family Court shall have jurisdiction to try or otherwise deal with such of the offences, causes or matters as are provided for in any of the enactments for the time being specified in the Schedule to this Act,

Provided that the Attorney General may, subject to the jurisdiction conferred on a Family Court by this Act, from time to time, by Order published in the *Gazette*, add to or alter the said Schedule.

Extent of jurisdiction of District Family Courts. 18 of 2000.

7. The jurisdiction of the District Family Court shall extend throughout its respective judicial district.

Sitting of Family Courts.

18 of 2000.

8.—(1) The District Family Court shall have their sittings at such place or places throughout their respective judicial districts and on such dates as may be determined by the Director of the Family Courts, subject to directions of a general character as may be given from time to time in that behalf by the Chief Justice.

(2) Notwithstanding anything in subsection (1) of this section, the fact that a Court sits in any particular place shall be conclusive evidence of its authority, and no exercise of any jurisdiction or power by such Court shall be questioned merely on the ground that it was not authorised to sit in any place or town of Belize where it exercised its jurisdiction or power.

9.—(1) Subject to the provisions of this Act and the rules made thereunder, the provisions of the Inferior Courts Act, Cap. 94 and the Summary Jurisdiction (Procedure) Act, Cap. 99 shall, as far as may be, apply to all proceedings before a Family Court.

Procedure generally.
18 of 2000.

(2) Subject to the provisions of this Act and the rules made thereunder, the Chief Justice may, with the approval of the Attorney General, lay down the procedure to be followed by a Family Court with a view to arriving at a settlement in respect of the subject matter of the suit or proceeding or at the truth of the facts alleged by one party and denied by the other.

18 of 2000.

10.—(1) In every suit or proceeding, endeavour shall be made by a Family Court in the first instance, where it is practicable to do so consistent with the nature and circumstances of the case, to assist and persuade the parties in arriving at a settlement in respect of the subject-matter of the suit or proceeding.

Duty of Family Courts to make efforts for settlement.

- (a) If in any suit, at any stage, it appears to a Family Court that there is a reasonable possibility of a settlement between the parties, the Family Court may adjourn the proceedings for such period as it thinks fit to enable attempts to be made to effect such a settlement.
- (b) The power conferred by subsection (2) of this section, shall be in addition to, and not in derogation of, any other power of a Family Court to adjourn the proceedings.

PART III

Procedure etc., of Proceedings in Family Courts

Avoidance of unnecessary formalities.

11. The proceedings in a Family Court shall be conducted in such a manner as to avoid unnecessary formalities and neither the presiding officer nor counsel, if any, shall wear any formal robes.

Assistance of medical and welfare experts.

12. In every suit or proceeding, it shall be open to a Family Court to secure the services of a medical expert or such person (preferably a woman where available), whether related to the parties or not, including a person professionally engaged in promoting the welfare of the family, as the Family Court may think fit, for the purposes of assisting such Court in discharging its functions imposed by this Act.

Proceedings to be held *in camera*.

13. In every suit or proceeding to which this Act applies, the proceedings shall be held *in camera* unless one or both parties requests otherwise and the Family Court agrees.

Execution of orders.

14. An order passed by a Family Court shall have the same force and effect as an order of a magistrate's court and may be executed accordingly.

Director of the Family Courts.

15.—(1) There shall be appointed by the Judicial and Legal Services Section of the Public Services Commission, after consultation with the Attorney General, a fit and properly qualified person to be the Director of the Family Courts who shall, under the supervision of the Chief Justice, be responsible for the day-to-day administration of the Courts, the supervision of the social welfare staff and the integration of legal and social services and the development of general policy guidelines in respect of all matters relating to the Courts.

18 of 2000.

18 of 2000.

(2) The Director of the Family Courts may also sit as a magistrate and shall perform such other functions as may be assigned to him from time to time by the Chief Justice.

Association of welfare agencies.

16. The Attorney General may, after consultation with the Minister responsible for social services, provide for the association with a Family Court, in such manner and for such purposes as may be determined by regulations, of,

- (a) institutions or organisations engaged in social welfare or the representatives thereof;
- (b) persons professionally engaged in promoting the welfare of a family;
- (c) persons working in the field of social welfare; and
- (d) any other person whose association with a Family Court would enable that Court to exercise its jurisdiction more effectively in accordance with the provisions of this Act.

17. Any person dissatisfied with any decision of a Family Court may appeal to the Supreme Court subject to the conditions prescribed by the Supreme Court of Judicature Act, Cap. 91, and the rules made thereunder.

Appeals.

PART IV

Miscellaneous

18. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act to have overriding effect.

19. The Chief Justice may, with the approval of the Attorney General, make rules regulating the procedure to be followed by Family Courts.

Rules,
18 of 2000.

20.—(1) The Attorney General may, after consultation with the Chief Justice and the Minister responsible for social services, by regulations provide for,

Regulations.

- (a) the normal working hours of Family Courts;
- (b) holdings of sittings of Family Courts at places other than their ordinary place of sitting;

- (c) the honorarium and other allowances to be paid to persons appointed to, or associated with, Family Courts;
- (d) the terms and conditions of association of representatives of welfare organisations;
- (e) payment of fees and expenses (including travelling expenses) of medical experts or other persons called to assist the Family Courts;
- (f) any other matter which may be required for the better carrying out of the purposes of this Act.

(2) Regulations made under this section shall be laid as soon as may be after the making thereof before the National Assembly and shall be subject to negative resolution.

Transitional.

21. All proceedings that, immediately before the 21st day of June, 2000, are pending before the former Belize Family Court or any other District Family Court shall continue to be heard and disposed of by that court as if this Act had not been passed.

18 of 2000.
S. I. 57 of 2000.

SCHEDULE

FAMILY COURTS ACT
Jurisdiction of the Courts
[Section 6]

1. Juvenile Offenders Act, Cap.119.
2. Married Persons (Protection) Act, Cap. 175 (except the sections where the jurisdiction is expressly given to the Supreme Court). S.I. 39 of 1993.
3. Domestic Violence Act, Cap.178. 17 of 1998.
4. Probation of Offenders Act, Cap.120.
5. Families and Children Act, Cap.173 (except the sections where the jurisdiction is expressly given to the Supreme Court).