BELIZE

INDICTABLE PROCEDURE ACT
CHAPTER 96

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SHOWING THE SUBSTANTIVE LAWS AS AT 31ST DECEMBER, 2011

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CHAPTER 96

INDICTABLE PROCEDURE

ARRANGEMENT OF SECTIONS

PART I

Preliminary, Jurisdiction, Law and Procedure

PART II

General Provisions

Division 1

Business of the Court

[Printed by Authority of the Government of Belize]

[Printed by Authority of the Government of Belize]

Division 3

Irregularity, Witnesses, and Proceedings at Preliminary Inquiry

[Printed by Authority of the Government of Belize]

Division 4

Committal for Trial, Proceeding Subsequent to Committal of Accused Person

[Printed by Authority of the Government of Belize]

[Printed by Authority of the Government of Belize]

[Printed by Authority of the Government of Belize]

Division 2

Arraignment and Pleas, and Trial

[Printed by Authority of the Government of Belize]

[Printed by Authority of the Government of Belize]

Division 3

Arraignment and Trial of Insane Persons

Division 4

Verdicts

[Printed by Authority of the Government of Belize]

Division 5

Irregularity at the Trial

[Printed by Authority of the Government of Belize]

PART V

Punishment

Division 1

Punishment General, Execution of Death Sentence, and Imprisonment

[Printed by Authority of the Government of Belize]

Division 2

Fines, Payment of Compensation and Cost of Prosecution

Division 3

Entering into Recognisance to be of Good Behaviour, to Keep the Peace, to Come up for Sentence, Execution and Effect of Punishment

PART VI

Miscellaneous

Division 1

Custody of Female under Eighteen Years, Right of Audience and Arrest

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Division 2

Seizure and Restitution of Property, Enforcement of Recognisance, and Pardon

[Printed by Authority of the Government of Belize]

[Printed by Authority of the Government of Belize]

CHAPTER 96

INDICTABLE PROCEDURE

Ch. 22,
R. L. 1958.
Cap. 93
R. E.. 1980-1990.
26 of 1960.
29 of 1963.
38 of 1963.
40 of 1963.
14 of 1968.
1 of 1969.
11 of 1972.
20 of 1978.
33 of 1980.
17 of 1998.
18 of 1988.
11 of 2009.
5 of 2011
S.I. 79 of 2011

[9th May, 1953]

PART I

Preliminary, Jurisdiction, Law and Procedure

Short title.

1. This Act may be cited as the Indictable Procedure Act.

Interpretation.

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

"act" means any act or any omission, or any series of acts or any series of omissions, or any combination of acts or any combination of omissions or any combination of acts and omissions;

"Code" means the Criminal Code, Cap. 101;

"court" means the Supreme Court acting in the exercise of its criminal jurisdiction;

"crime" means an offence punishable on indictment under the Code or under any other statute;

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18 of 1998.

"deposition" includes a written statement;

"examining magistrate" means the magistrate holding a preliminary inquiry into a crime;

"judge" means a judge of the court sitting with or without a jury or in chambers, as the case may be;

"keeper", when used in relation to a prison, includes the Superintendent or other chief resident officer of a prison;

"marshal" means the marshal appointed by the Public Services Commission under the Supreme Court of Judicature Act, Cap. 91, and includes any person lawfully discharging the functions of the Registrar in reference to any cause or matter in the court;

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

33 of 1980.

"registry" means the registry of the Supreme Court;

11 of 1972.

"written statement" means a statement made by a person about a crime which is reduced into writing by the person making the same or which is recorded by a police officer before whom it is made and signed by the maker.

Application of the Act.

3. This Act shall apply to all proceedings in respect of all crimes, unless the contrary is expressly provided by any statute relating thereto.

Local Jurisdiction.

4. The jurisdiction of the court for the purposes of the Code, Cap. 101 or any other law creating a crime extends to every place within Belize, or within any island or territory over which the Government exercises authority for the time being or within three miles of the coast of Belize, or of any coast of any such island or territory aforesaid.

Acts done partly beyond the jurisdiction.

5. When an act, which if wholly done within the jurisdiction of the court would be a crime against the Code or other law, is done partly within and partly beyond the jurisdiction, every person who within the jurisdiction

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does, or abets any part of such act, may be tried and punished under the Code or other law, in the same manner as if such act had been done wholly within the jurisdiction.

Exclusion of proceedings under the common law of England.

6. Where any act is declared by the Code or other statute to be a crime, or an offence punishable on summary conviction, no proceedings to punish any person in respect of any such act shall be taken under the common law of England, but the offender shall be punishable only under the Code or other statute,

Provided that where the crime or offence is constituted by the Code or other statute in terms identical with or similar to those in which the crime or offence is described according to the common law of England, the crime or offence so constituted shall be construed and interpreted in accordance with the common law of England.

Saving of certain laws.

7.– (1) Nothing in this Act or the Code shall affect,

(a) the liability, trial or punishment of a person under any law in force in Belize for treason, misprision of treason or piracy, wherever committed, and the law, practice and procedure upon the trial of any such offence shall be such as is for the time being in force in Belize;

(b) the liability, trial or punishment of a person for a crime or offence against any statute other than the Code;

(c) the liability of a person to be tried or punished for a crime or offence under any Act relating to the jurisdiction of the court in respect of acts done beyond the territorial jurisdiction of the court;

(d) the power of the court, subject to the provisions of any Act, to punish a person for contempt of such court;

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(e) any lawful power of the Governor-General, to grant a pardon, or to remit, or commute in whole or in part, or to respite, the execution of any sentence passed or to be passed;

(f) any of the laws, regulations or articles for the government of the Belize Defence Force.

(2) Where any Act or other law declares an act or omission to be a felony, misdemeanour or other offence, or prohibits a matter of public grievance or enjoins a matter of public convenience, all acts or omissions contrary to any such Act or other law or to any such prohibition or enjoinment shall, without prejudice to any enactment making provision for the trial and punishment of any specific crime or offence, be a misdemeanour punishable on indictment, with imprisonment for two years, unless such trial and punishment are manifestly excluded by any statute.

Procedure of the court in matters not provided for.

8. Subject to this Act, and any other statute for the time being in force, the law, practice and procedure of the court shall be, as nearly as possible, the same as the law, practice and procedure for the time being in force in criminal causes and matters in the High Court of Justice and the Crown Court in England.

PART II

General Provisions

Division 1

Business of the Court

Preparation of list of causes to be tried at sitting and publication thereof.

9.–(1) At every sitting of the court, the Director of Public Prosecutions shall prepare and transmit a list of the causes to be tried at that sitting to the Registrar three days at least before the first day of the sitting.

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(2) Immediately on receiving the list, the Registrar shall cause it to be published in the *Gazette* and in one or more newspapers of Belize, and he shall also cause a copy of the list to be delivered to the judge who is to preside at the sitting, and a copy to be put up on or near the door of the court house in which the sitting is to be held.

(3) The Registrar shall also immediately transmit by telegraph or telephone, if possible, the particulars of the list to the clerk of every summary jurisdiction court in the district in which the sitting is to be held and to the police officer in charge of every police station in that district.

(4) It shall be the duty of that clerk or police officer, immediately on receiving the particulars, to cause a copy of the list to be posted up in some conspicuous place at every court house in his district or at the police station under his charge, as the case may be.

Addition of cause to list after transmission.
1 of 1963

10. Nothing in section 9 of this Act, shall be construed to prevent the Director of Public Prosecutions from adding any cause to the list after it has been transmitted to the Registrar:

Provided that if an addition is made at any time less than three days before the first day of the sitting of the court, the accused person shall be entitled to apply to the court for a postponement of the trial to such day during the said sitting as would, in the opinion of the court, allow the accused sufficient time to prepare his defence.

Crown Prosecutors.

11.–(1) The Director of Public Prosecutions may appoint any barrister-at-law or any person admitted and enrolled as an attorney-at-law, to prosecute on behalf of the Government at any sitting of the court or on any day of the sitting.

(2) It shall not be necessary for any person so appointed to produce any commission or other proof of his having been so appointed.

(3) Any person so appointed shall, in relation to the business before the court during the subsistence of his appointment, have all the powers and perform all the duties of the Director of Public Prosecutions subject to any express directions of the Director of Public Prosecutions in that behalf.

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Bringing of prisoners before the courts for trial.

12.– (1) The keeper of the prison of the district in which any sitting of the court is held shall, by himself or by his deputy, be in attendance at the sitting at all times whilst the court is sitting, and shall bring each prisoner awaiting trial before the court when his case is called for trial, and during the continuance of the trial shall have him under his charge and custody, and from time to time remand him to prison by permission or order of the court during the progress of the trial or on any adjournment thereof.

(2) The Commissioner of Police shall afford any assistance necessary to enable the keeper to comply with the requirements of this section.

Bringing prisoner up for arraignment.

13. If the accused person is at the time confined for some other cause in any prison, the court may, by order in writing, without writ of *habeas corpus,* direct the keeper of the prison to bring up the body of the accused, as often as may be required, for the purpose of the trial, and the keeper shall obey the order.

Division 2

Gaol Delivery

Prisoners to be delivered at sittings of the court.
26 of 1960

14. The prisoners which shall be delivered at the sittings of the court held in and for the Northern District, the Central District and the Southern District shall be respectively the prisoners at Corozal Town, Belize City, Dangriga and Lynam, or any other prisons from time to time substituted by lawful authority for them respectively, and no other.

Bringing of certain classes of prisoners before the court for delivery.

15.– (1) The keeper of each of the prisons shall, before the end of every sitting of the court held in the district in which the prison is situate, deliver in open court to the presiding judge a correct list of all persons in his custody upon any criminal charge who have not then been tried, or upon whom sentence has not then been passed, or who have been committed in default of sureties to keep the peace or otherwise, distinguishing as accurately as may be their names, ages and sexes, with the dates of their respective commitments and the authority under which they were respectively committed.

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(2) The keeper, on the days and at the times of the sitting, and in the numbers directed by the court shall, if so required, bring and produce in open court all the persons so in his custody as aforesaid. 26 of 1960.

(3) In this section, "district" means a district appointed under the Supreme Court of Judicature Act, Cap. 91 for the holding of sittings of the court.

Right of prisoner in certain cases to be tried or bailed.

16.–(1) If any person who, on the first day of any sitting of the court, appears to be in actual custody awaiting his trial thereat, prays in open court, at any time during that sitting, to be then and there put upon his trial, the court may, before the termination of the sitting, either,

(a) if the jurors have not been discharged, proceed to his trial;

(b) discharge him upon bail to appear at the next ensuing sitting of the court for the same district, and to answer any indictment which may then be preferred against him; or

(c) remand him for trial at the next ensuing sitting of the court for the same district, or otherwise, as the court thinks fit.

(2) If a prisoner, being in custody for the same offence during a second sitting of the court for the same district, at any time during that sitting, in open court, prays to be then and there put upon his trial, the court shall, before the termination of the sitting, either proceed to his trial or discharge him upon bail as aforesaid.

Prisoners entitled to be discharged.

17.– (1) At the conclusion of every sitting of the court, the court shall discharge all prisoners not under sentence remaining in the prison of the district in which the sitting is held, who, by the law of Belize for the time being in force and, in default of that law, and so far as it does not extend, by the law of England for the time being in force, would be then entitled to their discharge upon gaol delivery, and also all other accused persons committed for trial at the sitting and remaining untried who, by the law aforesaid, would be entitled to that discharge.

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(2) The court may also discharge all prisoners remaining in that prison in default of sureties to keep the peace who, in the opinion of the court, ought to be so discharged.

(3) In this section, "district" means a district appointed under the Supreme Court of Judicature Act, Cap. 91, for the holding of sittings of the court.

PART III

Preliminary Inquiry into Crimes

Division 1

Enforcing Appearance of Accused Person and Search Warrant

Compelling appearance of accused person before magistrate for preliminary inquiry.

18. Any magistrate may issue a summons or warrant as hereinafter mentioned to compel the appearance of an accused person before him for the purpose of preliminary inquiry, in any of the following cases, that is to say,

(a) if the person is accused of having committed in any place whatever a crime triable in Belize, and is, or is suspected to be, within the limits in which the magistrate has jurisdiction, or resides or is suspected to reside within those limits;

(b) if he, wherever he may be, is accused of having committed a crime within those limits, or on any journey during any part of which he has passed through them; or

(c) if he is alleged to have anywhere unlawfully received property which was so unlawfully obtained within those limits, as to render him liable for a crime.

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Magistrate may inquire into suspected crime.

19.–(1) Any magistrate who has reason to believe that a crime has been committed within the limits of his jurisdiction for which the offender might, according to any statute for the time being in force, be arrested without warrant, or that there is reasonable ground for inquiring whether that crime has been committed within those limits or, in either case, that there is reasonable ground for inquiring by whom the suspected crime has been committed, may, whether any particular person is charged or not, summon to appear before him any person whom he has reason to believe to be capable of giving material evidence concerning the crime, and may examine the person upon oath concerning the crime and, if he sees cause, bind the person by recognisance to attend and give evidence, if called upon by any magistrate or by the court at any time within the twelve months then next ensuing, unless the person can show some reasonable excuse to the contrary.

(2) In case any person so summoned neglects to attend, or refuses without lawful excuse to take the oath or, having taken it, to answer any question concerning the crime then put to him, or to enter into the recognisance aforesaid, he may be dealt with in the same manner as a witness may be dealt with who neglects or refuses to attend or give evidence, or to be bound by recognisance to do so, after having been served with a summons for that purpose.

When search warrant may be issued, and proceedings thereunder.

20.–(1) Any magistrate who is satisfied by proof upon oath that there is reasonable ground for believing that there is, in any building, ship, vehicle, box, receptacle or place,

(a) anything upon or in respect of which any crime has been or is suspected to have been committed for which, according to any statute for the time being in force, the offender may be arrested without warrant; or

(b) anything which there is reasonable ground for believing will afford evidence as to the commission of a crime; or

(c) anything which there is reasonable ground for believing is intended to be used for the purpose of

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committing any crime against the person for which, according to any statute for the time being in force, the offender may be arrested without warrant,

may at any time issue a warrant under his hand authorising any police officer named therein to search that building, ship, vehicle, box, receptacle or place for the thing, and to seize and take it before the magistrate issuing the warrant, or some other magistrate, to be dealt with by him according to law.

(2) Every search warrant may be issued 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, but the magistrate, in his discretion, may by the warrant authorise the police officer to execute it at any hour.

(3) When the thing is seized and brought before a magistrate, he may detain it or cause it to be detained, taking reasonable care that it is preserved until the conclusion of the inquiry.

(4) If any person is committed for trial, the examining magistrate may order the thing seized further to be detained for the purpose of evidence on the trial, but if no person is committed he shall direct the thing to be restored to the person from whom it was taken, except in the cases hereafter in this section mentioned, unless he is authorised or required by law to dispose of it otherwise.

(5) If, under any warrant aforesaid, there is brought before any magistrate any forged bank note, bank note paper, instrument or other thing, the possession of which, in the absence of lawful excuse, is a crime according to any law for trial, or if there is no commitment for trial, the magistrate may cause it to be defaced or destroyed.

(6) If, under any warrant aforesaid, there is brought before a magistrate any counterfeit coin or other thing, the possession of which, with knowledge of its nature and without lawful excuse, is a crime according to any law for the time being in force, it shall be delivered up to the Attorney General, or to any person authorised by him 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.

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(7) If the thing to be searched for is gunpowder, or any other explosive or dangerous or noxious substance or thing, the person making the search shall have the same powers and protections as are given by any law for the time being in force to any person lawfully authorised to search for that substance or thing, and the thing itself shall be disposed of in the same manner as directed by that law or, in default of that direction, as ordered by the Attorney General.

Division 2

Complaint or Information, Summons, Warrant for Apprehension and Proceedings on Appearance of Accused

Reception of complaint or information.

21.–(1) Upon any complaint or information given to a magistrate that a crime has been committed by any person whose appearance he has power to compel, the magistrate shall consider the allegations of the complainant or informant and, if he is of opinion that a case for so doing is made out, he shall issue a summons or warrant, as the case may be, in the manner hereinafter mentioned.

(2) The magistrate shall not refuse to issue the summons or warrant only because the alleged crime is one for which an offender may be arrested without a warrant.

Several crimes in one complaint or information.
11 of 1972.

22. Two or more crimes may be charged against the same person in one complaint or information and the examining magistrate shall take the written statements in support of each such crime separately under its appropriate caption and include all the depositions in the same proceedings if the accused is committed for trial.

Issue, contents and service of summons.

23.–(1) The magistrate may issue a summons although there is not any complaint or information in writing or upon oath.

(2) The summons shall be directed to the accused person, and shall require him to appear at a certain time and place to be therein mentioned.

(3) The summons shall not be signed in blank.

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(4) The summons may be served by a bailiff of a summary jurisdiction court, or a police officer upon the accused person, either by delivering it to him personally or, if he cannot with the exercise of reasonable diligence be encountered, by leaving it with some person for him at his last or most usual place of abode.

(5) Notwithstanding anything contained in this Act, in any proceedings in a summary jurisdiction court wherein it becomes necessary to prove the service of any summons, notice, order or other process whatever issued hereunder and served by a bailiff or police officer, a return of service purporting to be signed by a bailiff or police officer shall be received as *prima facie* evidence of the facts stated in the return without proof of the signature or the official character of the bailiff or police officer.

Issue of warrant for apprehension in first instance.

24.–(1) Upon an information in writing and upon oath, the magistrate may, if he is of the opinion that a case for so doing is made out, issue a warrant for the apprehension of the accused person.

(2) The fact that a summons has been issued shall not prevent any magistrate from issuing that warrant at any time before or after the time mentioned in the summons for the appearance of the accused person.

(3) Where the service of the summons for the appearance of the accused person has been proved and he makes no appearance, or where it appears that the summons cannot be served, the warrant may issue.

(4) The magistrate who would have heard the charge if the person summoned had appeared may issue the warrant, on information in writing upon oath taken either before himself or before another magistrate or any justice of the peace, either before or after the summons was issued.

Disposal of person apprehended upon warrant.

25.–(1) When any person is apprehended upon a warrant he shall be brought before a magistrate as soon after he is so arrested as practicable, and the magistrate shall either proceed with the preliminary inquiry or postpone it to a future time, in which latter case he shall either commit the accused person to prison, or admit him to bail, or permit him to be at large on his own recognisance, according to the provisions hereinafter contained.

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(2) The provisions of section 48 of the Summary Jurisdiction (Procedure) Act, Cap. 99 (relating to the taking of prints), shall apply where a person is brought before a magistrate charged with a crime, and subsection (4) of this section thereof shall have effect as if the words "that person is acquitted or discharged under section 38 of this Act" were substituted for the words "the complaint against him is dismissed" therein.

Crime committed out of jurisdiction of investigating magistrate.

26.–(1) If an accused person is brought before a magistrate charged with a crime committed without the limits of his jurisdiction, he may, after hearing both sides, order the accused person, at any stage of the inquiry, to be taken by a police officer before the magistrate having jurisdiction in the place where the crime was committed.

(2) The magistrate so ordering shall give a warrant for that purpose to a police officer, and shall deliver to the police officer the information, depositions and recognisances, if any, taken in the cause, to be delivered to the magistrate before whom the accused person is to be taken, and the information, depositions and recognisances shall be treated to all intents as if they had been taken by the last-mentioned magistrate.

Director of Public Prosecutions may order a change of venue in the case of a preliminary inquiry.
1 of 1969.

27.–(1) Where in the opinion of the Director of Public Prosecutions, it is, by reason of any difficulty of communication or some matter of convenience to either party, expedient that a preliminary inquiry should be held by a magistrate of a district other than the magistrate of the district having jurisdiction in the matter, he may by order under his hand transfer the holding of the preliminary inquiry to the magistrate of such other district.

(2) The Director of Public Prosecutions on the making of an order as aforesaid shall cause the order to be sent to the magistrate of the district to whom the preliminary inquiry is transferred and a copy to the magistrate from whom it is transferred.

(3) On receipt of the order, the first-mentioned magistrate shall have full power and jurisdiction to proceed and hold the inquiry, and shall have and may exercise the same powers, authorities and jurisdiction as if the case were one within the limits of his jurisdiction.

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(4) The last-mentioned magistrate on receipt of the copy of the order shall order the accused person to be taken by a police officer before the magistrate to whom the holding of the inquiry is transferred and shall give a warrant for that purpose to any police officer and shall deliver to the police officer the information, depositions and recognisances, if any, taken in the cause, to be delivered to the magistrate before whom the accused person is to be taken, and the information, depositions and recognisances shall be treated to all intents as if they had been taken by such magistrate.

(5) If the examining magistrate commits the accused person for trial, he shall commit him to the court to which he would have been liable to be committed by the magistrate from whom the holding of the preliminary inquiry has been transferred.

Division 3

Irregularity, Witnesses, and Proceedings at Preliminary Inquiry

Irregularity in summons, warrants, service or arrest.

28.–(1) No irregularity or defect in the substance or form of the warrant, and no variance between the charge contained in the warrant and the charge contained in the information, or between either and the evidence adduced on the part of the prosecution at the preliminary inquiry, shall affect the validity of any proceeding at or subsequent to the hearing.

(2) When any accused person is before a magistrate, whether voluntarily or upon summons, or after being apprehended with or without warrant, or while in custody for the same or any other crime, the preliminary inquiry may be held notwithstanding any irregularity, illegality, defect or error in the summons or warrant, or the issuing, service or execution thereof, and notwithstanding the want of any information upon oath, or any defect in the information, or any irregularity or illegality in the arrest or custody of the accused person,

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Provided that,

(a) the magistrate, if he thinks that the ends of justice require it, may adjourn the hearing of the cause, at the request of the accused person, to some future day, and in the meantime may remand the accused person or admit him to bail; or

(b) upon the adjournment, the accused person shall not be committed to prison unless, before his committal, an information in writing and upon oath has been taken.

Application of summary jurisdiction law with respect to witnesses.

29. Subject to this Act, the law for the time being in force with respect to witnesses on the hearing of a complaint for an offence punishable in a summary jurisdiction court shall, *mutatis mutandis,* apply to witnesses on the holding of a preliminary inquiry before an examining magistrate in respect of a crime, with the addition that any of those witnesses shall be liable to be dealt with as hereinafter provided for refusing, without reasonable excuse, to sign his deposition or to enter into a recognisance.

Local inspection and examination of injured person.

30.–(1) It shall be the duty of the examining magistrate to make or cause to be made any local inspection the circumstances of the case require and, in any case of serious injury to the person, to cause the body of the person injured to be examined by a duly qualified medical practitioner, if one can be had and, if not, then by the most competent person that can be obtained, and the deposition of the medical practitioner or other person shall afterwards, if necessary, be taken.

(2) Every medical practitioner or other person mentioned in subsection (1) of this section who refuses or neglects, without reasonable excuse, to comply with any order or direction of an examining magistrate given under this section shall be liable to a fine not exceeding one hundred dollars.

Statement of persons dangerously ill.
11 of 1972.
18 of 1998.

31.–(1) Whenever it appears to the satisfaction of any magistrate that any person dangerously ill and, in the opinion of a registered medical practitioner not likely to recover from such illness, is able and willing to give material information relating to any crime, or relating to any person accused of any such crime, the magistrate may record the statement of

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such person so being ill, adding thereto by way of caption a statement of his reasons for taking the statement and of the day and place when and where the same was taken, and of the names of the persons, if any, present at the taking thereof.

(2) If the evidence relates to any crime for which any accused person is already committed or bailed to appear for trial, the magistrate shall transmit the statement with the said caption to the proper officer of the court at which such accused person is so committed or bailed to appear for trial.

(3) Where the statement taken under this section relates to a crime into which a preliminary inquiry is being or may be held, it shall with the said caption, be transmitted to the examining magistrate or the magistrate who may hold the preliminary inquiry and it shall be treated in all respects in the same way, and shall be considered for all purposes, as a deposition taken upon the preliminary inquiry.

(4) In all other cases, the magistrate shall transmit the statement with the said caption to the Registrar General who is hereby required to preserve the same and file it as of record.

General discretionary powers of magistrate with regard to mode of holding preliminary inquiry and other general matters.
18 of 1998

32.–(1) The examining magistrate may in his discretion,

(a) adjourn the hearing of the inquiry from time to time and remand the accused person, if required, until the next date fixed for the inquiry;

(b) order that no person other than the officers of the summary jurisdiction court, the persons engaged in the prosecution, and the accused person, and his attorney-at-law, if any, shall have access to or remain in the room or building in which the inquiry is being held, which shall not be deemed to be an open court, if it appears to him that the ends of justice will be best served by so doing; and

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(c) regulate the course of the inquiry in any way appearing to him desirable and not inconsistent with this Act or any other law for the time being in force.

(2) A preliminary inquiry shall be held in the presence of the accused unless,

(a) the accused so conducts himself as to render the continuance of the proceedings in his presence impracticable and the magistrate has ordered him to be removed; or

(b) the accused is unable to be present for reasons of health but is represented by counsel and has consented to the preliminary inquiry being held or continued in his absence.

(3) At least fourteen days before the commencement of the preliminary inquiry the prosecutor shall give to the examining magistrate as well as to the accused, as far as practicable, copies of all written statements and depositions which the prosecutor wishes to tender in evidence at the inquiry.

Committal for trial without consideration of evidence. 18 of 1998.

33.–(1) An examining magistrate shall, if satisfied that all the evidence for the prosecution is in the form of written statements, copies of which have been given to the accused at least fourteen days before the date of the inquiry, commit the accused for trial for the offence or offences with which he is charged, without consideration of the contents of those statements unless the accused or one of the accused, as the case may be, has requested the court to consider a submission that the statements disclose insufficient evidence to put that accused on trial for that offence or offences.

(2) If the examining magistrate decides to commit the accused for trial under this section, he shall,

(a) give the accused person the warning as to alibi, in accordance with section 44 of this Act;

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(b) append the following certificate to the committal bundle-"committed for trial without consideration of evidence pursuant to section 33 of the Indictable Procedure Act, Cap. 96;"

(c) commit the accused for trial at the next practicable sitting of the Supreme Court in the district in which the committal proceedings are held; and

(d) make all ancillary and consequential orders regarding the attendance of the accused and the witnesses at the trial.

(3) The warrant of commitment for trial under this Act shall be in the form set out in the Second Schedule.

Committal for trial after consideration of evidence by written statements only. 18 of 1998.

34.–(1) An examining magistrate, having ascertained that the accused or his legal representative wishes the court to consider a submission that there is insufficient evidence to put the accused on trial for the offence or offences with which he is charged, shall permit the prosecutor to make an opening address to the court, if he so wishes, before any evidence is tendered.

(2) After such opening address, if any, the examining magistrate shall cause evidence to be tendered in accordance with sections 35, 36, 37, 38, 39, 40, 41 and 42 of this Act, that is to say by being read out loud, except where the court otherwise directs or to the extent that it directs that an oral account be given of any of the evidence.

(3) The evidence tendered by the prosecution at the inquiry shall be in the form of documentary evidence only and it shall not be necessary to call any witnesses, and if any witnesses are called they shall not be cross-examined.

(4) The examining magistrate may review any exhibits produced before the court and may take possession of them.

(5) After the evidence has been tendered by the prosecutor, the examining magistrate shall hear any submission which the accused may wish to make as to whether there is sufficient evidence to put him on trial

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for any indictable offence, but the accused shall not be entitled to give any evidence on his own behalf at the inquiry or to call any witnesses.

(6) The examining magistrate shall permit the prosecutor to make a submission in reply to any submission made by the accused in pursuance of subsection (5) of this section.

(7) After hearing submissions from both sides the examining magistrate shall,

(a) commit the accused for trial at the next practicable session of the Supreme Court for the district in which the inquiry is held, if he is of the opinion that there is sufficient evidence to put the accused on trial for the offence or offences with which he is charged or for any other indictable offence which is disclosed in the evidence tendered to the court;

(b) discharge the accused if the examining magistrate is not of the said opinion, and the accused is in custody for no other cause than the offence under inquiry.

(8) In every case where the examining magistrate decides to commit the accused for trial, he shall,

(a) cause the charge to be written down, if this has not already been done, and, if the accused is not represented by counsel, shall read the charge to him and explain it in ordinary language;

(b) give the accused the warning as to alibi in accordance with section 44 of this Act; and

(c) make all ancillary and consequential orders for the attendance of the accused and the witnesses at the trial.

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Evidence which is admissible at preliminary inquiry. 18 of 1998.

35.–(1) Evidence falling within subsection (2) of this section, and only that evidence, shall be admissible by a magistrate's court inquiring into an offence as examining magistrate.

(2) Evidence falls within this subsection if it,

(a) is tendered by or on behalf of the prosecutor; and

(b) falls within subsection (3) of this section.

(3) The following evidence falls within this subsection,

(a) written statements complying with section 36 of this Act;

(b) the documents or other exhibits (if any) referred to in such statements;

(c) depositions complying with section 37 of this Act;

(d) the documents or other exhibits (if any) referred to in such depositions;

(e) statements complying with section 38 of this Act;

(f) documents falling within section 39 of this Act.

(4) In this section, "document" means anything in which information of any description is recorded.

Written statements. 18 of 1998

36.–(1) For the purpose of section 35 of this Act, a written statement complies with this section if,

(a) the conditions falling within subsection (2) of this section are met; and

(b) such of the conditions falling within subsection (3) of this section as apply are met.

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(2) The conditions falling within this subsection are that,

(a) the statement purports to be signed by the person who made it;

(b) the statement contains a declaration by that person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true;

(c) before the statement is tendered in evidence a copy of the statement is given, by or on behalf of the prosecutor, to each of the other parties to the proceedings.

(3) The conditions falling within this subsection are that,

(a) if the statement is made by a person under 18 years old, it gives his age;

(b) if it is made by a person who cannot read it, it is read to him before he signs it and is accompanied by a declaration by the person who so read the statement to the effect that it was so read;

(c) if it refers to any other document as an exhibit, the copy given to any other party to the proceedings under subsection (2)*(c)* of this section, is accompanied by a copy of that document or by such in-formation as may be necessary to enable the party to whom it is given to inspect that document or a copy of it.

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(4) So much of any statement as is admitted in evidence by virtue of this section shall, unless the court otherwise directs, be read aloud at the hearing and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.

(5) Any document or other object referred to as an exhibit and identified in a statement admitted in evidence by virtue of this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.

(6) In this section, "document" means anything in which information of any description is recorded.

Depositions. 18 of 1998.

37.–(1) For the purposes of section 35 of this Act a deposition complies with this section if,

(a) a copy of it is sent to the prosecutor under section 41 (9) of this Act;

(b) the condition falling within subsection (2) of this section is met; and

(c) the condition falling within subsection (3) of this section is met, in a case where it applies.

(2) The condition falling within this subsection is that before the magistrate's court begins to inquire into the offence concerned as examining magistrate a copy of the deposition is given, by or on behalf of the prosecutor, to each of the other parties to the proceedings.

(3) The condition falling within this subsection is that if the deposition refers to any other document as an exhibit, the copy given to any other party to the proceedings under subsection (2) of this section is accompanied by a copy of that document or by such information as may be necessary to enable the party to whom it is given to inspect that document or a copy of it.

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(4) So much of any deposition as is admitted in evidence by virtue of this section shall, unless the court otherwise directs, be read aloud at the hearing and where the court so directs an account shall be given orally of so much of any deposition as is not read aloud.

(5) Any document or other object referred to as an exhibit and identified in a deposition admitted in evidence by virtue of this section shall be treated as if it had been produced as an exhibit and identified in court by the person whose evidence is taken as the deposition.

(6) In this section, "document" means anything in which information of any description is recorded.

Statements. 18 of 1998.

38.–(1) For the purposes of section 35 of this Act, a statement complies with this section if the conditions falling within subsections (2) to (4) of this section are met.

(2) The condition falling within this subsection is that, before the committal proceedings begin, the prosecutor notifies the magistrates court and each of the other parties to the proceedings that he believes,

(a) that the statement might by virtue of sections 83 and 105 of the Evidence Act, Cap. 95 (statements in certain documents) be admissible as evidence if the case came to trial; and

(b) that the statement would not be admissible as evidence otherwise than by virtue of sections 83 and 105 of the Evidence Act, Cap. 95 if the case came to trial.

(3) The condition falling within this subsection is that,

(a) the prosecutor's belief is based on information available to him at the time he makes the notification;

(b) he has reasonable grounds for his belief; and

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(c) he gives the reasons for his belief when he makes the notification.

(4) The condition falling within this subsection is that when the court or a party is notified as mentioned in subsection (2) of this section, a copy of the statement is given, by or on behalf of the prosecutor, to the court or the party concerned.

(5) So much of any statement as is in writing and is admitted in evidence by virtue of this section shall, unless the court otherwise directs, be read aloud at the hearing and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.

Other documents. 18 of 1998.

39.–(1) The following documents fall within this section,

(a) any document which by virtue of any enactment is evidence in proceedings before a magistrate's court inquiring into an offence as examining magistrate;

(b) any document which by virtue of any enactment is admissible, or may be used, or is to be admitted or received, in or as evidence in such proceedings;

(c) any document which by virtue of any enactment may be considered in such proceedings;

(d) any document whose production constitutes proof in such proceedings by virtue of any enactment;

(e) any document by the production of which evidence may be given in such proceedings by virtue of any enactment.

(2) In subsection (1) of this section,

(a) references to evidence include references to *prima facie* evidence;

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(b) references to any enactment include references to any provision of this Act.

(3) So much of any document as is admitted in evidence by virtue of this section shall, unless the court otherwise directs, be read aloud at the hearing and where the court so directs an account shall be given orally of so much of any document as is not read aloud.

(4) In this section "document" means anything in which information of any description is recorded.

Proof by production of copy. 18 of 1998.

40.–(1) Where a statement, deposition or document is admissible in evidence by virtue of section 35, 36, 37, 38 or 39 of this Act it may be proved by the production of,

(a) the statement, deposition or document; or

(b) a copy of it or the material part of it.

(2) Subsection (1)*(b)* of this section applies whether or not the statement, deposition or document is still in existence.

(3) It is immaterial for the purpose of this section how many removes there are between a copy and the original.

(4) In this section "copy", in relation to a statement, deposition or document, means anything onto which information recorded in the statement, deposition or document has been copied, by whatever means and whether directly or indirectly.

Summons or warrant as to committal proceedings. 18 of 1998.

41.–(1) Subsection (2) of this section applies where a magistrate is satisfied that,

(a) any person in Belize is likely to be able to make on behalf of the prosecutor a written statement containing material evidence, or produce on behalf of the prosecutor a document or other exhibit likely to be material evidence, for the purposes of proceedings

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before a magistrate's court inquiring into an offence as examining magistrate;

(b) the person will not voluntarily make the statement or produce the document or other exhibit.

(2) In such a case the magistrate shall issue a summons directed to that person requiring him to attend before a magistrate at the time and place appointed in the summons to have his evidence taken as a deposition or to produce the document or other exhibit.

(3) If a magistrate is satisfied by evidence on oath of the matters mentioned in subsection (1) of this section, and also that it is probable that a summons under subsection (2) of this section would not procure the result required by it, the magistrate may instead of issuing a summons issue a warrant to arrest the person concerned and bring him before a magistrate at the time and place specified in the warrant.

(4) A summons may also be issued under subsection (2) of this section if the magistrate is satisfied that the person concerned is outside Belize, but no warrant may be issued under subsection (3) of this section, unless the magistrate is satisfied by evidence on oath that the person concerned is in Belize.

(5) If,

(a) a person fails to attend before a magistrate in answer to a summons under this section;

(b) the magistrate is satisfied by evidence on oath that such person is likely to be able to make a statement or produce a document or other exhibit as mentioned in subsection (1)*(a)* of this section;

(c) it is proved on oath, or in such other manner as may be prescribed, that he has been duly served with the summons and that a reasonable sum has been paid or tendered to him for costs and expenses; and

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(d) it appears to the magistrate that there is no just excuse for the failure,

the magistrate may issue a warrant to arrest him and bring him before a magistrate at a time and place specified in the warrant.

(6) Where,

(a) a summons is issued under subsection (2) of this section or a warrant is issued under subsection (3) or (5) of this section; and

(b) the summons or warrant is issued with a view to securing that a person has his evidence taken as a deposition,

the time appointed in the summons or specified in the warrant shall be such as to enable the evidence to be taken as a deposition before a magistrate's court begins to inquire into the offence concerned as examining magistrate.

(7) If any person attending or brought before a magistrate in pursuance of this section refuses without just excuse to have his evidence taken as a deposition, or to produce the document or other exhibit, the magistrate may do one or both of the following,

(a) commit him to custody until the expiration of such period not exceeding one month as may be specified in the summons or warrant or until he sooner has his evidence taken as a deposition or produces the document or other exhibit;

(b) impose on him a fine not exceeding one thousand dollars.

(8) A fine imposed under subsection (7) of this section, shall be deemed, for the purpose of any enactment, to be a sum adjudged to be paid by a conviction.

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(9) If in pursuance of this section a person has his evidence taken as a deposition, the clerk of court concerned shall as soon as is reasonably practicable send a copy of the deposition to the prosecutor.

(10) If in pursuance of this section a person produces an exhibit which is a document, the clerk of court concerned shall as soon as is reasonably practicable send a copy of the document to the prosecutor.

(11) If in pursuance of this section a person produces an exhibit which is not a document, the clerk of court concerned shall as soon as is reasonably practicable inform the prosecutor of the fact and of the nature of the exhibit.

(12) Nothing in this section shall affect the privilege against self-incrimination, that is to say, the right of a person to refuse to answer any question if the answer thereto would, in the opinion of the court, have a tendency to expose the deponent to any criminal charge, penalty or forfeiture which the court considers as reasonably likely to be preferred against him.

Authentication of evidence and marking of exhibits.
18 of 1998.

42.–(1) All statements, depositions and documents tendered in evidence at the inquiry by virtue of sections 35 to 40 of this Act, shall be authenticated by the examining magistrate by subscribing his signature thereon.

(2) The examining magistrate shall cause all exhibits referred to in the statements of witnesses and tendered in evidence by the prosecution to be inventorised and labelled, or otherwise marked, so that they may be identified at the trial.

Power of Director of Public Prosecutions in the event of discharge.
18 of 1998.

43.–(1) In every case in which an examining magistrate discharges a person accused before him of a crime or otherwise dismisses the information or charge against such person, it shall be lawful for the person who proffered the charge or at whose instance the investigation of the charge had been entered into, or for the Director of Public Prosecutions, to require the examining magistrate to transmit the information and all other evidence in the case to the Director of Public Prosecutions.

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(2) The examining magistrate shall forthwith comply with such requisition, and if the Director of Public Prosecutions, on considering the evidence so transmitted to him, is of the opinion that the magistrate should not have discharged the accused person or otherwise dismissed the information, he may,

(i) apply to the court for a warrant for the arrest and committal for trial of the accused person and if the court is of opinion that the evidence as given before the examining magistrate was sufficient to place the accused person on trial, it shall be lawful for the court to issue a warrant for the arrest of the accused person and for his committal to prison there to be kept until discharged in due course of law, or give such directions regarding the release on bail of the person so arrested and every person so proceeded against shall be treated in the same and the like manner as if he had been committed for trial by the examining magistrate; or

(ii) remit the cause to the magistrate with directions to reopen the inquiry for the purpose of taking as evidence further written statements and with any other direction he thinks proper. The effect of such remission to the magistrate shall be that the inquiry shall be reopened and dealt with in all respects as if the accused person had not been discharged.

Warning as to alibi.
18 of 1998.

44. In every case where the examining magistrate commits the accused for trial under this Act, he shall say to the accused,

"I must warn you that you may not be permitted at your trial to give evidence of an alibi or to call witnesses in support of an alibi unless you have earlier given particulars of the alibi and of the witnesses.

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You may give those particulars now to this court or to the prosecutor not later than seven days from the end of these committal proceedings";

or words to that effect and, if it appears to the court that the accused may not understand the meaning of the term "alibi", the court shall explain it to him,

Provided that the court shall not be required to give this warning in any case where it appears to the court that, having regard to the nature of the offence with which the accused is charged, it is unnecessary to do so.

Division 4

Committal for Trial, Proceeding Subsequent to Committal of Accused Person

Procedure on charge of crime against a corporation.

45.–(1) Where a corporation is charged, whether alone or jointly with some other person, with a crime, the examining magistrate may, if he is of the opinion that the evidence offered on the part of the prosecution is sufficient to put the accused corporation upon trial, make an order committing the accused corporation for trial in the same manner and according to the same procedure as if the corporation were a natural person,

Provided that where the crime is one which in the case of an adult may be dealt with summarily and the corporation does not appear before the examining magistrate by a representative or, if it does so appear, consents that the crime should be so dealt with the examining magistrate may deal with, the crime summarily.

(2) Where any person is charged jointly with a corporation with any crime and either that person or the corporation by its representative does not consent that the crime should be dealt with summarily, the examining magistrate shall not have power to deal summarily with the crime in the case of the other offender.

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(3) In this section the expression "representative" in relation to a corporation means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this section authorised to do, but a person so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation before any court for any other purpose.

(4) A representative for the purposes of this section need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person, by whatever name called, having, or being one of the persons having, the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this section shall be admissible without further proof as *prima facie* evidence that that person has been so appointed.

(5) Provision may be made by rules of court with respect to the service on any corporation charged with a crime of any document requiring to be served in connection with the proceedings.

(6) The procedure prescribed in this section for committing a corporation for trial shall also apply *mutatis mutandis* where an unincorporated body or association is charged with a crime. 18 of 1998.

46. A person committed for trial, whether bailed or not, shall be entitled, at any reasonable time before the trial, to have copies of the depositions and of his own statement, if any, from the clerk of the examining magistrate or, if the documents relating to the inquiry have been transmitted by the examining magistrate as hereinafter provided, from the Registrar, on payment of a reasonable sum not exceeding three cents for each folio. Copy of depositions for accused person. 18 of 1998.

47.–(1) Where an accused person is committed for trial the examining magistrate shall, Attendance of accused and witnesses at the trial. 18 of 1998.

(a) commit the accused in custody or remand him on bail (if the offence be bailable by him) to appear for trial at the Supreme Court; and

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(b) cause a notice to be delivered to every witness whose statement or deposition has been tendered in evidence at the inquiry informing him of the day on which the sitting of the court will commence, and requiring him to appear at the court on such day to give evidence.

(2) Every witness to whom a notice has been delivered in pursuance of subsection (1) *(b)* of this section, who fails to attend at the court on the day specified in the notice, shall, without prejudice to the power of the court to issue a warrant for his arrest, be guilty of an offence and liable on summary conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding three months.

Notice by person committed for trial of intention to plead guilty.

48.–(1) A person committed for trial whether he is in custody or not, may if he wishes to plead guilty and be sentenced prior to the regular sitting of the court, file with the Registrar a notice in writing to that effect.

(2) The notice shall be filed with the record and entry thereof made by the Registrar.

18 of 1998.

(3) The Registrar shall immediately notify the Chief Justice and the Director of Public Prosecutions and shall arrange for the record of the preliminary inquiry to be obtained from the examining magistrate as soon as practicable, if not already received.

18 of 1998.

(4) The Chief Justice shall, as soon as conveniently may be after receiving the record as aforesaid and after the indictment has been preferred by the Director of Public Prosecutions, issue an order for the accused person to be brought before the court at the time specified therein and the Registrar shall notify the Director of Public Prosecutions and the accused person accordingly.

18 of 1998.

(5) The accused person shall be called upon to plead to the indictment and he may either plead that he is guilty of the crime charged in the indictment, or with the consent of the Director of Public Prosecutions of any other crime of which he might be convicted on the indictment.

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(6) If the accused person pleads guilty and his plea is accepted by the prosecutor, he shall be sentenced by the court, after which the Registrar shall cause a notice to be sent to all witnesses who had been required to attend the court in pursuance of a notice under section 47 of this Act, informing them that they need not appear at the court for the purpose aforesaid.

(7) If an accused person, having previously expressed his intention to plead guilty, pleads in the court that he is not guilty, or if although he pleads that he is guilty it appears to the court, upon the examination of the record of the committal proceedings, that he may not have committed the crime charged in the indictment, or any other crime of which he might be convicted on the indictment, the plea of not guilty shall be entered, and the court shall postpone the case for trial by a jury at the regular criminal sittings of the court accordingly, and may remand the accused person to prison or admit him to bail in the meantime. 18 of 1998.

(8) The Court when sitting to deal with accused persons under this section shall possess all the powers, authorities and jurisdiction vested in the court with respect to the trial of criminal cases in the exercise of its criminal jurisdiction. 18 of 1998.

Transmission of documents relating to cause. 18 of 1998.

49.–(1) As soon as may be after the committal of the accused person, the examining magistrate shall transmit to the Registrar,

(a) the original information, depositions of the witnesses, documentary exhibits thereto, and any recognisances entered into; and

(b) a certified copy of all the documents mentioned in paragraph *(a)* of this subsection for the use of the trial judge,

and he shall also transmit to the Director of Public Prosecutions a true copy of all the said documents, and in case of a capital offence provide a true copy of the said documents for each accused person. 1 of 1969.

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(2) All exhibits, other than documentary exhibits, shall, unless the magistrate otherwise directs, be taken charge of by the police, who shall produce them at the trial.

Statement of witness after committal of accused person.
18 of 1998.

50.–(1) If, after an accused person has been committed, the examining magistrate is satisfied on application or otherwise that the statement of any person who is able to give relevant evidence should be recorded, the magistrate may proceed to record the statement of such person, and if that person is able to attend, the magistrate shall have the same powers of compelling the attendance of a witness at a preliminary inquiry.

(2) The person making the application shall give reasonable notice in writing to the accused person or the prosecutor, as the case may be, and to the Director of Public Prosecutions, of the time and place at which the deposition is to be taken and the magistrate shall, before taking the deposition, be satisfied that adequate notice has been given.

(3) If the application is made by the prosecutor and if the accused person is in prison, the magistrate may by an order in writing under the magistrate's hand, direct the keeper of the prison having custody of the accused person to convey him, or cause him to be conveyed to the place where the statement is to be recorded, for the purpose of being present when it is taken, and to take him back to prison afterwards.

(4) A statement taken under this section and copies thereof shall be transmitted by the magistrate to the Registrar and the Director of Public Prosecutions, and shall be treated in all respects in the same way as, and considered as being for all purposes, a deposition taken upon the preliminary inquiry.

Director of Public Prosecutions may require certain crimes to be inquired into.

51. Whenever it appears to the Director of Public Prosecutions from any information or examination taken by any magistrate that there are reasonable grounds to believe that any person other than a person accused is a principal in or an abettor of the crime therein charged, or whenever it shall otherwise appear to the Director of Public Prosecutions that there is reasonable ground for believing that a crime cognisable in the court has been committed by any person, it shall be lawful for him, if he thinks fit to do so, by writing under his hand to require any magistrate having jurisdiction in the matter to inquire into the case, and thereupon it shall

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be the duty of such magistrate to investigate the case, in the same and the like manner as if a charge under oath had been made before him.

Power of the Director of Public Prosecutions to remit cause for further inquiry.
11 of 1972.

52.–(1) At any time after the receipt of any documents mentioned in this Part and before the sitting of the court to which the accused person has been committed for trial, the Director of Public Prosecutions may, if he thinks fit, remit the cause to the magistrate with directions to reopen the inquiry for the purpose of taking as evidence further written statements and with any other directions he thinks proper.

(2) Subject to any express directions given by the Director of Public Prosecutions, the effect of remission to the magistrate shall be that the inquiry shall be reopened and dealt with in all respects as if the accused person had not been committed for trial.

Power of the Director of Public Prosecutions to remit cause to be dealt with summarily.
1 of 1969.

53. If, after the receipt of any documents mentioned in this Part, the Director of Public Prosecutions is of opinion that the accused person should not have been committed for trial but that the matter should have been dealt with summarily, the Director of Public Prosecutions may, if he thinks fit, at any time after that receipt, remit the cause to the magistrate with directions to deal with it accordingly, and with any other directions he thinks proper.

Further provisions as to remission of case.

54.–(1) Any directions given by the Director of Public Prosecutions under either section 52 or 53 of this Act, shall be in writing signed by him, and shall be followed by the magistrate.

1 of 1969.

(2) The Director of Public Prosecutions may at any time add to, alter or revoke any of the directions.

1 of 1969.

(3) The Registrar, at the request in writing of the Director of Public Prosecutions, shall send back to the magistrate the original documents transmitted to him by the examining magistrate.

1 of 1969.

(4) When the Director of Public Prosecutions directs that an inquiry shall be reopened under section 52 of this Act, or that a matter shall be dealt with summarily under section 53 of the Act, the following provisions shall have effect,

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(a) where the accused person is in custody, the magistrate may, by an order in writing under his hand, direct the keeper of the prison having his custody to convey him or cause him to be conveyed to the place where the proceedings are to be held for the purpose of being dealt with as the magistrate directs;

(b) where the accused person is on bail, the magistrate shall issue a summons for his attendance at the time and place when and where the proceedings are to be held; and

(c) thereafter the proceedings shall be continued under this Act or the Summary Jurisdiction (Procedure) Act, Cap. 99 as the case may be, and if under the Summary Jurisdiction (Procedure) Act, Cap. 99 in the same manner as if the magistrate had himself formed an opinion in terms of section 50 of the Summary Jurisdiction (Procedure) Act, Cap. 99.

Conditions under which witness at a preliminary inquiry need not be called at the trial.

55.–(1) Where any person has been committed for trial by an examining magistrate, if it appears to the Director of Public Prosecutions that attendance at the trial of any witness who has made a deposition for the prosecution and bound over is unnecessary, the Director of Public Prosecutions may cause notice to be given to such person that the witness will not be called at the trial and shall at the same time instruct the Commissioner of Police to serve notice on the witness not to attend the trial.

(2) Where notice under subsection (1) of this section has been given to the person committed for trial he may give notice at any time to the Registrar that he desires the witness to attend at the trial, and the Registrar shall forthwith inform the Commissioner of Police of the fact and he shall thereupon cause notice to be served on the witness that he is required to attend in pursuance of his recognisance and the witness shall be bound to attend accordingly.

(3) Unless the person committed for trial gives notice under subsection (2) of this section, the deposition of the witness whose attendance at the trial is not required may be read at the trial in accordance with section 123 of this Act.

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(4) Where a magistrate commits a person for trial the magistrate shall ask such person to state the address at which a notice may be delivered for him under subsection (1) of this section if he is on bail, and the magistrate shall note the address at the end of the deposition and inform the person committed for trial of his right to require the attendance at the trial of any such witness whose evidence he requires and of the steps which he must take for the purpose of enforcing such attendance.

(5) Any notice to a person committed for trial or to the Registrar shall be in writing, and a notice to a person committed for trial shall be sufficiently served if it is delivered to the keeper of the prison in which the person is confined, or if he is on bail at the address given to the magistrate by him.

(6) Service of a notice under this section shall be made by a police officer and a return of service in the prescribed form endorsed on a copy of the notice purporting to be signed by the police officer shall be sufficient evidence of the facts stated therein without proof of the signature or of the official character of the police officer.

Division 5

Bail

Right of accused person to bail.

56.–(1) Subject to any other law to the contrary, where the crime with which the accused person is charged is a misdemeanour punishable with fine or with imprisonment for any term not exceeding two years, the accused person shall be entitled to be admitted to bail as hereinafter mentioned.

(2) Subject to any other law to the contrary, where the crime with which the accused person is charged is a misdemeanour punishable otherwise than as is mentioned in subsection (1) of this section or, subject to the exceptions mentioned in subsection (3) of this section, is a felony, the magistrate may in his discretion admit the accused person to bail as hereinafter mentioned.

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(3) A magistrate shall not admit to bail any person charged with treason, misprision of treason, treason-felony or murder.

Bailing of accused on adjournment of inquiry.

57.–(1) An accused person whether committed to prison or not shall or may, as the case may be, be released on bail upon providing a surety or sureties sufficient in the opinion of the magistrate to secure his appearance, or upon his own recognisance if the magistrate thinks fit and, where by any statute for the time being in force, bail may be allowed or refused in the discretion of the magistrate, that discretion may be exercised at any stage of the proceedings.

(2) Whenever the preliminary inquiry is for any reason adjourned or interrupted, the examining magistrate shall or may, as the case may be, instead of remanding the accused person to prison, admit him to bail on condition of his appearing at the time to which the inquiry is adjourned, or at an earlier day if so required.

(3) If an accused person who has appeared and has been admitted to bail, either on the recognisance of sureties or on his own recognisance, to appear at any adjournment, fails to appear according to the condition of the recognisance, the magistrate before whom he ought to have appeared may issue a warrant for his apprehension, whether there has been any information in writing and upon oath or not.

(4) Where a person is remanded on bail the recognisance may be conditioned for his appearance at every time and place to which during the course of the proceedings the hearing is from time to time adjourned, without prejudice, however, to the power of the court to vary the order at any subsequent hearing.

Committal of accused person to prison for safe custody pending preliminary inquiry.

58.–(1) An accused person who is not admitted to bail shall be committed for safe custody to prison, or as the case may require.

(2) If the magistrate adjourns the preliminary inquiry and remands the accused person, the remand shall be by warrant.

(3) The magistrate may, whilst the accused person is under remand and before the expiration of the period of remand, order the accused

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person to be brought before him, and the keeper of the prison shall obey the order or, if the accused person is on bail, the magistrate may summon him to appear at an earlier day than that to which he was remanded, and if that summons is not obeyed, a warrant may issue to enforce his attendance, and may be executed like any other warrant.

Bailing accused person on committal for trial.

59.–(1) If an accused person who is committed for trial is admitted to bail, the recognisance of bail shall be taken in writing, either from the accused person and one or more surety or sureties, or from the accused person alone, in the discretion of the magistrate, according to the nature and circumstances of the case, and shall be signed by the accused person and his surety or sureties, if any.

26 of 1960.
1 of 1969.

(2) The condition of the recognisance shall be that the accused person shall personally appear before the Supreme Court at its next practicable sitting, which shall be specified, to be held in Belize City, Corozal Town, Dangriga, or elsewhere, as the case may be, there and then, or at any time within twelve months from the date of the recognisance, to answer to any indictment that may be filed against him in the said court for any crime wherewith he may be charged by the Director of Public Prosecutions, and that he will not depart from the said court without leave of the court, and that he will accept service of the indictment at the prison to which he would have been committed to await his trial if he had not been admitted to bail.

Conveying accused person to prison after committal for trial.

60.–(1) If an accused person who is committed for trial is not released on bail, the police officer to whom the warrant of commitment is directed shall convey him to the prison and there deliver him, together with the warrant, to the keeper of the prison, who shall thereupon give the police officer a receipt for him, which shall set forth the condition in which he was when he was delivered into the custody of the keeper.

(2) It shall not be necessary to address any warrant of commitment under this or any other section of this Act to the keeper of the prison, but upon delivery of the warrant to the keeper by the person charged with the execution thereof, the keeper shall receive and detail the person named therein, or detain him, if already in the keeper's custody, for the period and the purpose directed by the warrant.

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(3) In case of adjournments or remands, the keeper shall bring him, or cause him to be brought, at the time and place fixed by the warrant for that purpose, before the magistrate.

(4) This section shall apply to every person committed to prison under this Act.

Bailing accused person after committal for trial.

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

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

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

Power of the court or judge to bail accused person.

62. The court or a judge may at any time, on the petition of an accused person, order him, whether he has been committed for trial or not, to be admitted to bail, and the recognisance of bail may, if the order so directs, be taken before any magistrate or justice of the peace.

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Apprehension of accused person on bail but about to abscond.

63. Where an accused person has been bailed in the manner aforesaid, the magistrate by whom he has been bailed, or any other magistrate or justice of the peace, if he sees fit, on the application of the surety or of either of the sureties of the person, and on information being laid in writing, and upon oath by that surety, or by some person on the surety's behalf, that there is reason to believe that the person so bailed is about to abscond for the purpose of evading justice, may issue his warrant for the apprehension of the person so bailed, and afterwards, on being satisfied that the ends of justice would otherwise be defeated, may commit him when so arrested to prison until his trial, or until he produces another sufficient surety or other sufficient sureties as the case may be, in like manner as before.

Amount of bail.

64.–(1) The amount of bail to be taken in any case shall be in the discretion of the magistrate, or of the court or the judge, by whom the order for the taking of the bail is made, but no accused person shall be required to give excessive bail.

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

(3) If an accused person who is admitted to bail is an infant, the recognisance of bail shall be taken only from the surety or sureties.

PART IV

Proceedings in the Court

Division 1

Mode of Trial, Preliminary Procedure, Indictment and Attendance of Witnesses

General mode of trial.

65.–(1) Every person committed for trial shall be tried on an indictment in the court.

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(2) Subject to the provisions of sections 65A to 65E of this Act, the trial shall be had by and before a judge of the court and a jury constituted under the Juries Act, Cap. 128.

(3) The relative powers, functions and duties of the court and jury shall be the same as in civil causes.

Trial without a jury in certain cases.

65A–(1) Notwithstanding anything contained in this Act, the Criminal Code Cap, 101, the Juries Act, Cap 128 or any other law or rule of practice to the contrary, every person who is committed for trial or indicted, either alone or jointly with others, for any one or more of the offences set out in subsection (2) of this section shall be tried before a judge of the court sitting alone without a jury, including the preliminary issue (if raised) of fitness to plead or to stand trial for such offences.

(2) The offences referred to in subsection (1) are,

(a) Murder,

(b) Attempt to murder,

(c) Abetment of Murder, and

(d) Conspiracy to commit murder.

(3) In an indictment charging an accused person with any of the offences specified in subsection (2) of this section, no other count for an offence not referred to in the said subsection shall be added.

Application to the court for trial without a jury in other cases.

65B.–(1) In any other case not falling within the scope of section 65A of this Act, the prosecution may apply to the judge for the trial to be conducted without a jury on any one or more of the grounds set out in subsection (2) of this section.

(2) The grounds for making the application referred to in subsection (1) of this section are the following,

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(a) that in view of the nature and circumstances of the case, there is a danger of jury tampering or the intimidation of jurors or witnesses;

(b) that a material witness is afraid or unwilling to give evidence before a jury;

(c) that the case involves a criminal gang element and would be properly tried without a jury; or

(d) that the complexity of the trial or the length of the trial (or both) is likely to make the trial so burdensome to the jury that the interests of justice require that the trial should be conducted without a jury.

(3) Without prejudice to subsections (1) and (2) of this section, any person charged with an offence not falling within the scope of section 65A above, may apply to the judge for the trial to be conducted without a jury on the ground that in view of the pre-trial publicity attracted by the case, he is unlikely to have a fair trial with a jury.

(4) Every application made in pursuance of subsection (1) or (3) of this section shall be heard and determined by the judge in the absence of the jury and both the prosecution and the accused person shall be given an opportunity to make representations with respect to the application.

(5) If the judge is satisfied that the relevant ground as specified in subsection (2) or (3) of this section, as the case may be, has been established, he shall make an order that the trial shall be conducted without a jury, including the preliminary issue (if raised) of fitness to plead or to stand trial, but if he is not so satisfied he shall refuse the application,

Provided that where the application is made by an accused person pursuant to subsection (3) of this section and there are other persons jointly charged with him, the judge shall not make an order for the trial to be conducted without a jury unless all the accused persons so jointly charged agree.

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(6) No appeal shall lie against the order of the judge granting or refusing the application for the trial to be conducted without a jury.

Judge to give reasons for conviction or acquittal and right of appeal.

65C.–(1) Where a trial is conducted without a jury, the judge shall, at the conclusion of the trial, give a written judgment stating the reasons for the conviction or acquittal of the accused person (as the case may be) at, or as soon as reasonably practicable after, the time of conviction or acquittal.

(2) The date of the judgment referred to in subsection (1) of this Act shall be deemed to be the date of conviction or acquittal of the accused person.

(3) An appeal shall lie to the Court of Appeal, at the instance of the accused person or the prosecution, from the decision of the judge given under subsection (1) of this section, convicting or acquitting the accused person.

Judge to have power of jury in trials without a jury.

65D. Where a trial is conducted without a jury, the judge shall have all the power, authority and jurisdiction which he would have had if the trial had been conducted with a jury, including the power to determine any question and to make any finding which would have been required to be determined or made by a jury.

Construction of references.

65E.–(1) Except where the context otherwise requires, a reference in this Act or any other law to a jury, the verdict of a jury or the finding of a jury shall be read, in relation to a trial conducted without a jury, as a reference to the judge, the verdict of the judge or the finding of the judge.

(2) Without prejudice to subsection (1) of this section, where a trial is conducted without a jury under section 65A or section 65B of this Act, the provisions of this Act or any other law, insofar as they are predicated on a trial with a jury, shall not apply or shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with a trial by a judge sitting alone without a jury.

Saving of right of the Director of Public Prosecutions to file information for misdemeanour.
1 of 1969.

66.–(1) Nothing in this Act shall affect the right of the Director of Public Prosecutions to file an information in the court against any person for any misdemeanour.

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(2) Subject to this Act or to any other statute for the time being in force, the law, practice and procedure in respect of any such information shall be, as nearly as possible, the same as the law, practice and procedure for the time being in force in relation to information filed by the Attorney General of England in the High Court of Justice in England, so far as that law, practice and procedure is applicable to the circumstances of Belize.

Change of venue and proceedings thereon.
26 of 1960.

67.–(1) Where under section 52 of the Supreme Court of Judicature Act, Cap. 91 the court directs that a criminal cause be transferred from one district to another,

(a) the cause shall be tried and determined in the district directed by the order;

(b) all recognisances, subpoenas and proceedings in or relating to the cause shall thereupon be deemed to be returnable, and shall, by virtue of the order, be forthwith transferred and returned into that district;

(c) all witnesses bound by recognisances or summoned to attend the trial shall attend in that district; and

(d) any final judgment, sentence or order in the cause shall be carried into execution in the district or place directed by the court before which the trial is had,

and where the court under the said section directs that the trial of a case be re-transferred to the district in which such case was originally for trial, paragraphs *(a), (b)* and *(c)* of this subsection shall apply.

(2) Where under section 48 of the Supreme Court of Judicature Act, Cap. 91, the Chief Justice directs that the trial of any case be transferred to the Central District, paragraphs *(b), (c)* and *(d)* of subsection (1) of this section shall apply in respect of such case.

(3) In this section,

"Central District" means the Central District constituted by the Supreme Court of Judicature Act, Cap. 91;

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"district" means a district appointed under the Supreme Court of Judicature Act, Cap. 91, for the holdings of sittings of the court.

Institution of proceedings by the Director of Public Prosecutions. 1 of 1969.

68.–(1) On receipt of the documents relating to the preliminary inquiry, the Director of Public Prosecutions shall, if he sees fit to do so, institute such criminal proceedings in the court against the accused person for any crime or crimes disclosed in the depositions as to him may seem proper.

(2) Every indictment shall be presented to the court by and in the name of the Director of Public Prosecutions.

(3) The Director of Public Prosecutions may charge the accused with the crime for which he has been committed for trial, and in addition thereto or in substitution therefor, with any other crime or crimes which may be supported by the evidence and facts disclosed in any examination or deposition taken before an examining magistrate in his presence, being crimes which may lawfully be joined in the same indictment.

(4) A charge of a previous conviction of a crime may, notwithstanding that it was not included in the committal, be included in any indictment.

(5) An indictment may include counts for crimes arising out of depositions taken at two or more preliminary inquiries, but if the judge at the trial of the accused on any such indictment considers that the inclusion of one or more of such crimes is likely to embarrass the accused person in his defence, he may direct that the count or counts for such crime or crimes be tried separately.

Presentation and sufficiency of indictments.

69.–(1) Every indictment shall contain and be sufficient if it contains a statement of the specific crime or crimes with which the accused person is charged, together with such particulars as may be necessary for giving reasonable information as to the nature of the charge.

(2) Notwithstanding any rule of law or practice, an indictment shall not, subject to this Act, be open to objection in respect of its form or contents if it is framed in accordance with the rules.

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Joinder of charges in the same indictment.

70. Subject to the provisions of the rules, charges for more than one felony or for more than one misdemeanour, and charges for both felonies and misdemeanours, may be joined in the same indictment, but where a felony is tried together with any misdemeanour, the jury shall be sworn as if all the crimes charged in the indictment were felonies.

Saving.

71. Nothing in the Act or the rules shall affect the law or practice relating to the jurisdiction of the court or the place where an accused person can be tried, or prejudice or diminish in any respect the obligation to establish by evidence according to law any acts, omissions or intentions legally necessary to constitute the crime with which the person accused is charged, or otherwise affect the laws of evidence in criminal causes.

Meaning of "the rules".

72. For the purposes of sections 69, 70 and 71 of this Act, "the rules" means the rules with respect to indictments, which shall have effect as if enacted herein, contained in the First Schedule, and includes any further or other rules made under section 95 of the Supreme Court of Judicature Act, Cap. 91.

Joinder of counts, and proceedings thereon.
18 of 1998.

73.–(1) Subject to subsection (2) of this section, any number of counts for any crimes whatever may be joined in the same indictment, and shall be sufficiently distinguished.

(2) Where there are more counts than one in an indictment, each count may be treated as a separate indictment.

(3) If the court thinks it conducive to the ends of justice to do so, it may direct that the accused person be tried upon any one or more of the counts separately.

(4) That order may be made either before or in the course of the trial and, if it is made in the course of the trial, the jury shall be discharged from giving a verdict upon the counts on which the trial is not to proceed.

(5) The counts in the indictment which are not then tried shall be proceeded upon in all respects as if they had been contained in a separate indictment,

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33 of 1980.

Provided that, unless there are special reasons for so doing, no order shall be made preventing the trial at the same time of any number of distinct charges of theft, not exceeding five, alleged to have been committed within six months from the first to last of those crimes, whether against the same person or not.

(6) If one sentence is passed upon any verdict of guilty on an indictment containing more counts than one, the sentence shall be good if any of those counts would have justified the sentence.

Joinder of two or more accused persons in one indictment.

74.–(1) Subject to subsection (2) of this Act, any number of persons may be charged in one indictment and tried together for a crime which they are alleged to have jointly committed, or in which they, or any of them, are alleged to have participated by abetment or otherwise.

1 of 1969.

(2) The court may, on application either on behalf of any of the accused persons or of the Director of Public Prosecutions, at any time, order that any of such persons shall be tried separately from all or any of the others.

33 of 1980.

(3) In an indictment for handling stolen property, any number of persons who have at different times so handled such property or any part thereof may be charged and tried together.

33 of 1980.

(4) On the trial of two or more persons indicted for jointly handling any stolen goods, the jury may find any of the accused guilty if the jury are satisfied that he handled all or any of the stolen goods, whether or not he did so jointly with the other accused or any of them.

33 of 1980.

(5) If any person, who is a member of any co-partnership or is one of two or more beneficial owners of any property, steals any such property of or belonging to such co-partnership or to such beneficial owners he shall be liable to be dealt with, tried and punished as if he had not been or was not a member of such co-partnership or one of such beneficial owners.

Money, currency note or bank note; how described.

75.–(1) In every indictment in which it is necessary to make any averment as to any money or any note of the Central Bank of Belize, government currency note or of any other bank, it shall be sufficient to describe such

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money or bank or currency note simply as money without specifying any particular coin or bank or currency note, and such allegation, so far as regards the description of the property, shall be sustained by proof of any amount of coin or of any bank or currency note, although the particular species of coin of which such amount was composed, or the particular nature of the bank or currency note shall not be proved.

(2) An allegation in an indictment that money, currency notes or bank notes have been stolen or obtained by deception can, so far as regards the description of the property, be sustained by proof that the offender stole or obtained any piece of coin or any currency note or bank note or any portion of the value thereof, although such piece of coin or such currency note or bank note may have been delivered to him in order that some part of the value thereof should be returned to any person and such part has been returned accordingly. 33 of 1980.

Filing and service of copy of indictment.

76.–(1) Subject to the provisions contained in this section, every indictment shall be filed in the registry three days at least before the day of trial of the accused person charged in the indictment.

(2) The Registrar shall, two days at least before the day of trial, deliver or cause to be delivered to the keeper of the prison to which the accused person has been admitted to bail, a certified copy of the indictment, and the copy shall be given by the keeper to the accused person forthwith, if he is in custody, and when he calls for it, if he is on bail.

(3) For the purposes of subsection (2) of this section,

(a) the delivery to the keeper of the copy may be made by transmitting it in a registered letter by post properly addressed to him;

(b) any receipt purporting to be given by any officer of the Post Office for the registered letter shall be deemed *prima facie* evidence of the posting on the day stated therein of the letter addressed as described in the receipt; and

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(c) a certificate, signed by the Registrar, that a certified copy of an indictment was enclosed in the registered letter shall be deemed *prima facie* evidence that that copy reached the accused person charged in the indictment.

(4) An accused person may dispense with either or both of the requirements as to time specified in subsections (1) and (2) of this section.

(5) Whenever the court orders or allows another indictment to be preferred at the same sitting of the court for the same offence or for a minor offence, the accused person shall not be entitled to have a copy served upon him for a longer period than twenty-four hours before his arraignment on the other indictment.

Orders for amendment, of indictment separate trial, and postponement of trial.

77.–(1) Where, before trial, or at any stage of a trial, it appears to the court that the indictment is defective, the court shall make any order for the amendment of the indictment which the court thinks necessary to meet the circumstances of the case, unless, having regard to the merits of the case, the required amendments cannot be made without injustice.

(2) Where an indictment is so amended, a note of the order for amendment shall be indorsed on the indictment, and the indictment shall be treated, for the purposes of the trial and for the purposes of all proceedings in connection therewith, as if it had been originally framed as amended.

(3) Where, before trial or at any stage of a trial, the Court is of opinion that a person accused may be prejudiced or embarrassed in his defence by reason of being charged with more than one crime in the same indictment, or that for any other reason it is desirable to direct that the person should be tried separately for any one or more crimes charged in an indictment, the court may order a separate trial of any count or counts of that indictment.

(4) Where, before a trial or at any stage of a trial, the court is of the opinion that the postponement of the trial of a person accused is expedient as a consequence of the exercise of any power of the court

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under this Act to amend an indictment or to order a separate trial of a count, the court shall make such order as to the postponement of the trial as appears necessary.

(5) Where an order of the court is made under this section for a separate trial or for the postponement of a trial,

(a) if the order is made during a trial, the court may order that the jury is to be discharged from giving a verdict on the count or counts the trial of which is postponed, or on the indictment, as the case may be;

(b) the procedure on the separate trial of a count shall be the same in all respects as if the count had been laid in a separate indictment, and the procedure on the postponed trial shall be the same in all respects, if the jury has been discharged, as if the trial had not commenced; and

(c) the court may make any order as to admission of the accused person to bail and enlargement of recognisance and otherwise as the court thinks fit.

(6) Any power of the court under this section shall be in addition to and not in derogation of any power of the court for the same or similar purposes.

Objection to indictment.
18 of 1998.

78.–(1) Notwithstanding any rule of law to the contrary, no objection to an indictment shall be taken by way of demurrer or on the ground of any defect in the committal proceedings, but if an indictment does not state in substance a crime or states a crime not triable by the court or the offence charged is not disclosed in the depositions, the accused person may move the court to quash it or in arrest of judgment as provided in section 141 of this Act.

(2) If the motion is made before the accused person pleads, the court shall either quash the indictment or, if the court thinks that it ought to be amended, amend it.

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(3) If the defect in the indictment appears to the court during the trial, and the court does not think fit to amend it, the court may, in its discretion, quash the indictment, or leave the objection to be taken in arrest of judgment.

(4) If the indictment is quashed, the court may direct the accused person to plead to another indictment, when called on at the same sitting of the court.

Attendance of witness bound by recognisance to attend.
18 of 1998.

79.–(1) A person bound by recognisance to attend any sitting of the court as a witness, or to whom a notice to attend has been sent in accordance with section 47 of this Act, whether for the prosecution or for the defence, in any cause to be tried at the sitting, shall be bound to attend the court, without any *subpoena* or notice, on the day appointed for the trial of the cause and on subsequent days of the sitting, until it has been disposed of, or until he has been discharged by the court from further attendance.

(2) If a person mentioned in subsection (1) of this section, satisfies the Registrar that he has attended the court on any day in the sitting earlier than the day appointed for the trial of the cause in which he is a witness, and that he resides more than five miles from the place where the sitting of the court is to be held, he shall be entitled to have his expenses for that day allowed.

Writ of *subpoena* for witness.

80.–(1) A person whose attendance as a witness, whether for the prosecution or for the defence, is required in any cause, and who has not been bound by recognisance to attend as a witness at the sitting of the court at which the cause is to be tried, may be summoned by a writ of *subpoena* under section 81 of the Supreme Court of Judicature Act, Cap.91.

(2) Every writ of *subpoena* shall be issued in the name of the Queen and tested in the name of the Chief Justice.

Preparation and issue of writ.

81.–(1) On being furnished at any time before or during any sitting of the court, with a *praecipe* containing the names and places of abode of any witnesses on behalf of the prosecution or of the defence whose attendance at the trial of any cause is required to be secured by *subpoena,*

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the Registrar shall prepare, and deliver to the Chief Officer of Police in charge of the district in which the court is sitting, a writ or writs of *subpoena*, together with as many copies thereof as there are witnesses named in the writ or writs.

(2) Where a writ is applied for and obtained by any accused person who has been committed for trial on a charge of having committed any crime other than a capital offence, the Registrar shall insert in the margin of the writ the name of the person who applied for and obtained it, and that person shall pay to the Registrar the sum of one dollar.

(3) Where application is made to the court to postpone the trial of any cause on the ground of the absence of any witness stated to be material, it shall be taken as *prima facie* evidence that, the party applying for the postponement has not exercised due diligence to secure the attendance of that witness, if it appears that no *subpoena to* him was served in time to enable him to attend on the day of trial.

Service of writ.

82.–(1) A writ of *subpoena* may be served by a person authorised under sections 73 and 78 of the Supreme Court of Judicature Act, Cap. 91 delivering a copy thereof to the witness personally or, if he cannot, with the exercise of reasonable diligence, be encountered, leaving a copy of it with some person for him at his last or most usual place of abode.

(2) Service of a writ of *subpoena* may be proved in manner provided by section 74 of the Supreme Court of Judicature Act, Cap. 91.

(3) No fee shall be payable for the service of the writ, except in respect of any witness required for the defence, in any event other than that of a capital offence, whose deposition has not been taken at the preliminary inquiry and transmitted with the documents in the cause, and in that case the officer shall not serve the writ until a reasonable sum has been lodged with the Registrar by the accused person for the expense of the service.

Warrant for apprehension of witness not attending on recognisance. 18 of 1998.

83. If any person who has been bound by recognisance to attend as a witness, or to whom a notice has been sent in accordance with section 47 of this Act, whether for the prosecution or for the defence, at the trial of any cause does not attend the court on the day appointed for that trial,

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and no reasonable excuse is offered for his non-attendance, the court may issue a warrant to apprehend him, and to bring him, at a time to be mentioned in the warrant, before the court in order to give evidence on behalf of the prosecution or of the defence, as the case may be.

Penalty for non-attendance of witness.

84. A person who makes default in attending as a witness in the case mentioned in section 83 of this section shall be liable, on the summary order of the court, to a fine not exceeding two hundred dollars and in default of payment to imprisonment for any term not exceeding three months.

Warrant for apprehension of witness in first instance.

85.–(1) If a judge is satisfied, by proof upon oath that any person likely to give material evidence, either for the prosecution or for the defence, on the trial of any cause, will not attend to give evidence without being compelled to do so, he may order that, instead of a *subpoena* being issued, a warrant shall be issued in the first instance for the apprehension of that person.

(2) Every person arrested under the warrant shall, if the trial of the cause for which his evidence is required is appointed for a time which is more than twenty-four hours after the arrest, be taken before a judge, and the judge may, on his furnishing security by recognisance, to the satisfaction of the judge, for his appearance at the trial, order him to be released from custody, or shall on his failing to furnish that security order him to be detained for production at the trial.

Division 2

Arraignment and Pleas, and Trial

Arraignment of accused person.

86.–(1) The accused person shall be brought to the bar and the indictment shall be read out to him after which he shall be asked by the Registrar whether he has any objection to make to the form or substance of the indictment.

(2) If an objection is then made to the indictment the court shall determine whether any amendment is proper and can be made and shall make all proper amendments or adjourn the case for a new date or order an amended indictment to be prepared.

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(3) No objection to the form of the indictment shall be entertained by the court, unless it has been made as above directed before the jury is sworn.

(4) When no objection is made to the indictment, or when the indictment has been amended, the accused shall be asked whether he pleads "guilty" or "not guilty" or any of the special pleas hereinafter mentioned.

(5) Subject to subsection (6) of this section, if the accused person pleads "guilty", the plea shall be recorded on the indictment, and the court may proceed to pass sentence.

(6) When the charge so pleaded to is murder, the court may in its discretion refuse to receive the plea, and shall cause the trial to proceed in like manner as if the accused person had pleaded "not guilty".

(7) If the accused person pleads "guilty" to the principal charge but denies any previous conviction alleged therein, a jury shall be empanelled, and the trial shall proceed so far as is necessary for verifying the previous conviction.

(8) If the accused person pleads "not guilty" a jury shall be empanelled and the trial shall proceed.

(9) If the accused person, when called upon to plead, stands mute, or will not answer directly to the indictment, the court may order a plea of "not guilty" to be entered on behalf of such person, and the plea so entered shall have the same force and effect as if such accused person had actually pleaded the same.

Presence of accused person at trial.

87.–(1) An accused person shall be entitled to be present in court during the whole of his trial, unless he misconducts himself by so interrupting the proceedings as to render their continuance in his presence impracticable.

(2) The court may, if it thinks proper, permit the accused person to be out of court during the whole or any part of the trial on any terms it deems right.

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Bench warrant where accused person does not appear.

88. Where any person against whom an indictment has been duly presented and who is then at large does not appear to plead thereto, whether he is under recognisance to appear or not, the court may issue a warrant for his apprehension.

Abolition of pleas in abatement.

89. No plea in abatement shall be allowed after the commencement of this Act.

Entering of plea by corporation. 1 of 1969.

90.–(1) Where the Director of Public Prosecutions prefers an indictment against a corporation in respect of any crime, the corporation may, on arraignment before the court, enter in writing by its representative a plea of guilty or not guilty, and if either the corporation does not appear by a representative or, though it does so appear, fails to enter as aforesaid any plea, the court shall order a plea of not guilty to be entered and the trial shall proceed as though the corporation had duly entered a plea of not guilty.

(2) Section 45 (3) and (4) of this Act, shall have effect in relation to the entering of a plea on behalf of a corporation under this section.

18 of 1998.

(3) The procedure prescribed in this section for the entering of a plea by a corporation shall also apply *mutatis mutandis* where an unincorporated body or association is arraigned before the court

Recording plea.

91. Every plea shall be entered by the Registrar on the back of the indictment or on a sheet of paper annexed thereto.

Special pleas allowed to be pleaded.

92.–(1) The following special pleas, and no others, may be pleaded according to the provisions hereinafter contained, that is to say, a plea of *autrefois acquit,* a plea of *autrefois convict,* a plea of pardon, and in cases of defamatory libel the plea hereinafter mentioned.

(2) All other grounds of defence may be relied on under the plea of not guilty.

(3) The pleas of *autrefois acquit, autrefois convict* and pardon may be pleaded together, and if pleaded shall be disposed of before the accused person is called on to plead further, and if all those pleas are disposed of against the accused person, he shall be allowed to plead not guilty.

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(4) In any plea of *autrefois acquit or autrefois convict* it shall be sufficient for the accused person to state that he has been lawfully acquitted or convicted, as the case may be, of the crime or crimes charged in the count or counts to which that plea is pleaded.

(5) Every special plea shall be in writing, and shall be filed with the Registrar not less than twenty-four hours before the arraignment of the accused person.

General effect of pleas of *autrefois acquit* and *autrefois convict*.

93.–(1) On the trial of an issue on a plea of *autrefois acquit or autrefois convict* to any count or counts, if it appears that the matter on which the accused person was tried on the former trial is the same, in whole or in part, as that on which it is proposed to try him, and that he might, on the former trial, have been convicted of all the crimes of which he may be convicted on the count or counts to which that plea is pleaded, the court shall give judgment that he be discharged from that count or those counts.

(2) If it appears that the accused person might, on the former trial, have been convicted of any crime of which he may be convicted on the count or counts to which that plea is pleaded, but that he may be convicted on the count or counts of some crime or crimes of which he could not have been convicted on the former trial, the court shall direct that he shall not be convicted on the count or counts of any crime of which he might have been convicted on the former trial, but that he shall plead over as to the other crime or crimes charged.

Effect where previous crime charged was without aggravation.

94.–(1) Where an indictment charges substantially the same crimes as that charged in the indictment on which the accused person was given in charge on a former trial, but adds a statement of intention or circumstances of aggravation tending, if proved, to increase the punishment, the previous acquittal or conviction shall be a bar to the subsequent indictment.

(2) A previous acquittal or conviction on an indictment for murder shall be a bar to a second indictment for the same homicide charging it as manslaughter, and a previous acquittal or conviction on an indictment for manslaughter shall be a bar to a second indictment for the same homicide charging it as murder.

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Use of depositions on former trial on trial of pleas.

95. On the trial of an issue on a plea of *autrefois acquit* or *autrefois convict,* the depositions transmitted to the Registrar on the former trial, together with the judge's notes, if available, and the depositions transmitted to the Registrar on the subsequent charge, shall be admissible in evidence to prove or disprove the identity of the charges.

Plea of justification in case of libel.

96.– (1) Where any person accused of publishing a defamatory libel pleads that the defamatory matter published by him was true, and that it was for the public benefit that the matters charged should be published in the manner in which and at the time when they were published, that plea may justify the defamatory matter in the sense specified, if any, in the count or in the sense which the defamatory matter bears without any specification, or separate pleas justifying the defamatory matter in each sense may be pleaded separately, as if two libels had been charged in separate counts.

(2) The plea shall be in writing, and shall set forth the particular fact or facts by reason of which it was for the public good that the matters should be so published, and the Crown may reply generally denying the truth thereof.

(3) The truth of the matters charged in an alleged libel shall not in any case be inquired into without the plea of justification, unless the accused person is put upon his trial on any indictment alleging that he published the libel knowing it to be false, when evidence of the truth may be given in order to negative that allegation.

(4) The accused person may, in addition to the plea, plead not guilty, and inquiry shall be made of those pleas together, but no plea of justification herein provided for shall be pleaded to any indictment or count so far as it charges a libel to be a seditious, or blasphemous or obscene libel.

(5) If, when a plea of justification is pleaded the accused person is convicted, the court may, in pronouncing sentence, consider whether his guilt is aggravated or mitigated by the plea.

(6) If, when a plea of justification is pleaded, the issue thereon is found against the accused person, the Crown shall be entitled to recover

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from the accused person the costs sustained by the Crown by reason of the plea, to be taxed by the Registrar.

Application of previous provisions to criminal information.

97. The provisions of this Part relating to indictments shall apply to criminal information, and those of sections 69, 70, 71 and 77 of this Act shall, with any modifications made by rules of court, apply to any plea, replication or other criminal pleadings.

Form and particulars of minutes of proceedings on trial.

98.–(1) It shall not in any case be necessary to draw up a formal record of the proceeding on any trial for a crime, but the Registrar shall cause to be preserved all indictments, pleas and depositions filed with or delivered to him, and he shall keep a book, to be called "the Crown Book", which shall be the property of the court and be deemed a record thereof.

(2) There shall be entered in the Crown Book the name of the judge, and a memorandum of the substance of all proceedings at every trial and of the result of every trial.

(3) Any certificate of any indictment, trial, conviction or acquittal, or of the substance thereof, shall be made up from the memorandum in the book, and shall be receivable in evidence for the same purpose and to the same extent as certificates of records, or the substantial parts thereof, are by law receivable,

Provided that nothing herein contained shall dispense with the taking of notes by the judge presiding at the trial, or *in lieu* thereof the taking of notes by an officer of the court appointed by the judge for that purpose.

(4) Any erroneous or defective entry in the Crown Book may at any time be amended by a judge in accordance with the fact.

Original record of proceedings.

99. The indictment, the plea or pleas thereto, the names of the jurors, the verdict and the judgment or sentence of the court shall form and be the record of the proceedings in each cause and shall be kept and preserved as of record in the registry.

Furnishing the Chief Justice with copies of records.

100. It shall be the duty of the Registrar, whenever thereto required, to furnish the Chief Justice with copies of and extracts from all records,

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minutes and proceedings of the court and all returns relating thereto that the Chief Justice may require.

Postponement of trial.
1 of 1969.

101. If an application is made to the court by the accused person or the Director of Public Prosecutions for a postponement of the trial and the court is of opinion that the accused person ought to be allowed further time, either to prepare for his defence or otherwise, or that for any reason it is advisable in the interests of justice, the court may postpone the trial, either to a later day in the same sitting of the court, or to the next subsequent sitting of the court for the same district, as the court thinks fit, upon any terms as to bail or otherwise the court deems proper.

Procedure on indictment containing counts charging previous conviction.

102.–(1) Where an indictment contains a count charging the accused person with having been previously convicted, he shall not, at the time of his arraignment, be required to plead to it unless he pleads guilty to the rest of the indictment, nor shall that count be mentioned to the jury when the accused person is given in charge to them, or when they are sworn, nor shall he be tried upon it if he is acquitted on the other counts.

(2) If the accused person is convicted on any other part of the indictment, he shall be asked whether he has been previously convicted as alleged or not and, if he says that he has not or does not say that he has been so convicted, the jury shall be charged to inquire into the matter as in other causes.

Proof of previous conviction of accused person.

103. Where upon the trial of an indictment it is proposed to prove against the accused person the fact of a previous conviction,

(a) a copy of the conviction for the crime punishable on summary conviction, or a certificate containing the substance and effect only, omitting the formal part, of the indictment and conviction for the crime, or as the case may be, purporting to be signed by the officer having the custody of the records of the court where the offender was convicted; 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 a prison,

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

Proof of previous trial on trial for perjury.

104. A certificate containing the substance and effect only, omitting the formal part, of the indictment and trial for any crime, purporting to be signed by the Registrar, shall, on the trial of any indictment for perjury or subornation of perjury, be sufficient evidence of the trial of the previous indictment, without proof of the signature or official character of the person appearing to have signed the certificate.

Case for the prosecution.

105. After the accused person has been given in charge to the jury, or when the jury has been sworn, counsel for the Crown may open the case against the accused person, and adduce evidence in support of the charge.

Case for the defence.

106. The accused person or his counsel shall be allowed, if he thinks fit, to open his case and, after the conclusion of the opening, the accused person or his counsel shall be entitled to adduce evidence in support of the defence and, when the evidence is concluded, to sum up the evidence.

Right of reply.

107. The Director of Public Prosecutions, the Solicitor General or Crown Counsel shall have the right of reply in all cases in which the defence has called any witness (other than the accused himself) as to the facts.

Adjournment, or discharge of jury and postponement, of trial.

108. If the court is of opinion that the accused person is taken by surprise, in a manner likely to be prejudicial to his defence, by the production on behalf of the Crown of a witness who has not made any deposition, and of the intention to produce whom the accused has not had sufficient notice, or if the court is of opinion that the Crown is entitled to produce rebutting evidence, the court may, on the application of the accused person, or of the Director of Public Prosecutions, as the case may be, adjourn the further trial of the cause, or discharge the jury from giving a verdict and postpone the trial.

Recalling witness.

109.–(1) The court shall have full power and authority during any part of the trial, or after the case on both sides has been closed, to call and examine any witness, whether produced before the court in the course of the trial or not.

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1 of 1969.

(2) If the witness is not in attendance the court may order that his attendance may be procured and the court may, if it thinks fit adjourn the further hearing of the cause to some other time during the sitting until that witness attends, or if it is of the opinion that it would be conducive to the ends of justice to do so, on the application of the accused person or the Director of Public Prosecutions, discharge the jury and postpone the trial.

Mode of dealing with witness refusing to be sworn or to give or produce evidence.

110.–(1) Where any person, attending the court as a witness whether on his recognisance, or in obedience to a *subpoena,* or by virtue of a warrant, or being present in court and being verbally required by the court to give evidence in any cause,

(a) refuses to be sworn as a witness;

(b) having been so sworn, refuses to answer any question put to him by or with the sanction of the court; or

(c) refuses or neglects to produce any document which he is required by the court to produce,

without in any of those cases offering any sufficient excuse for the refusal or neglect, the court may, if it thinks fit, adjourn or postpone the trial of the cause for any period not later than the ensuing sitting of the court for the same district and may in the meantime, by warrant, commit the person to prison.

(2) If the person, upon being brought before the court at or before the adjourned or postponed trial, again refuses to do what is so required of him, the court may, if it thinks fit, again adjourn or postpone the trial of the cause and commit him in like manner, and so again from time to time until he consents to do what is so required of him.

(3) A person who is guilty of the refusal or neglect aforesaid shall also be liable, on the summary order of the court, either in addition to or *in lieu* of that punishment, to a fine not exceeding one hundred dollars and, in default of payment, to imprisonment for any term not exceeding two months.

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(4) Nothing in this section shall affect the liability of the person to any other punishment or proceeding for refusing or neglecting to do what is so required of him, or shall prevent the court from disposing of the case in the meantime, according to any other sufficient evidence produced before it.

Non-attendance of witness at adjourned trial.

111. A witness present when the trial or further trial of a case is adjourned, or who has been duly notified of the time to which it is so adjourned, shall be bound to attend at that time and, in default of so doing, may be dealt with in the same manner as if he had failed to attend before the court in obedience to a *subpoena* to attend and give evidence.

Procedure with respect to witnesses where trial is postponed.

112.–(1) Where the trial of any cause is postponed from one sitting of the court to another sitting, the court may respite the recognisance of every witness bound by recognisance to attend the first-mentioned sitting, and that witness shall be bound to attend to give evidence at the other sitting without entering into any fresh recognisance for that purpose, in the same manner as if he was originally bound by his recognisance to attend and give evidence at the other sitting.

(2) The Registrar shall deliver or cause to be delivered to every witness in any case so postponed a notice in writing informing him of the day on which the sitting of the court to which the cause is postponed will commence and of the manner in which he can ascertain the day on which the cause will be tried.

Summing up.

113. When the case on both sides is closed, the judge shall sum up the law and evidence therein.

Consideration of verdict.

114. After the judge's summing-up on the conclusion of the case on both sides, the jury shall consider its verdict.

Retirement of jury for consideration of verdict.

115. If the jury is not immediately prepared to return its verdict, it may, by the direction of the court or otherwise, retire for the purpose of considering it, and in that case the court shall direct that the members thereof be kept together and proper provision made for preventing them from holding communication with any person on the subject of the trial.

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Communication with jury while in retirement considering verdict.

116.–(1) If the jury retires to consider its verdict, none other than the officer of the court who has charge of it shall be permitted to speak to, or to communicate in any way with, any member thereof without the leave of the court.

(2) No breach of the provisions of this section shall affect the validity of the proceedings; however if any breach is discovered before the verdict of the jury is returned, the court may, if it is of the opinion that it has produced substantial mischief, discharge the jury, and direct a new jury to be empanelled and sworn during the same sitting of the court, or may postpone the trial, on such terms as justice may require.

Adjournment of trial.

117.–(1) From the time when the accused person is given in charge to the jury or when the jury is sworn, the trial shall proceed continuously, subject to the power of the court to adjourn it.

(2) No formal adjournment of the court shall hereafter be required and no entry thereof in the Crown Book shall be necessary.

Effect on recognisance of postponement of trial.

118. Whenever the trial of an accused person is postponed, the court may respite the recognisance of the accused person and his surety or sureties, if any, accordingly, and in that case he shall be bound to appear to be tried at the time and place to which the trial is postponed, without entering into any fresh recognisance for that purpose, in the same manner as if he were originally bound by his recognisance to appear and be tried at the time and place to which the trial has been so postponed.

Division 3

Arraignment and Trial of Insane Persons

Procedure where person indicted appears on arraignment, or during trial, to be insane.

119. If any accused person appears, either before or on arraignment, to be insane, the court may order a jury to be empanelled to try the sanity of that person, and the jury shall thereupon, after hearing evidence for that purpose, find whether he is or is not insane and unfit to take his trial.

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Where accused found to be insane, jury not to find verdict on indictment.

120.–(1) If, during the trial of any accused person, he appears, after the hearing of evidence to that effect or otherwise, to the jury charged with the indictment, to be insane, the court shall in that case direct the jury to abstain from finding a verdict upon the indictment and, *in lieu* thereof, to return a verdict that the accused is insane.

(2) A verdict under this section shall not affect the trial of any person so found to be insane for the crime for which he was indicted, if he subsequently becomes of sound mind.

Special verdict where accused person found guilty but insane at date of act or omission charged.

121. Where in an indictment any act or omission is charged against any person as a crime, and it is given in evidence on the trial of that person for that crime that he was insane, so as not to be responsible, according to law, for his actions at the time when the act was done or the omission made, then, if it appears to the jury before whom the person is tried that he did the act or made the omission charged, but was insane as aforesaid at the time when he did or made it, the jury shall return a special verdict to the effect that the accused person was guilty of the act or omission charged against him, but was insane as aforesaid at the time when he did the act or made the omission.

Provision for custody of accused person found insane.

122.–(1) Where any person is found to be insane under sections 119 and 120 of this Act, or has a special verdict found against him under section 121 of this Act, the court shall direct the finding of the jury to be recorded, and thereupon may order the person to be detained in safe custody, in such place and manner as the court thinks fit, until the State's pleasure is known.

(2) The judge shall immediately report the finding of the jury and the detention to the Chief Justice who shall order the person to be dealt with as a person of unsound mind under the laws of Belize for the time being in force for the care and custody of persons of unsound mind, or otherwise as he thinks proper.

Giving depositions in evidence at trial.
11 of 1972.
18 of 1998.

123.– (1) Where any person has been committed for trial for any crime, the deposition of any person may, if the conditions set out in subsection (2) of this section are satisfied, without further proof be read as evidence at the trial of that person, whether for that crime or for any other crime

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arising out of the same transaction or set of circumstances as that crime, provided that the court is satisfied that the accused will not be materially prejudiced by the reception of such evidence.

(2) The conditions hereinbefore referred to are that the deposition must be the deposition either of a witness whose attendance at the trial is stated by or on behalf of the Director of Public Prosecutions to be unnecessary in accordance with section 55 of this Act, or of a witness who is proved at the trial by the oath of a credible witness to be dead or insane, or so ill as not to be able to travel or is absent from Belize.

(3) This section shall not have effect in any case in which it is proved that the deposition is the deposition of a witness whose attendance at the trial is stated to be unnecessary as provided by section 55 and the witness has been duly notified that he is not required to attend the trial.

(4) It shall be sufficient evidence of absence from Belize, within the meaning of this section, to prove that the deponent was seen boarding a vessel or aircraft bound for some port or place beyond Belize, and that on inquiry being made for the deponent before the trial at his last or most usual place of abode or business he could not be found.

S.I. 7 of 1973.

(5) If it is made to appear to the court that the witness who made any deposition aforesaid, may within a reasonable time, be capable of attending to give evidence or that the ends of justice require that the witness should be examined personally before the jury, the court may postpone the trial on any terms it thinks fit.

Statement of a person who is not called as a witness.
11 of 2009.

123A.–(1) Where in any proceedings, a statement made by a person who is not called as a witness in the proceedings is given in evidence pursuant to section 123 of this Act,

(a) any evidence which, if that person had been so called would have been admissible as relevant to his or her credibility as a witness, shall be admissible in the proceedings for that purpose;

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(b) evidence may, with the leave of the court, be given of any matter which, if that person had been called as a witness, could have been put to him or her in cross-examination as relevant to his or her credibility as a witness but of which evidence could not have been adduced by the party cross-examining him or her;

(c) evidence tending to prove that, whether before or after he or she made the statement, that person made (whether orally or in document or otherwise) another statement inconsistent therewith, shall be admissible for the purpose of showing that the person contradicted him or her self.

(2) References in subsection (1) of this section to a person who made the statement and to his or her making the statement shall be construed respectively as including references to the person who supplied the information from which the document containing the statement was derived and to his or her supplying that information.

Statement taken from persons dangerously ill. 11 of 1972.

124. In relation to the statement of a witness taken under section 31 if, upon the trial of any accused person of a crime to which such statement relates, it is proved that the person who made the statement is dead, or that there is no reasonable probability that he will ever be able to travel or to give evidence, or that after making the statement he left Belize and is not likely to return to Belize, it shall be lawful to read such statement as evidence at the trial, either for or against the accused, without further proof thereof, if the court is satisfied that the accused will not be materially prejudiced by the reception of such evidence.

Notice of alibi. 18 of 1998.

125.–(1) On a trial on indictment, the accused shall not without the leave of the court raise the defence of alibi or adduce evidence in support of an alibi unless, before the end of the prescribed period, he gives notice of particulars of the alibi.

(2) Without prejudice to the foregoing subsection, on any such trial the accused shall not without the leave of the court call any other person to give such evidence unless,

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(a) the notice under that subsection includes the name and address of the witness or, if the name or address is not known to the accused at the time he gives the notice, any information in his possession which might be of material assistance in finding the witness;

(b) if the name or the address is not included in that notice, the court is satisfied that the accused, before giving the notice, took and thereafter continued to take all reasonable steps to secure that the name or address would be ascertained;

(c) if the name or the address is not included in that notice, but the accused subsequently discovers the name or address or receives other information which might be of material assistance in finding the witness, he forthwith gives notice of the name, address or other information, as the case may be; and

(d) if the accused is notified by or on behalf of the prosecution that the witness has not been traced by the name or at the address given he forthwith gives notice of any such information which is then in his possession or, on subsequently receiving any such information, forthwith gives notice of it.

(3) The court shall not refuse leave under this section if it appears to the court that the accused was not warned by the examining magistrate in accordance with section 44 of this Act of the requirements of alibi.

(4) Any evidence tendered to disprove an alibi may, subject to any directions by the court as to the time it is to be given, be given before or after evidence is given in support of the alibi.

(5) Any notice purporting to be given under this section on behalf of the accused by his counsel shall, unless the contrary is proved, be deemed to be given with the authority of the accused.

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(6) A notice under subsection (1) of this section shall either be given in court, during, or at the end of, the proceedings before the examining magistrate or be given in writing to the counsel for the prosecution, and a notice under paragraph *(c)* or *(d)* of subsection (2) of this section shall be given in writing to that counsel.

(7) A notice required by this section to be given to counsel for the prosecution may be given by delivering it to him, or by leaving it at his office, or by sending it by registered post to him at his office.

(8) In this section,

"evidence is support of an alibi" means evidence tending to show that by reason of the presence of the accused at a particular place or in a particular area at a particular time he was not, or was unlikely to have been, at the place where the offence is alleged to have been committed at the time of its alleged commission;

"the prescribed period" means the period of seven days from the end of the proceedings before the examining magistrate.

(9) In computing the said period, Saturdays, Sundays and public and bank holidays shall be disregarded.

Division 4

Verdicts

Murder charged-verdict of man-slaughter.

126.–(1) Upon an indictment charging an accused person with murder, if the prosecution fails to prove that the accused person intentionally caused the death of the deceased, but the jury is satisfied that the accused person caused the death of the deceased by unlawful harm, it shall find the accused person not guilty of murder but guilty of manslaughter.

(2) Subject to section 127 (2) of this Act, it shall not be lawful for the jury in such circumstances to find the accused person guilty of any crime other than manslaughter on that indictment.

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Murder charged-verdict of infanticide.

127.–(1) Where upon the trial of a woman for the murder of her child, being a child under the age of twelve months, the jury is of the opinion that she by any wilful act caused its death, but that at the time of the act the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then the jury may, notwithstanding that the circumstances were such that but for the provisions of this section it might have returned a verdict of murder, return *in lieu* thereof a verdict of infanticide.

(2) Nothing in this Act shall affect the power of the jury upon an indictment for the murder of a child, if it is not satisfied that the accused person is guilty of murder, to acquit him thereof and return a verdict of guilty of causing harm to such child contrary to section 114 of the Code, Cap. 101 or a verdict of concealment of the body of such child contrary to section 115 of the Code, Cap. 101 if satisfied that the accused person is guilty of any such crime.

(3) If any person tried for the murder or manslaughter of any child, or for infanticide or for any crime mentioned in section 111 of the Code, Cap.101 is acquitted thereof, the jury by whose verdict such person is acquitted, if it is satisfied that the accused person is guilty of a crime under section 60, 114 or 115 of the Code, Cap. 101, may find him guilty of any such crime and in that case the section relating to such crime shall apply accordingly.

(4) Where upon the trial of any person for the murder or manslaughter of any child, or for infanticide or for any crime mentioned in section 111 (1), (2) and (3) of the Code, Cap. 101, the jury is of opinion that the person charged is not guilty of murder, manslaughter, infanticide or any such crime, as the case may be, but that he is shown by the evidence to be guilty of the felony of child destruction, the jury may find him guilty of that felony, and thereupon the person convicted shall be liable to be punished as if he had been convicted upon an indictment for child destruction.

(5) Where upon the trial of any person for the felony of child destruction, the jury is of opinion that the person charged is not guilty of that felony, but that he is shown by the evidence to be guilty of a crime

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under section 111 (2) of the Code, Cap. 101, the jury may find him guilty of that crime, and thereupon the person convicted shall be liable to be punished as if he had been convicted upon an indictment under that subsection.

Manslaughter by negligence charged-verdict of dangerous, reckless or careless driving.

128.–(1) Upon the trial of a person who is indicted for manslaughter in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if it is satisfied that he is guilty only of an offence under section 82 of the Motor Vehicles and Road Traffic Act, Cap. 230, to find him guilty of that offence, whether or not the requirements of section 84 of that Act have been satisfied as respects that offence.

(2) Where upon the trial of any person of manslaughter by negligence (whether or not arising out of the driving of a motor vehicle), the jury is satisfied that the accused person caused the death of the deceased by any careless conduct not amounting to negligence, it may acquit him of manslaughter by negligence and find him guilty of the offence of causing death by careless conduct under section 108 (2) of the Code, Cap. 101.

Miscellaneous verdicts in cases involving dishonesty.

129.–(1) If on the trial of any indictment for robbery it is proved that the accused person committed an assault with intent to rob only, the jury may acquit him of robbery and find him guilty of an assault under section 45 *(d)* of the Code, Cap. 101, and thereupon he shall be liable to be punished accordingly.

33 of 1980.

(2) If on the trial of any indictment for stealing it is proved that the accused person took the property in question in any such manner as would amount in law to obtaining it by deception with intent to defraud, the jury may acquit the accused person of stealing and find him guilty of obtaining the property by deception, and thereupon he shall be liable to be punished accordingly.

33 of 1980.

(3) If on the trial of any indictment for obtaining any property by deception it is proved that the accused person stole the property in question, he shall not by reason thereof be entitled to be acquitted of obtaining such property by deception.

33 of 1980.

(4) If on the trial of any two or more persons indicted for jointly handling stolen property it is proved that one or more of such persons

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separately handled any part of such property, the jury may convict upon such indictment such of the said persons as are proved to have handled any part of such property.

33 of 1980.

(5) If on the trial of any indictment for stealing any property the jury is satisfied that the accused person is not guilty of a dishonest appropriation thereof but that he is guilty of a trespass with respect thereto, it shall acquit him of stealing and find him guilty of a trespass contrary to section 41 of the Summary Jurisdiction (Offences) Act, Cap. 98, and thereupon he shall be liable to be punished accordingly.

Rape, etc., charged-other verdicts.

130. If upon the trial of any indictment for,

(a) rape, the jury is satisfied that the accused person is guilty of a crime under section 47 or 50 of the Code, Cap. 101, or of an indecent assault, but is not satisfied that the accused person is guilty of the crime charged in the indictment, or an attempt to commit such crime, the jury may acquit the accused person of the crime charged in the indictment and find him guilty of the crime as aforesaid, or of an indecent assault;

(b) a crime under section 47 of the Code, Cap. 101, the jury is satisfied that the accused person is guilty of indecent assault but is not satisfied that the accused person is guilty of the crime charged in the indictment, or an attempt to commit such crime, the jury may acquit the accused person of such crime and find him guilty of an indecent assault,

and thereupon the accused person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such crime as aforesaid or for the misdemeanour of indecent assault.

Dangerous harm, etc., charged-verdict of wounding.

131. Upon an indictment charging the accused person with intentionally and unlawfully causing dangerous harm, maim or grievous harm, where it is alleged that he cut, stabbed, shot or wounded any other person, the jury may, if it is satisfied that the accused person is guilty of the cutting,

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stabbing, shooting or wounding but is not satisfied that he is guilty of the crime charged in the indictment, acquit him of the crime charged and convict him of intentionally and unlawfully causing a wound, and thereupon the accused person shall be liable to be punished in the same manner as if he had been convicted on an indictment for intentionally and unlawfully causing a wound.

Rape charged-verdict of incest, and *vice versa*.

132.–(1) If on the trial of any indictment for rape, the jury is satisfied that the accused person is guilty of a crime under section 62 of the Code, Cap. 101, but is not satisfied that he is guilty of rape, it may acquit the accused person of rape and find him guilty of a crime under that section, and he shall be liable to be punished accordingly.

(2) If, on the trial of an indictment for a crime under section 62 of the Code, Cap. 101, the jury is satisfied that the accused person is guilty of a crime against section 46 or 47 of the Code, Cap. 101 it may acquit the accused person of a crime against section 62 of the Code, Cap. 101 and find him guilty of a crime against section 46 or 47 of the Code, Cap. 101 and he shall be liable to be punished accordingly.

Aggravated assault charged-conviction for assault; harm with intent charged-verdict of harm *simpliciter*.

133.–(1) Where an aggravated assault under section 45 of the Code, is charged and the jury finds that only common assault under section 44 of the said Code is proved, the jury may find the accused person guilty of the common assault and he shall be liable to be punished accordingly.

(2) Upon an indictment under section 85 of the Code, Cap. 101, charging the commission of any of the crimes in sections 79 to 84 inclusive of the Code with any of the intents set out in the said section 85, if the jury is satisfied that the intent is not proved but that any of the said crimes is committed by the accused person, it may acquit the accused person of the crime charged in the indictment and convict him of the crime which has been established and he shall be liable to be punished accordingly.

Crimes committed in rioting charged-verdict of crime *simpliciter*.

134. Upon an indictment under section 228 of the Code, Cap. 101, if the jury is satisfied that any of the felonies punishable under any of the Titles VIII to IX, or X to XI, of the Code, Cap. 101, was committed but that the accused person was not concerned in rioting it may acquit the accused person of the crime charged in the indictment and convict him of

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the crime which he is proved to have committed, and the accused person shall be punished accordingly.

Misdemeanour charged-felony proved.

135. Where a misdemeanour is charged, and the evidence established the commission of felony, the accused person shall not by reason thereof be entitled to be acquitted of the misdemeanour:

Provided that no person tried for a misdemeanour shall be liable to be afterwards prosecuted for felony on the same facts, unless the court before which that trial is had thinks fit, in its discretion, to discharge the jury from giving any verdict thereon, and to direct the person to be indicted for felony, in which case he may be dealt with in all respects as if he had not been put upon his trial for the misdemeanour.

Full crime charged-part proved.

136. Every count of an indictment shall be deemed divisible, and if the commission of the crime charged, as is described in the enactment creating the crime, or as charged in the count, includes the commission of any other crime, the accused person may be convicted of any crime so included which is proved, although the whole crime charged is not proved, or he may be convicted of an attempt to commit any crime so included.

Full crime charged-attempt proved.

137.–(1) Where the complete commission of the crime charged is not proved, but the evidence establishes an attempt to commit the crime, the accused person may be convicted of the attempt, and punished accordingly.

(2) After a conviction for the attempt, the accused person shall not be liable to be prosecuted again for the crime which he was charged with committing.

Attempt charged-full crime proved.

138.–(1) Where an attempt to commit a crime is charged, but the evidence establishes the commission of the full crime, the accused person shall not be entitled to be acquitted, but he may be convicted of the attempt and punished accordingly.

(2) After a conviction for the attempt, the accused person shall not be liable to be prosecuted again for the crime which he was charged with attempting to commit.

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Delivery and recording of verdict.

139. The verdict of the jury shall be delivered orally by the foreman of the jury in open court and in the presence of the other jurors, and when returned and accepted by the court shall be entered by the Registrar on the back of the indictment or on a sheet of paper annexed thereto, before the jury is discharged.

Procedure on verdict of guilty.

140.–(1) If the jury finds a verdict of guilty, the accused person shall be asked whether he has any matter of law to urge why sentence should not be passed upon him.

(2) If any such matter is urged by the accused person or his counsel, the court may either decide it forthwith, or reserve it for further consideration, and in such latter event it shall reserve sentence until the matter of law has been finally decided.

(3) If the court decides the matter of law against the accused person, it shall pronounce sentence.

Motion in arrest of judgment.

141.–(1) The accused person may, at any time before sentence, move in arrest of judgment on the ground that the indictment does not, after any amendment which the court is willing and has power to make, state any crime.

(2) If that motion is made, the court may in its discretion either hear and determine the matter during the same sitting or adjourn the hearing thereof to a future time to be fixed for that purpose.

(3) If the court decides in favour of the accused person, he shall be discharged from that indictment.

(4) If the motion is not made, or if the court decides against the accused person upon the motion, the court may either sentence the accused person at any time during the same sitting of the court, or may, in its discretion, discharge him on his own recognisance or on that of the sureties who the court thinks fit, or both, to appear and receive judgment at the same or some future sitting of the court, or when called upon.

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Verdict of not guilty.

142. If the jury finds the accused person not guilty, he shall be immediately discharged from custody on that indictment.

Recording judgment.

143. The judgment or sentence of the court shall be entered by the Registrar on the back of the indictment or on a sheet of paper annexed thereto.

Validity of proceedings on Sunday.

144. The taking of the verdict of the jury or other proceeding of the court shall not be invalid by reason of its happening on Sunday.

Division 5

Irregularity at the Trial

Objections on grounds of informality.

145.–(1) Objections to a trial on the grounds of any irregularity or informality in the proceedings, or of improper admission or rejection of evidence shall be made as follows,

(a) if the irregularity or informality occurs before verdict is given, the objection shall be made before verdict is given;

(b) if the irregularity or informality occurs in the giving of the verdict or before sentence is pronounced, the objection shall be made before sentence is pronounced;

(c) if the irregularity or informality occurs in or after passing sentence, the objection shall be made in writing to the judge within twenty-four hours after sentence has been pronounced;

(d) if the objection relates to the admission or rejection of evidence, it shall be made at the time of such admission or rejection.

(2) No objection shall be entertained by the court unless made in accordance with this section.

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(3) When any objection is duly made before sentence is pronounced, the court shall, so far as possible, correct such irregularity or informality and may direct the trial to be adjourned or to be re-commenced from any point.

Sentence of death. 6 of 1994.

146.–(1) Subject to subsection (2) of this section, where any person is convicted of a crime punishable with death, the court shall thereupon pronounce sentence of death unless the court refrains from passing the death sentence pursuant to the *proviso* to section 102 (1) of the Code, Cap. 101.

18 of 1998.

(2) Sentence of death shall not be pronounced on or recorded against a person convicted of a crime if it appears to the court that at the time when the crime was committed he was under the age of eighteen years, but *in lieu* thereof the court shall sentence him to imprisonment for life.

(3) No day or place shall be fixed by the court for the execution of any sentence of death, but the same shall be carried into effect on such day as may be appointed by the Governor-General.

(4) So soon as conveniently may be after such sentence has been pronounced, the presiding judge shall forward to the Governor-General his notes of the evidence taken on the trial, with a report in writing containing any recommendation or observations on the case, as he may think fit to make.

Sentence of death not to be passed on pregnant woman.

147.–(1) Where a female convicted of a crime punishable with death is found in accordance with this section to be pregnant, the sentence to be passed on her shall be a sentence of imprisonment for life with hard labour instead of sentence of death.

(2) Where a female convicted of a crime punishable with death alleges that she is pregnant, or where the court before whom a female is so convicted thinks fit so to order, the question whether or not the female is pregnant shall, before sentence is passed on her, be determined by a jury.

(3) Subject to this subsection, the said jury shall be the trial jury, that is to say, the jury to whom she was given in charge to be tried for the crime, and the members of the jury need not be re-sworn,

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Provided that,

(a) if any member of the trial jury, either before or after the conviction, dies or is discharged by the court as being through illness incapable of continuing to act or for any other cause, the inquiry as to whether or not the female is pregnant shall proceed without him; and

(b) where there is no trial jury, or where a jury has disagreed as to whether the female is or is not pregnant, or has been discharged by the court without giving a verdict on that question, the jury shall be constituted as if to try whether or not she was fit to plead, and shall be sworn in such manner as the court may direct.

(4) The question whether the female is pregnant or not shall be determined by the jury on such evidence as may be laid before it either on the part of the female or on the part of the Crown, and the jury shall find that the female is not pregnant unless it is proved affirmatively to their satisfaction that she is pregnant.

(5) The rights conferred by this section on a female convicted of a crime punishable with death shall be in substitution for the right of such a female to allege in stay of execution that she is quick with child.

PART V

Punishment
Division 1

Punishment General, Execution of Death Sentence, and Imprisonment

Punishment.

148. The following punishments may be inflicted under the Code, Cap. 101 or any other law.

20 of 1978.

(a) death;

(b) imprisonment;

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(c) fine;

(d) payment of compensation and the costs of prosecution;

(e) entering into recognisance to be of good behaviour or to keep the peace;

(f) community service orders or any other punishment provided by law.

Definition of felony and misdemeanour.

149.–(1) A crime on conviction on indictment for which a person may, without proof of his having been previously convicted of a crime, be sentenced to death or to imprisonment for three years or more, is a felony, whether it is actually prosecuted under the Summary Jurisdiction Offences Act, Cap. 98, or Summary Jurisdiction Procedure Act, Cap. 99, or on indictment.

(2) A misdemeanour is a criminal act, whether punishable under the Summary Jurisdiction Offences Act, Cap. 98, or Summary Jurisdiction Procedure Act, Cap. 99, or on indictment, which is not a felony.

General rules for the punishment of felony or misdemeanour.

150. Where by the Code, Cap. 101 or by any law hereafter enacted a crime is declared to be,

(a) a felony, and the punishment for such crime is not specified, a person convicted thereof shall be liable to imprisonment for a term not exceeding five years;

(b) a misdemeanour, and the punishment for such crime is not specified, a person convicted thereof shall be liable to imprisonment for a term not exceeding two years.

One act constituting several crimes, etc.

151.–(1) Where a person does several acts against or in respect of one person or thing, each of which is a crime, but all of which are done in execution of the same design, and in the opinion of the court before which a person is tried form one continuous transaction, that person may be punished for all the acts as one crime, or for any one or several of those acts as one crime, and all the acts may be taken into consideration in

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awarding punishment, but he shall not be liable to separate punishments as for several crimes.

(2) If a person by one act assaults, harms or kills several persons, or in any manner causes injury to several persons or things, he shall be punishable only in respect of one of the persons so assaulted, harmed or killed, or of the persons or things to which injury is so caused, but in awarding punishment the court may take into consideration all the intended or probable consequences of the crime.

Discretion of magistrate to abstain from trial of criminal act appearing fit for trial on indictment

152. Where by the Code, Cap. 101 any criminal act is made punishable either upon summary conviction or upon conviction on indictment, a summary jurisdiction court need not exercise summary jurisdiction if the case appears to it to be one which ought to be tried by the Supreme Court on indictment.

Sentence of death; how executed.

153. Sentence of death shall be executed by hanging, and shall be carried into effect within the walls of the prison in which the prisoner is confined at the time of the execution,

Provided that the Governor-General may in any case, if he thinks fit, direct that any sentence of death shall be carried into effect elsewhere in Belize, and it shall be carried into effect accordingly.

Persons to be present at execution.

154.–(1) Sentence of death shall be executed by or under the supervision of the Superintendent of Prisons on the authority of a death warrant signed by the Governor-General and directed to him.

(2) The execution shall take place in the presence of the medical officer of the prison, a visiting justice of the prison, the spiritual advisor of the culprit, if any, and any other officers of the prison whose services the Superintendent of Prisons requires for the purpose.

Post mortem examination.

155.–(1) As soon as may be after judgment of death has been executed on the person sentenced, the medical officer of the prison shall examine the body and ascertain the fact of death, and shall sign a certificate thereof and deliver it to the Superintendent of Prisons.

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(2) The Superintendent of Prisons and those officers and other persons present, if any, shall also sign a declaration to the effect that judgment of death has been executed on the person sentenced.

Publication of certificate and declaration.

156.–(1) Every certificate and declaration mentioned in section 155 of this Act, shall in each case be forthwith transmitted by the Superintendent of Prisons to the Governor-General, and copies certified by the Superintendent of Prisons of those several documents shall as soon as possible be exhibited and for twenty-four hours at least be kept exhibited on or near the principal entrance of the prison within which judgment of death has been executed.

(2) Any person who knowingly and wilfully signs any false certificate or declaration required by this Part relating to capital punishment shall be guilty of a misdemeanour, and on conviction thereof shall be liable to imprisonment, for any term not exceeding two years.

Saving as to non-compliance with directions.

157. The omission to comply with this Part relating to capital punishment shall not make the execution of judgment of death illegal in any case where it would otherwise have been legal.

Making of regulation.
14 of 1968.

158. The Minister may make any regulations he thinks expedient for observance in every prison on the execution of judgment of death for the purpose as well of guarding against any abuse in the execution, as of giving greater solemnity thereto and of making known without the prison walls the fact that the execution is taking place.

Commutation of sentence of death.

159. Whenever the Governor-General, in the name and on behalf of the State, is pleased to extend the State mercy to any person sentenced to death for any crime by law punishable with death, the Governor-General may, by warrant under his hand and the public seal, order that that person shall be kept imprisoned during the term of his natural life or for a term of years specified in the warrant, and that warrant shall be as effectual in the law, and shall be carried into execution in the same manner, as if it had been a sentence of the court for that term pronounced by the court against that person and recorded for a crime in respect of which that sentence might have been pronounced by the court.

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Reduction of term of imprisonment.

160. Where any person is convicted of a crime punishable by imprisonment under the Code or any other Act, the court may, in its discretion, sentence the person to any less term of imprisonment, as the case may be, than the term prescribed for the crime by the Code, Cap. 101, or any other Act, as the case may be.

Cumulative sentences.

161. Where the court sentences any person to undergo a term of imprisonment for a crime, and that person is already undergoing, or has been at the same sitting of the court sentenced to undergo, imprisonment for another crime, the court may direct that the imprisonment shall commence at the expiration of the imprisonment which the person is then undergoing, or has been so previously sentenced to undergo, as aforesaid.

Commencement of sentence.

162. Every sentence of imprisonment pronounced by the court shall take effect from the first day of the sitting at which it was passed, unless otherwise ordered.

Place of imprisonment.

163. Every person sentenced to imprisonment shall be imprisoned in one of the prisons of Belize established under the Prisons Act, Cap. 139, and shall be there held under and in accordance with a warrant of commitment signed by the Registrar to give effect to the sentence of the court.

Division 2

Fines, Payment of Compensation and Cost of Prosecution

Power to fine on conviction of felony on indictment.

164. Upon the conviction of any person for a crime not punishable with death the court may, unless in any particular case it is by law otherwise provided, fine the offender *in lieu* of or in addition to dealing with him in any other manner in which the court has power to deal with him.

Powers of the court in relation to fines and forfeited recognisances.

165.–(1) Subject to this section, where a fine is imposed by, or a recognisance is forfeited before, the court, an order may be made in accordance with this section,

(a) allowing time for the payment of the amount of the fine or the amount due under the recognisance;

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(b) directing payment of the said amount by instalments of such amounts and on such dates respectively as may be specified in the order;

(c) fixing a term of imprisonment which the person liable to make the payment is to undergo if any sum which he is liable to pay is not duly paid or recovered;

(d) in the case of a recognisance, discharging the recognisance or reducing the amount due thereunder.

(2) Any term of imprisonment fixed under this subsection in default of payment of a fine shall not exceed twelve months.

(3) Any order under this section may be made by the court by which the fine is imposed or before which the recognisance is forfeited, and may amend any previous order made under this section so far as it provides for those matters,

Provided that no application shall be made after the refusal of a previous application.

(4) Where any person liable for the payment of a fine or a sum due under a recognisance to which this section applies is sentenced by the court to, or is serving or otherwise liable to serve, a term of imprisonment, the court may order that any term of imprisonment fixed under subsection (1) *(c)* of this section shall not begin to run until after the end of the first-mentioned term of imprisonment.

(5) The power conferred by this section to discharge a recognisance or reduce the amount due thereunder shall be in addition to the powers conferred by any other Act relating to the discharge, cancellation, mitigation or reduction of recognisances or sums forfeited thereunder.

Incidental provisions as to fines and forfeited recognisances.

166.–(1) Where an order is made under section 165 of this Act allowing time for the payment of the amount of the fine or the amount due under the recognisance, or directing payment of the said amount by instalments, the officer responsible for the recovery of the fine or the amount due

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under the recognisance shall not exercise his powers until there is a default in complying with the order.

(2) Where any such order as aforesaid is made directing payment by instalments of a fine or the amount due under a recognisance, and default is made in the payment of any one instalment, the same proceedings may be taken as if default had been made in payment of all the instalments then remaining unpaid.

(3) Where any such order as aforesaid is made fixing a term of imprisonment in default of payment of a fine or the amount due under a recognisance, then,

(a) on payment of the fine or the said amount to the officer responsible for the recovery thereof or, if the person in respect of whom the order was made is in prison, to the keeper of the prison, the order shall cease to have effect and, if the said person is in prison and is not liable to be detained for any other cause, he shall forthwith be discharged;

(b) on payment to the said officer or to the keeper of the prison of a part of the fine or of the amount due under the recognisance, the total number of days in the term of imprisonment shall be reduced proportionately, that is to say, by such number of days as bears to the said total number of days less one day the proportion most nearly approximating to, without exceeding, the proportion which the part paid bears to the amount of the fine or the amount due under the recognisance.

(4) Any sums received by the keeper of the prison under subsection (3) of this section, shall be paid by him to the officer responsible for the recovery of sums due in respect of the fine or the recognisance.

Proceedings against persons fined by the court.

167.–(1) The marshal shall, without further warrant or authority, arrest and detain in custody in a prison any person upon whom a fine has been imposed by the court, or by whom any forfeiture has been incurred, and who is adjudged to pay it by the court, until the fine or forfeiture imposed

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on or incurred by him is paid and satisfied, together with all costs and expenses in consequence of his arrest and detention.

(2) A judge may at any time, order the discharge of the prisoner.

(3) The return of the marshal, or of the keeper of the prison, to any writ of *habeas corpus* of an arrest or detainer under any judgment or order of the court for non-payment of any fine or forfeiture imposed or incurred as afore-said, shall be deemed sufficient in law, if there appears in or is attached to that return a certificate by the Registrar, setting forth the judgment or order by virtue of which the arrest or detainer was made.

(4) The court or a judge shall have power to reduce or remit any fine or forfeiture imposed by the court or incurred by any person in respect of the court, at any time within three months after it has been imposed or incurred, provided it has not been already paid or satisfied.

Power of the court to order compensation and payment of costs.

168.–(1) The court, when a person is convicted of any crime, may at its discretion make either or both of the following orders against him in addition to any other punishment, namely,

(a) an order for the payment by him of the costs of his prosecution or such part thereof as the court may direct;

(b) an order for the payment by him of a sum to be fixed by the court by way of compensation to any person, or to the representative of any person injured in respect of his person, character or property by the crime for which the sentence is passed.

(2) The court shall specify the person to whom any sum in respect of costs or compensation under this section is to be paid and payment thereof may be enforced in the same manner as if the amount thereof were a judgment debt due to that person, or in such other manner as the law for the time being directs.

(3) The court may direct that an order for payment of costs or an order for payment of compensation shall have the priority, and if no

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direction is given, an order for payment of costs shall have priority, over an order for payment of compensation.

(4) To the extent of an amount which has been paid to a person, or to the representatives of a person, under an order for compensation, any claim of such person or representatives for damages sustained by reason of the crime shall be deemed to have been satisfied, but the order for payment shall not prejudice any right to a civil remedy for the recovery of any property, or for the recovery of damages beyond the amount of compensation paid under the order.

Division 3

Entering into Recognisance to be of Good Behaviour, to Keep the Peace, to Come up for Sentence, Execution and Effect of Punishment

Power to order convicted person to enter into recognisance.

169.–(1) The court before which a person is convicted of any crime may according to the circumstances of the case order that, *in lieu* of or in addition to any other punishment, he enters into his own recognisance, with or without sureties, to be of good behaviour and to keep the peace.

(2) In default of his entering into such recognisance or giving such sureties that person may be imprisoned, in addition to the term, if any, of imprisonment to which he is sentenced, for any term not exceeding twelve months.

Power of court to release convicted person on bail.

170. The court, when a person is convicted of any crime, may if it appears to it just, *in lieu* of, or after pronouncing sentence, release such person on bail conditioned for rendering himself for sentence when called upon, and may at any time within one year issue a summons or warrant against him and pronounce sentence.

By whom sentences to be executed.

171. The execution of sentences of the court, other than sentence of death, shall be carried into effect by an officer appointed for that purpose by the Public Services Commission.

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Effect of undergoing sentence for felony not punishable with death.

172. Where any person convicted of any felony not punishable with death has suffered the punishment to which he has been sentenced therefore, the punishment so suffered shall have the like effects and consequences as a pardon under the public seal as to the felony whereof the offender was or is so convicted,

Provided that neither suffering that punishment nor any other thing in this section contained shall prevent or mitigate any punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any other felony.

PART VI

Miscellaneous

Division 1

Custody of Female under Eighteen Years, Right of Audience and Arrest

Power of court to divest parent, etc., of control over female under thirteen years.
3 of 1978.
17 of 1998.

173. Where on the trial of any crime under section 47, 48 or 49 of the Code, Cap. 101, it is proved to the satisfaction of the court that the seduction or prostitution of a female under the age of eighteen years has been caused, encouraged or favoured by her father, mother, guardian, master or mistress it shall be in the power of the court to divest such father, mother, guardian, master or mistress of all authority over her and to appoint any person or persons willing to take charge of such female to be her guardian until she attains the age of eighteen years, or any age below this as the court may direct, and the court shall have the power from time to time to rescind or vary such order by the appointment of any other person or persons as such guardian, or in any other respect.

Right of Director of Public Prosecutions to enter *nolle prosequi*.
1 of 1969.

174.–(1) At any time after receiving the documents referred to in section 49 of this Act, the Director of Public Prosecutions may enter *nolle prosequi* either by stating in court or by informing the court in writing that the Crown intends that the proceedings shall not continue and, thereupon, the accused person shall be at once discharged in respect of the charge for which *nolle prosequi* is entered, and if he has been committed to

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prison, shall be released, or if he is on bail, his recognisance shall be discharged, but his discharge shall not operate as a bar to any subsequent proceedings against him on the same facts.

(2) If the accused is not before the court when *nolle prosequi is* entered, the Registrar shall cause notice in writing of the entry to be given to the keeper of the prison in which the accused is detained, and also to the magistrate of the district in which he was committed for trial, and the magistrate shall forthwith cause a similar notice in writing to be given to any witnesses bound over to give evidence at the trial and to the accused and his sureties if he has been admitted to bail.

Abolition of outlawry.

175. After the commencement of this Act, outlawry in criminal cases shall be abolished.

Mode of conducting case.

176.–(1) The Director of Public Prosecutions or Solicitor General or a Crown Counsel may appear at a preliminary inquiry into a crime in every case.

1 of 1969.
14 of 1968.
18 of 1998.

(2) Every prosecutor and every accused person may conduct his case on the preliminary inquiry before a magistrate in person, or by an attorney-at-law, and every accused person may conduct his case in the court in person or by an attorney-at-law.

(3) If a prosecutor or an accused person is in custody, his attorney shall be entitled to have access to him for the purposes of the prosecution or of the defence, as the case may be, subject to any restrictions and conditions imposed by the regulations of the prison in which he is confined.

Summary apprehension of offender in certain cases.

177.–(1) Any person found committing any crime may be apprehended by anyone without warrant, and anyone may, without warrant, arrest the person if that crime has actually been committed, or if the person arrested is being pursued by hue and cry, but not otherwise.

(2) Any person to whom any property is offered to be sold, pawned or delivered, and who has reasonable ground to suspect that a crime has been or is about to be committed thereon or with respect thereto may, and if he can shall, without warrant apprehend the person offering the property, and take possession of the property so offered.

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(3) A person who finds any person in possession of property which he on reasonable grounds suspects to have been obtained by any crime may arrest that person without warrant and take possession of the property.

(4) A person who arrests any person under any of the provisions contained in this section shall, if the person making the arrest is not himself a peace officer, deliver the person so arrested to a police officer, in order that he may be conveyed as soon as reasonably may be before a magistrate, to be dealt with by the magistrate according to law, or himself convey him before a magistrate as soon as reasonably may be.

(5) Nothing in this section shall affect the powers of apprehension conferred upon police officers by the Police Act, Cap. 138.

Forms and requisites of warrant of apprehension.

178.–(1) Every warrant for the apprehension of any person issued under this Act or, unless the contrary is expressly provided, under any other statute for the time being in force relating to crimes shall be dated on the day on which it is issued, and shall be signed by the magistrate or judge by whom it is issued.

(2) The warrant shall not be signed in blank, nor shall it be issued by a magistrate without information or other statement in writing and upon oath.

(3) The warrant,

(a) may be directed either to any police officer by name, or to the police officer and all other police officers, or generally to all police officers or, in the case of a warrant issued by the court, to the Registrar and the marshal;

(b) may be executed by any police officer named therein, or by any one of the police officers to whom it is directed, or by the Registrar or the marshal, as the case may be; and

(c) shall state concisely the crime or matter for which it is issued, shall name or otherwise describe the person

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to be arrested, and shall order the police officer or police officers to whom it is directed to apprehend that person, and bring him before a magistrate or before the court or a judge, as the case may be, to answer to the crime or matter contained in the information or statement aforesaid, and to be further dealt with according to law.

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

Execution of warrant.

179.–(1) Every warrant of apprehension may be issued and executed on a Sunday.

(2) The police officer, or the marshal, executing the warrant shall, before making the arrest, inform the person to be arrested that there is a warrant for his apprehension, 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 the proviso in subsection (5) of this section, it shall not be necessary for the police officer or the marshal executing the warrant to have it in his possession, but if he has it, he shall, on request, show it to the person arrested or to be arrested.

(4) Every person arrested on the warrant shall be brought before a magistrate, or before the court or a judge, as the case may be, as soon as is practicable after he is so arrested.

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

Provided that in that case he shall be in possession of the warrant, and before doing so he shall, as far as practicable, notify his possession of the warrant.

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Handcuffing person arrested.

180. A person arrested, whether with or without 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 to rescue, or by order of the court or a judge, or of a magistrate.

Police station to be lock-up.

181. Every police station shall be deemed to be a lock-up house where persons charged with crimes may be received and detained according to law.

Division 2

Seizure and Restitution of Property, Enforcement of Recognisance, and Pardon

Seizure of property the proceeds of crimes.

182.–(1) Any magistrate, or the court, may order the seizure of any property which there is reason to believe has been obtained by, or is the proceeds of, any crime, or into which the proceeds of any crime have been converted, and may direct that the property be kept or sold, and that it, or the proceeds thereof if sold, be held as the magistrate or the court directs, until some person establishes, to the magistrate's or the court's satisfaction, a right thereto, and if no person establishes the right within twelve months from the seizure, the property, or the proceeds thereof, shall become vested in the Accountant General for the public use of Belize and be disposed of accordingly.

(2) Any magistrate, or the court, may order the seizure of any instruments, materials or things which there is reason to believe are provided or prepared, or being prepared, with a view to the commission of any crime, and may direct them to be held and dealt with in the same manner as property seized under subsection (1) of this section.

(3) An order made under either subsection (1) or (2) of this section may be enforced by a search warrant under this Act.

Report of property found upon person apprehended.

183. If, on the apprehension of any person charged with a crime, any property is taken from him, a report shall be made by the police to the magistrate of the court of that fact and of the particulars of the property.

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Application of money found upon person apprehended.

184. If, on the apprehension of any person charged with a crime, any money is taken from him, the court may in its discretion in case of his conviction, order the money or any part thereof to be applied to the payment of any costs, or costs and compensation, directed to be paid by him.

Restitution of property in case of conviction.

185.–(1) Subject as hereinafter provided, where any person is convicted of a crime, any property found in his possession, or in the possession of another for him, may be ordered by the court to be delivered to the person who appears to the court to be entitled thereto.

(2) Where any person is convicted before the court 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 thereof to the person who appears to the court to be the owner, either on payment or without payment to the pawnbroker or other person of the amount of the loan or any part thereof, as to the court, in all the circumstances of the case, seems just.

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

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

Restitution of stolen property by purchaser thereof.

186. Where any person is convicted of stealing or of any other crime which includes the stealing of any property, and it appears to the court that the convicted person has sold the stolen property to any person and

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that the purchaser had no knowledge that it was stolen, and any money was taken from the convicted person on his apprehension, the court, on the application of the purchaser and on the restitution of the stolen property to the person injured, may order that, out of that money, a sum not exceeding the proceeds of the sale be delivered to the purchaser.

Proof of breach of condition of recognisance.
1 of 1969.
1 of 1969.

187.– (1) Where the Director of Public Prosecutions makes representation to the Registrar that any condition of a recognisance has been broken, the Registrar shall summon the person who is alleged to have committed the breach of the recognisance and his surety or sureties to appear in court before the conclusion of any sitting thereof to show cause why the recognisance should not be estreated, and the Director of Public Prosecutions shall prove the breach of the condition of the recognisance in the same manner as any allegation of fact is proved in a criminal court.

(2) The person alleged to be guilty of a breach of a recognisance, and his surety or sureties, shall, if he, or they so desire, be entitled to give evidence in answer to the allegation.

(3) The court shall determine whether the person bound by the recognisance has been guilty of a breach thereof, and if in the opinion of the court that person is so guilty, it shall direct that the recognisance be estreated and that the Registrar include the name of that person in the list required to be prepared under subsection (4) of this section.

(4) The Registrar shall, before the close of the last day's sitting of the court on each occasion of its sitting, make out a list of all persons bound by recognisance to appear or to do any other thing, or who have been bound for the appearance of any other person or his doing any other thing, at that sitting of the court and have made default, or whose principal, or other person for whom they are so bound, has made default to appear or to do that other thing at that sitting of the court, and the Registrar shall, if he is able to do so, state the cause why the default has been made.

(5) The list so made out shall be examined, and if necessary corrected, and signed by the judge and shall be delivered by the Registrar to the marshal.

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(6) Subject to sections 165, 166 and 167 of this Act, a writ of execution shall be issued from the registry against every person so liable on a recognisance in respect of the default, and shall be delivered to the marshal, and that writ shall be the authority of the marshal for levying and recovering the forfeited recognisance on the real and personal property of that person, and for taking his body into custody if sufficient real or personal property is not found whereon levy may be made.

(7) A person arrested under subsection (6) of this section, shall be committed to prison and be there kept until the next sitting of the court for the same district, there to abide the decision of the court, unless, in the meantime, the forfeited recognisance, or a sum of money *in lieu* or satisfaction thereof, is paid, together with all costs and expenses in consequence of his arrest and detention.

(8) If any person so arrested and imprisoned gives to the marshal good and sufficient bail for his appearance at the next sitting of the court to abide the decision of the court and for the payment of the forfeited recognisance or of a sum of money *in lieu* or satisfaction thereof, together with any costs awarded by the court, then the marshal shall cause the person to be discharged out of custody.

(9) If the person fails to appear at the next sitting of the court in pursuance of his undertaking in that behalf, the court may order that a writ of execution be issued from the registry against the surety or sureties of the person so bound as aforesaid, and the writ shall be delivered to the marshal, who shall proceed as therein directed.

(10) The court may, in its discretion, order the discharge of the whole or any part of the forfeited recognisance, or of the sum of money paid or to be paid *in lieu* or satisfaction thereof.

Effect of conditional pardon to convicted felon.

188.–(1) Whenever the Governor-General, in the name and on behalf of the State is pleased to extend the royal mercy to any person convicted of any felony, and by warrant under his hand and the public seal, grants to that person a conditional pardon, the Governor-General may, in the name and on behalf of the State annex to the pardon any condition or conditions which may be annexed to a pardon granted by the State.

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(2) No conditional pardon, or the performance of the condition thereof, in any case aforesaid, shall prevent or mitigate the punishment to which that person might otherwise be lawfully sentenced on a subsequent conviction for any other felony.

Effect of pardon.

189. Wherever either a free or conditional pardon is granted to any person, the discharge of the offender in the case of a free pardon, and the performance of the condition in the case of a conditional pardon, shall have the same effect as a pardon has in the like cases under the public seal.

Recording pardon or warrant of commutation.

190.– (1) Whenever the Governor-General, in the name and on behalf of the State, is pleased to grant to any offender a pardon under the public seal, or to issue any warrant for the commutation of any sentence of death, the Registrar shall be bound, on the direction of the Governor-General, to record that pardon or that warrant in a book to be kept by him for that purpose, and to indorse the pardon or warrant with the word "Recorded" and with his signature.

(2) The pardon or warrant, when so recorded, and indorsed, shall be valid and effectual for all purposes whatever, and it shall be the duty of all courts, judges, officers and others, on production thereof, to take notice thereof and to give effect thereto.

Saving of royal prerogative.

191. Subject as hereinbefore provided, nothing in this Act shall affect the State's prerogative of mercy or any prerogative of mercy vested in the Governor-General.

Power of the Governor-General to remit fine, etc., and to release offender imprisoned for payment thereof.

192.–(1) The Governor-General may remit, in whole or in part, any sum of money imposed as a fine, penalty or forfeiture on any person convicted of a crime, and may extend the State's mercy to any person who may be imprisoned for non-payment of any sum of money, as the case may be, so imposed, although that money may be in whole or in part payable into the Consolidated Revenue Fund or to some party other than the Government.

(2) The remission may be made in the manner and subject to the terms and conditions the Governor-General sees fit to direct.

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Effect of acquiescence in remission.

193. Every person who accepts or acquiesces in the remission aforesaid shall be thereby debarred from having, maintaining or continuing any action or suit in respect of any matter to which the remission relates, and no further proceedings shall be taken against that person in relation to that matter.

Division 3

Legal Aid in Capital Charges, Error, Some other Matters and Publication of Convictions

Assignment and payment of counsel in capital charges.

194.–(1) Whenever it appears to the court, or a judge thereof, that any person charged with any capital offence has not the means to retain and pay for the services of counsel, the court, or judge thereof, may assign counsel to defend such accused person.

(2) The court or judge may authorise the payment to counsel assigned for the defence of such accused person an honorarium not exceeding a sum set out in any rules of court made by the Chief Justice for that purpose and such honorarium shall be paid out of the Consolidated Revenue Fund.

Prohibition of proceedings in error.

195. No proceeding in error shall be taken upon any trial under this Act.

Matters excepted from the Act.

196. Nothing in this Act relating to pleading or procedure shall apply to or affect any information or indictment for any common nuisance, other than a common nuisance which endangers the lives, safety or health of the public, or injures the person of any individual, but that information or indictment may be filed or preferred as if this Act had not passed.

Rules with respect to procedure of magistrates.

197. The Chief Justice may,

(a) subject to the express provisions of this and of any other Act, make rules for regulating the practice and procedure of magistrates under Part III on or in relation to proceedings for crimes, and with respect to the forms to be used in connection with any such

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proceedings, and generally for carrying into effect the enactments relating to such proceedings, and provision may be made by such rules for revoking or amending any forms which are directed or authorised by any statute to be used in connection with any such proceedings, and for substituting new forms for any of such forms;

(b) prescribe forms of indictment and other forms for the purposes of this Act.

Publication of list of persons convicted.

198. As soon as practicable after the conclusion of every sitting of the court, the Registrar shall publish in the *Gazette* and in one or more newspapers published in Belize a list containing the names of all persons convicted at the sitting, the crimes for which they were indicted, the crimes of which they were convicted, and the sentences of the court in their respective cases.

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FIRST SCHEDULE

INDICTABLE PROCEDURE ACT

Indictment Rules
[Section 72]

Short title.

1. These rules may be cited as the Indictment Rules and, together with any rules relating to indictments made under section 95 of the Supreme Court of Judicature Act, Cap. 91, may be cited together by any collective title prescribed by the last mentioned rules.

Materials, etc., for indictment.

2.–(1) An indictment may be on parchment or durable paper, and may be either written or printed, or partly written or partly printed.

(2) Each sheet on which an indictment is set out shall be not more than fourteen and not less than six inches in length, and not more than ten and not less than seven inches in width, and if more than one sheet is required the sheets shall be fastened together in book form.

(3) A proper margin not less than three inches in width shall be kept on the left hand side of each sheet.

(4) Figures and abbreviations may be used as in an indictment for expressing anything which is commonly expressed thereby.

(5) An indictment shall not be open to objection by reason only of any failure to comply with this rule.

Commencement of the indictment.

3. The commencement of the indictment shall be in the following form,

"The Queen v. A.B.

In the Supreme Court of Belize
(Criminal Jurisdiction)

District

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Presentment of Her Majesty's Director of Public Prosecutions for Belize. 1 of 1969.

A.B. is charged with the following crime (crimes).

Joining of charges in one indictment.

4. Charges for any crimes, whether felonies or misdemeanours, may be joined in the same indictment if those charges are found on the same facts, or form or are a part of a series of crimes of the same or a similar character.

Mode in which crimes are to be charged.

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

(2) A count of an indictment shall commence with a statement of the crime charged, called the statement of crime.

(3) The statement of crime shall describe the crime shortly in ordinary language, avoiding as far as possible the use of technical terms, and without necessarily stating all the essential elements of the crime, and shall contain a reference to the section of the Act under which the charge is laid.

(4) After the statement of the crime, particulars of it shall be set out in ordinary language, in which the use of technical terms shall not be necessary:

Provided that where any rule of law or any statute limits the particulars of a crime required to be given in an indictment, nothing in this rule shall require any more particulars to be given than those so required.

(5) Forms prescribed under paragraph *(b)* of section 197 of this Act, or forms conforming therewith as nearly as may be, shall be used in cases to which they are applicable, and in other cases forms to the like effect, or conforming therewith as nearly as may be, shall be used, the statement of crime and the particulars of crime being varied according to the circumstances in each case.

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(6) Where an indictment contains more than one count, the counts shall be numbered consecutively.

Provisions as to crimes.

6.–(1) Where an enactment constituting a crime states the crime to be the doing or the omission to do any one of any different acts in the alternative, or the doing or the omission to do any act in any one of any different capacities, or with any one of any different intentions, or states any part of the crime in the alternative, the acts, omissions, capacities or intentions or other matters stated in the alternative in the enactments, may be stated in the alternative in the count charging the crime.

(2) It shall not be necessary, in any count charging a crime, to negative any exception, or exemption from, or qualification to, the operation of the statute creating the crime.

Description of property.

7.–(1) The description of property in a count in an indictment shall be in ordinary language and such as to indicate with reasonable clearness the property referred to, and if the property is so described it shall not be necessary, except when required for the purpose of describing a crime depending on any special ownership of property or special value of property, to name the person to whom the property belongs or the value of the property.

(2) Where property is vested in more than one person, and the owners of the property are referred to in an indictment, it shall be sufficient to describe the property as owned by one of those persons by name with others, and if the persons owning the property are a body of persons with a collective name, such as "inhabitants", "trustees", "commissioners" or "club", or other collective name, it shall be sufficient to use that name without naming any individual.

Description of persons.

8. The description or designation in an indictment of the accused person or of any other person to whom reference is made therein, shall be such as is reasonably sufficient to identify him, without necessarily stating his correct name, or his abode, style, degree or occupation, and if, owing to the name of the person not being known, or for any other reason, it is impracticable to give that description or designation, such description or designation shall be given as is reasonably practicable in the circumstances, or the person may be described as "a person unknown".

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Description of document.

9. Where it is necessary to refer to any document or instrument in an indictment, it shall be sufficient to describe it by any name or designation by which it is usually known, or by the purport thereof, without setting out any copy thereof.

General rule as to description.

10. Subject to any other provisions of these rules, it shall be sufficient to describe any place, time, thing, matter, act or omission whatever, to which it is necessary to refer in any indictment, in ordinary language in such a manner as to indicate with reasonable clearness that place, time, thing, matter, act or omission.

Statement of intent.

11. It shall not be necessary in stating any intent to defraud, deceive or injure, to state an intent to defraud, deceive or injure any particular person, where the statute creating the crime does not make an intent to defraud, deceive or injure a particular person an essential ingredient of the crime.

Charge of previous conviction, habitual criminal or drunkard.

12. Any charge of a previous conviction of a crime shall be charged at the end of the indictment by means of a statement, in the case of a previous conviction that the person accused has been previously convicted of that crime at a certain time and place without stating the particulars of the crime, (and in the case of a habitual criminal or habitual drunkard, that the offender is a habitual criminal or a habitual drunkard, as the case may be).

Allegation as to jurisdiction in crimes committed out of Belize.

13. In an indictment for a crime committed on the high seas, or in foreign parts, or otherwise not within the local limits of the ordinary jurisdiction of the court which according to law may be dealt with in Belize, the allegation that the party injured was, at the time of the crime charged, in the peace of the State shall be a sufficient allegation of the jurisdiction of the court to hear and determine the case.

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SECOND SCHEDULE

INDICTABLE PROCEDURE ACT
Warrant of Commitment
[Section 33 (3)]

TO
and to every other police officer and peace officer of Belize and to the Keeper of the District Prison at

WHEREAS A.B. was this day charged before me the undersigned magistrate on the complaint of , for that (state shortly the offence):
These are therefore to command you, the said
to take the said A. B.
and him safely to convey to the District Prison at
aforesaid, and there to deliver him to the Keeper thereof together with this precept: and I do hereby command you, the said Keeper of the said District Prison to receive the said A.B. into your custody in the said District Prison and there safely keep him until he shall be thence delivered by due course of law.
(Magistrate)

Date.

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