



BELIZE

**DISTRICT COURTS (PROCEDURE) ACT
CHAPTER 97**

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CHAPTER 97

DISTRICT COURTS (PROCEDURE)

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[9th May, 1953]

PART I

Preliminary

1. This Act may be cited as the District Courts (Procedure) Act.

Short title.

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

Interpretation.

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

“bailiff” means a bailiff of the court;

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

“claim” means any debt, demand or damage claimed, or any chattel or thing sought to be recovered, under this Act;

“clerk” means a clerk of the court;

“court” means a district court established under the Inferior Courts Act, Cap. 94;

“defendant” means a person against whom any proceedings in respect of a claim are taken;

“district” means a judicial district;

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

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

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

“party” includes every person served with notice of or lawfully attending any proceeding;

“plaintiff” means any person taking proceedings in respect of a claim.

3.-(1) The court shall have jurisdiction to hear and determine,

(a) all personal actions for the recovery of any debt, demand or damages where the amount claimed, whether on balance of account or otherwise, does not exceed fifteen thousand dollars;

(b) all actions for the recovery of any chattel or thing, where the value of the chattel or thing does not exceed fifteen thousand dollars,

and such actions may be commenced in the court and dealt with in accordance with the provisions of this Act.

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

(3) The court shall have jurisdiction where,

(a) the defendant resides in the district;

(b) the breach of contract occurred or the cause of action arose wholly or in part within the district; or

Jurisdiction of
district court.
21 of 1985.

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- (c) the chattel or thing the subject-matter of the action is in the district.

- 4.** The court shall have jurisdiction over any action for the recovery of any penalty, not exceeding fifteen thousand dollars, imposed by the rules of anybody corporate, public body or institution or other lawful society upon the members thereof or the subscribers thereto, for the infraction of the rules of any such body corporate, public body, institution or other society.
- Jurisdiction as to penalties imposed by corporate and other bodies.
21 of 1985.
10 of 2010.
- 5.-(1)** The plaintiff may not split any cause of action for the purpose of bringing two or more actions in the court, but any plaintiff who has a cause of action for more than fifteen thousand dollars, for which an action may be brought under this Act, may abandon the excess and shall thereupon, on proving his case, recover to an amount not exceeding fifteen thousand dollars.
- Cause of action not to be divided.
8 of 1970.
21 of 1985.
10 of 2010.
- (2) The judgment of the court in such action shall be in full discharge of all demands in respect of such cause of action, and entry of judgment shall be made accordingly.
- 6.** Where in any action, the amount claimed consists of a balance, not exceeding fifteen thousand dollars, after an admitted set-off of any debt or demand claimed or recoverable by the defendant from the plaintiff, the court shall have jurisdiction to hear and determine that action.
- Jurisdiction when action is for balance of account not exceeding \$15000.
21 of 1985.
10 of 2010
- 7.** An executor or administrator may sue or be sued in the court in like manner as if he were a party in his own right, and judgment and execution shall be such as, in the like cases, would be given or issued in the Supreme Court.
- Action by or against an executor.
- 8.** Any person under the age of eighteen years may prosecute any action in the court for any sum of money, not exceeding fifteen thousand dollars, which may be due to him for wages or piece work or for work as a servant in the same manner, and with the same liability to the payment of costs, if he is unsuccessful in his action, as if he were of full age.
- Action by infant for wages.
8 of 1970.
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Action by or against married woman.
 Procedure where several persons jointly liable.

9. A married woman may sue or be sued alone as if she were a feme sole.

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

(2) Every such person against whom judgment has been obtained and who satisfies such judgment shall be entitled to demand and recover in the court contribution from any other person jointly liable with him.

PART II

Institution of Action

Commencement of action.

11. Every action in a court shall be commenced by the plaintiff lodging with the clerk a statement in writing of his claim, in this Act referred to as a plaint, stating the names and last known places of abode of the parties, and the particulars of the plaintiff's demand or cause of action and as many copies thereof as there are defendants.

Issue of summons to defendant.

12. The clerk shall thereupon prepare and issue a summons which shall be served on the defendant three days at least, or such greater number of days as may be prescribed, before the day on which the court wherein the action is to be tried is to be held.

Misnomer not to vitiate summons.

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

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

Service of summons.

14.—(1) Service of the summons shall be made by leaving it with a copy of the plaint annexed thereto, with the defendant personally, or with

some adult person at his residence or most usual place of abode or at his place of business and explaining to that person the nature and purport thereof.

(2) If it is proved upon oath to the satisfaction of the magistrate that the defendant,

- (a) keeps out of the way or keeps his house closed to avoid service of the summons; or
- (b) has departed from Belize for the purpose of evading his liabilities without leaving any legally authorised person to represent him,

then, in either of those cases, service shall be made by affixing the summons, with a copy of the plaint, on one of the doors of the defendant's residence or of his last or most usual place of abode or place of business.

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

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

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

Mode of procedure.

(2) If the defendant relies on a set-off, or claims to have the benefit of infancy or of any statute of limitation, the plaintiff shall be entitled to a postponement of the trial if he satisfies the court that he is taken by surprise by any such defence.

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

Payment into court by defendant.

- (a) file a consent in writing to judgment whereupon the clerk shall enter judgment for the amount of the claim and costs; or

- (b) pay into court such sum of money as he may think a full satisfaction for the claim of the plaintiff, together with the costs incurred by the plaintiff up to the time of such payment.

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

(3) The money so paid into court shall without delay be paid to the plaintiff.

(4) If the plaintiff elects to proceed and recovers no further sum in the action than has been so paid into court, he may be ordered by the court to pay to the defendant the costs incurred by the defendant in the action after such payment.

PART III

Witnesses and Hearing of Matters

Summonses for witnesses.

18.—(1) Either of the parties to an action or matter may obtain from the clerk summonses for witnesses to appear at the hearing of the action or matter and give evidence or give evidence and produce any books, deeds, papers, writings or articles in their possession or control.

(2) The provisions contained in sections 14 and 15 of this Act, with respect to service of the summons on a defendant shall, *mutatis mutandis*, apply to service of a summons on a witness.

Witnesses not appearing or refusing to testify.

19.—(1) Every person who,

- (a) having been served with a summons as a witness in any cause or matter and having been paid or had tendered to him his travelling expenses according to the prescribed scale, refuses or neglects, without sufficient cause, to appear and give evidence, or to

appear and give evidence and produce any books, deeds, papers, writings or articles in his possession or control, in obedience to that summons, or

- (b) being present in court and required to give evidence, refuses to be sworn or give evidence,

shall be liable to a fine not exceeding one hundred dollars.

(2) The whole or any part of such fine shall, after deducting the costs, be applicable, in the discretion of the magistrate, towards indemnifying the party injured by the refusal or neglect, and the remainder, if any, shall be received and accounted for by the clerk.

20. Either party may be represented by an attorney, and for any reason which may appear to him to be sufficient, the magistrate may allow a relative, servant or agent of the plaintiff or defendant to appear and act for such party.

Mode of appearance.

21.—(1) If on the day of hearing or at any adjournment thereof the plaintiff does not appear, and does not sufficiently excuse his absence, the action may be struck out.

Procedure when plaintiff fails to appear or to prove his case.

(2) If he appears, but does not make proof of his claim to the satisfaction of the court, the magistrate may nonsuit him or give judgment for the defendant.

(3) In either case, where the defendant appears and does not admit the claim, the magistrate may award the defendant in addition to costs, a further sum not exceeding five dollars by way of compensation for his trouble and attendance which the magistrate in his discretion thinks fit.

22.—(1) If on the day of hearing or at any adjournment thereof the plaintiff appears, but the defendant does not appear or sufficiently excuse his absence, or neglects to answer when called in court, the magistrate may on due proof of service of the summons proceed to the hearing and trial of the action on the part of the plaintiff only, and the judgment thereupon shall be as valid as if both parties had appeared.

Procedure when defendant fails to appear.

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

23.—(1) If on the day of hearing both parties appear, the magistrate, if the defendant does not admit the claim, shall read out the plaint to the defendant in order that he may make his answer or defence thereto, and shall thereafter proceed to hear and determine the cause and give judgment without further pleading or formal joinder of issue.

(2) The witnesses on both sides shall, unless the court in any instance otherwise expressly orders, be called and placed out of court and out of hearing, and if the court thinks fit, under charge of an officer of the court or of some other person appointed by the court for that purpose.

(3) The court shall then proceed to hear the plaintiff and such witnesses as he may examine, and such other evidence as he may adduce in support of his claim, and also to hear the defendant and such witnesses as he may examine, and such other evidence as he may adduce in his defence, and also to hear such witnesses as the plaintiff may, with leave of the court, examine in reply.

(4) Subject to the powers of amendment conferred by this Act, no evidence of any cause of action shall be given by the plaintiff on the hearing unless that cause of action is stated in the plaint.

(5) The magistrate shall, in every case, take notes in writing of the evidence, or of so much thereof as is material, in a book to be kept for that purpose, and the book shall be signed by the magistrate at the conclusion of each day's proceedings.

24.—(1) The plaintiff or his attorney shall be entitled to address the court at the commencement of his case and the defendant or his attorney shall be entitled to address the court at the commencement or the conclusion of his case, as he may think fit.

Procedure when both parties appear.

Addresses.

(2) If the defendant examines any witnesses or himself gives any evidence, the plaintiff or his attorney may, with leave of the court, reply on the conclusion of the defendant's case.

PART IV

Giving of Judgment, References and Transfers

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

Judgment on conclusion of hearing.

26. If the plaintiff in an action for the recovery of any chattel or thing establishes his claim, judgment shall be given for the delivery of the chattel or thing or for the payment of the value thereof as proved at the hearing and the court may award in addition such damages as the justice of the case may require.

Judgment in action for recovery of chattel.

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

Reference of matter of account to the clerk.

28.—(1) The magistrate may, with the consent of both parties to an action, order the action, with or without other matters within the jurisdiction of the court in dispute between the parties, to be referred to arbitration to the person or persons, and in the manner, and on the terms he thinks reasonable and just.

Reference to arbitration in certain cases.

(2) Subject to subsections (3) and (4) of this section, the reference shall not be revocable by either party except with the leave of the magistrate, and the award of the arbitrator or arbitrators, or of the umpire, as the case may be, shall be entered as the judgment in the action, and shall be as binding and effectual to all intents as if given by the magistrate.

(3) The magistrate may, if he thinks fit, with the consent of both parties, set aside any award given as stated in subsection (2) of this

section, or revoke the reference, or order another reference to be made in the manner mentioned in subsection (1) of this section.

(4) It shall be competent for either party to appeal from any award entered as the judgment of the court, as in the case of a judgment given by the magistrate.

29.—(1) If, on the hearing of any application for that purpose, the magistrate is satisfied by either party to any action pending in the court that the action can be more conveniently or fairly heard in some other court of like jurisdiction, he may order that it be transferred to that court.

(2) In that case, the clerk of the court in which the action was commenced shall forthwith transmit, by post or otherwise, to the clerk of the court to which it is to be sent, a certified copy of all the proceedings therein, and the magistrate of the last-mentioned court shall appoint a day for the hearing, notice whereof shall be sent, by post or otherwise, by the clerk of that court to all parties interested, and thenceforth all proceedings in the action shall be taken in that court as if the action had been commenced therein.

30.—(1) Where there is commenced in a district court any action founded on contract or tort for the recovery of any penalty, expenses, contribution or other like demand, wherein the plaintiff claims a sum exceeding five thousand dollars but not exceeding fifteen thousand dollars, the defendant may, within such time as may be prescribed, give notice that he objects to the action being tried in that court and, where such a notice is given, the magistrate shall order that the action be transferred to the Supreme Court if,

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

(2) Any action so transferred shall be tried in the Supreme Court under and in accordance with the summary procedure of that Court.

Transfer of action.

Transfer of actions of contract or tort from district court to the Supreme Court.
21 of 1985.
10 of 2010.

- 31.** Where an action is commenced in the court over which the court has no jurisdiction, the magistrate shall order it to be struck out, and shall have power to award costs in the same manner, to the same extent, and recoverable in the same manner as if the court had jurisdiction therein and the plaintiff had not appeared or had appeared and failed to prove his claim. Action brought without jurisdiction.
- 32.** If any party sues another in any court for any cause of action for which he has already sued him and obtained judgment in the same or any other court, proof that the former action was brought and judgment obtained may be given, and the party so suing shall not be entitled to recover in the second action, and may, if the court thinks fit, be adjudged to pay three times the costs of the second action to the opposite party. Second action for same cause.
- 33.** The magistrate may in any case make any order for granting time to the plaintiff or the defendant to proceed in the prosecution or defence of the action, or he may from time to time adjourn any court, or the hearing or further hearing of any cause or matter, in manner to him seeming fit. Adjournment.
- 34.** A cause shall not be deemed to have lapsed by reason of the failure of the magistrate to attend on the day of the hearing or adjourned hearing thereof, but in that case the parties may again, on another day to the magistrate seeming fit, be brought before the court by an oral or written notification from the magistrate or the clerk. Failure of magistrate to attend on day of hearing.
- 35.**—(1) If in any case the court is satisfied by an unsuccessful party to an action that he was prevented by circumstances beyond his control from placing his case fully before the court at the first hearing of the action or that the judgment was obtained by fraud or other improper conduct on the part of the successful party, the court may, if it thinks proper, order a new hearing of the action to be had upon the terms it thinks reasonable, and in the meantime stay the proceedings in the action. Order for new hearing.
- (2) Nothing in this section shall be construed to take away or in any manner affect any right of appeal under Part VIII of the Supreme Court of Judicature Act, Cap. 91.

PART V

Court Costs, Execution etc., of Judgment

Costs in courts.

36.—(1) The awarding of costs shall be in the discretion of the magistrate who shall have power to award and apportion them in any manner he thinks fit.

(2) The attorney for either party shall not be entitled to any costs where the sum involved in the action does not exceed ten dollars.

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

(a) from the Supreme Court to a district court; or

(b) from a district court to the Supreme Court; or

(c) from one district court to another district court,

the costs of the whole proceedings both before and after the transfer shall, subject to any order made by the court which ordered the transfer, be in the discretion of the court to which the proceedings are transferred, and that court shall have power to make orders with respect thereto and as to the scales under which the costs of the several parts of the proceedings are to be taxed, and the costs of the whole proceedings shall be taxed in that court.

(4) Execution may issue for the recovery of a party's fees and costs in like manner as for the amount of any judgment.

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

(6) Any party to an action may apply by summons to a judge of the Supreme Court in chambers for a review of the taxation by the magistrate of any bill of costs in such action.

- 37.** Whenever the court has given judgment for the payment of money, the amount shall be recoverable, in case of default or failure of payment thereof, forthwith, or at the time or times and in the manner thereby directed, by a writ of execution against the goods and chattels of the party against whom such judgment has been given.
- Enforcement of judgment by execution.
- 38.** If the court has given judgment for payment of any sum of money by instalments, execution upon such judgment shall not issue against the party until after default in payment of some instalment according to such judgment, and execution may then issue for the whole of the said sum of money and costs then remaining unpaid, or for such portion as the court may order, either at the time of giving judgment or at some subsequent time.
- Execution in case of judgment for payment by instalments.
- 39.** If there are cross-judgments between the parties to any action, execution shall be taken out by that party only who has obtained judgment for the larger sum, and for so much only as may remain after deducting the smaller sum, and satisfaction for the remainder shall be entered as well as satisfaction on the judgment for the smaller sum, and if the two sums are equal, satisfaction shall be entered upon both judgments.
- Execution in case of cross-judgments.
- 40.** Upon the application of the party prosecuting the judgment, the clerk shall issue a writ of execution to levy the amount due on such judgment and costs and also all costs incurred subsequent to the judgment.
- Issue of writ of execution.
- 41.** The precise time when an application is made to issue the writ of execution shall be entered by the clerk in the execution book and on the writ of execution, and when more writs than one are delivered to the bailiff to be executed, he shall execute them in the order of the times so entered.
- Entry of time of application for writ.
- 42.** Upon every writ of execution the clerk shall state the sum of money and costs adjudged together with the sums allowed by this Act as increased costs for the execution of the writ.
- Endorsement on writ.
- 43.** If at any time it appears to the satisfaction of the magistrate that any party to an action is unable from sickness or other sufficient cause to pay and discharge the amount of any judgment given against him, or any

Power to stay execution.

instalment thereof, the magistrate may in his discretion suspend or stay any judgment given or execution issued in such action, for such time and on such terms as the magistrate thinks fit, and so from time to time until it appears that such cause of inability has ceased.

Terms of writ, etc.

44. The writ of execution shall be addressed to the bailiff, and by such writ the bailiff shall be empowered to levy by seizure and sale of the goods and chattels of the party wherever they may be found in Belize, such sum of money as may be so ordered, and also the cost of the execution, and all police officers shall aid in the execution of every such writ.

Mode of procedure.

45. Every bailiff executing any process of execution issuing out of the court against the goods and chattels of any person may by virtue thereof seize and take any of the goods and chattels of such person, except the wearing apparel and bedding of such person and his family, and to the value of twenty-five dollars, the tools and implements of his trade, which shall be protected from such seizure, and may also seize and take any money or notes and any cheques, bills of exchange, promissory notes, bonds or other securities for money belonging to any such person against whom such execution has been issued.

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

46.—(1) The bailiff shall forthwith deliver to the magistrate any cheques, bills of exchange, promissory notes, bonds or other securities for money which may have been seized or taken under any writ of execution, and the magistrate shall hold them as security for the amount directed to be levied by such execution, or so much thereof as has not been otherwise levied or raised, for the benefit of the party on whose behalf the writ was issued.

(2) Such party may sue in the name of the party against whom the writ was issued, or in the name of any person in whose name such latter party might have sued, for the recovery of the sum or sums secured or made payable thereby, when the time of payment thereof has arrived.

Execution sale of goods and chattels seized.

47.—(1) All goods and chattels taken under any writ of execution shall remain in the custody of the bailiff until sale and delivery to a purchaser.

(2) If the property is of a perishable nature, or if not, then with the consent in writing of the party against whom the writ has been issued, the bailiff may sell it at any time before that at which it would otherwise be sold.

(3) Property levied on shall be set up for sale by public auction not less than five days and not more than ten days after levy thereon,

Provided that,

- (a) the bailiff may, if he is unable from want of time to complete the sale, adjourn it to some other day, not more than three days distant, and so on as often as may be necessary; and
- (b) the magistrate may, if he thinks fit, direct that the sale be postponed for any time not exceeding twenty-eight days after the levy.

(4) Subject to subsection (5) of this section, wherever the property levied on is apparently over five thousand dollars in value, it shall be set up for sale by the bailiff at the magistrate's court in the district in which the levy is made.

8 of 1970.
21 of 1985.

(5) The magistrate may, if he thinks fit, in any particular case direct the sale to be held at any other place in the district.

(6) Every sale shall take place between the hours of seven o'clock in the morning and three o'clock in the afternoon, and everything set up for sale shall be knocked down to the highest bidder for ready money.

(7) Notice of the day and hour of sale of any horses, mules or horned cattle, and of any other goods and chattels, apparently over one hundred and fifty dollars in value levied on, shall be published in a newspaper of Belize four days at least before the day of the sale, and a copy of the notice shall, within that time, be posted on the door of the magistrate's court of the district in which the levy is made.

(8) The bailiff shall act as auctioneer for the purpose of execution sales under this Act, and the provisions of the Auctioneers Act, Cap. 274, shall not apply to him when acting as such.

Claim for rent in
arrear.

48.—(1) The landlord of any house or other building in which any goods are taken in execution may claim the rent thereof at any time within five days from the date of such taking, or before the removal of the goods, by delivering to the bailiff making the levy a statutory declaration signed by himself or his agent, which shall state the amount of rent claimed to be in arrear, and the time for and in respect of which such rent is due.

(2) If any such claim is made, the bailiff making the levy shall, in addition thereto, distrain for the rent so claimed and the costs of such distress, and shall not within five days next after such distress sell any part of the goods taken unless they are of a perishable nature or with the consent in writing of the party whose goods were taken, and the bailiff shall afterwards sell such of the goods taken in execution as may satisfy, first the costs of, and incidental to, the sale, next the claim of such landlord, not exceeding the rent of four weeks where the house or other building is let by the week, the rent of two terms of payment where the house or other building is let for any other term less than a year, and the rent of one year in any other case, and lastly the amount for which the writ of execution was issued, and the surplus proceeds of the sale, if any, and the residue of the goods taken shall be returned to the party against whom the writ was issued.

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

Priority of execu-
tions issuing out
of the Supreme
Court and the dis-
trict court.

49. When a writ against the goods of a party has issued out of the Supreme Court, and a writ against the goods of the same party has issued out of a district court, the right to the goods seized shall be determined by the priority of the time of the delivery of the writ to the Registrar to be executed, or of the application to the clerk for the issue of the writ to be executed, and the Registrar shall, on demand in writing signed by him, inform the bailiff of the precise time of such delivery of the writ, and the bailiff shall, on demand, show his writ to the Registrar or his deputy, and

such writing purporting to be signed, and the endorsement on the writ, shall respectively be sufficient justification to the bailiff or Registrar or his deputy acting thereon.

50.—(1) On an application made by or on behalf of any defendant before the hearing of any action, to the effect that he does not claim any interest in the subject-matter of the action, but that the right thereto belongs to some third party who has sued or is expected to sue for the same, and that he does not collide with the third party, the court shall issue a summons to the third party, as the defendant in an action on a feigned issue, in which action the plaintiff in the original action shall be the plaintiff, and the court shall hear and determine that action in a summary way, and the judgment shall be final, subject to the right of either party to appeal therefrom, and in the meantime all proceedings in the original action shall be stayed.

Stakeholder's interpleader.

(2) If the third party does not appear after having been duly summoned, any judgment given with regard to him shall be final and in bar of any claim he may have as against the defendant in the original action, subject, however, to the right of appeal mentioned in this section.

51.—(1) Where any person desires to make a claim to any personal property taken in execution under the process of the court or to the proceeds or value thereof, he shall make the claim in the court of the district where the writ issued or in the court of the district where that property was taken in execution.

Bailiff's interpleader.

(2) The court shall thereupon, on the application of the bailiff who levied the execution or of the party on whose behalf the writ was issued, summon the party making the claim as the plaintiff, and the party on whose behalf a writ was issued as the defendant, to appear before it, and shall thereupon proceed to hear and determine the matter in a summary way as in an ordinary action, and the judgment as between the parties shall be final, subject to the right of either party to appeal therefrom.

(3) The court shall have the same powers under this section and section 50 as in an ordinary action before it and costs shall be apportionable and recoverable in the same manner as in an ordinary action.

(4) Fees to be demanded in all interpleader actions under this section shall be those chargeable and payable in ordinary actions as set forth in Table B in the Schedule to the Inferior Courts Act, Cap. 94.

Deposit of value
of property taken.

52. Where any claim as mentioned in section 51 of this Act is made, the claimant may deposit with the bailiff either the amount of the value of the goods claimed, that value to be fixed by appraisalment in case of dispute, to be by the bailiff paid into court to abide the decision of the court upon the claim, or the sum which the bailiff may be allowed to charge as costs for keeping possession of the goods until the decision can be obtained, or may give to the bailiff, in the prescribed manner, security for the value of the goods claimed and, in default of the claimant so doing, the bailiff shall sell the goods as if the claim had not been made, and shall pay into court the proceeds of sale to abide the decision of the court.

Execution upon
real property.

53.—(1) If no personal property of the execution-debtor, with reasonable diligence, is found, or if that property is insufficient to satisfy the judgment, and the execution-debtor is the owner of a land, the execution-creditor may apply, by petition, to a judge of the Supreme Court for an order for the sale of that land in accordance with the provisions of Order 46 of the Supreme Court Rules, published Subsidiary Legislation, 1991 edition, Volume III, Chapter 82 at page 29.

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

(3) Title to any land so sold shall be granted by the Supreme Court to the purchaser in like manner as title is for the time being granted in respect of other execution sales.

Execution against
buildings.

54.—(1) For the purpose of executing any process of execution issuing out of the court under the provisions of this Act, every house or other building belonging to the owner of the land on which it stands shall be dealt with as real property and be leviable accordingly, and where any

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

(2) In such case any rent reserved by the lease and remaining unpaid for a period not exceeding six months prior to the date of sale shall be a first charge on the proceeds of the sale next after the costs of, and incidental to, the sale have been satisfied.

55. If the execution-debtor, after levy and before any actual sale of his personal or real property, pays or tenders to the bailiff or to the Registrar, as the case may be, the sum of money and costs mentioned in the writ of execution, or that part thereof which the person entitled thereto agrees to accept in full satisfaction of his debt or damages and costs, together with the fees mentioned in the writ, the execution shall be superseded, and the personal or real property of the said party so levied upon shall be discharged and released.

Payment of amount
after levy.

PART VI

Miscellaneous

56.—(1) Whenever any order of commitment under the Debtors Act, Cap. 168, has been made by the court, or any warrant of attachment has been ordered by the court to be issued, the order or warrant shall be directed to the bailiff of any court, who shall be empowered thereby to take the body of the person against whom the order has been made or warrant issued.

Order of commit-
ment.

(2) All peace officers within their several jurisdictions shall aid in the execution of every order or warrant mentioned in this section, and the Superintendent or Keeper of every prison mentioned in the order or warrant shall be bound to receive and keep the person therein mentioned until he is discharged under the provisions of this Act or otherwise in due course of law.

Effect of irregularity in proceedings.

57. No bailiff in executing any writ of execution, and no person at whose instance it is executed, shall be deemed a trespasser by reason of any irregularity or informality in any proceedings on the validity of which the writ depends, or in the form of the writ, or in the mode of executing it, but the party aggrieved may bring an action against the party guilty thereof for any special damage he may have sustained by reason of the irregularity or informality.

Powers of amendment.

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

(2) All such amendments may be made with or without costs and upon such terms as to the court may seem just, and all such amendments as may be necessary for the purpose of determining the real question in controversy between the parties shall be so made, if duly applied for.

Keeping of record book of cases, etc.

59.—(1) The clerk shall keep a record book of cases under this Act, and in such book there shall be entered, in the proper columns respectively, the number of the case, the date of lodging the claim, the date of issuing the summons, the name of the plaintiff, the name of the defendant, the substance of the claim, the date of judgment, a minute of the judgment and the costs.

(2) The clerk shall also keep an account, in a book belonging to the court, of all moneys paid into or out of court.

Affidavit, by whom taken.

60. Any affidavit to be used in the court may be sworn to before the magistrate or any justice of the peace.

Use of forms. Schedule.

61. Subject to any rules, the forms contained in the Schedule may, with such variations and additions as the circumstances of the particular case may require, be used in the cases to which they respectively apply, and when so used, shall be good and sufficient in law.

SCHEDULE

FORM NO. 1

DISTRICT COURTS (PROCEDURE) ACT
Procedure Forms

Summons to Defendant
[Section 12]

BELIZE

In the District Court.

TO of

YOU are hereby summoned to appear in this Court at on
the day of at o'clock in the noon to
answer in an action brought against you by a copy
of whose claim is hereto annexed, and take notice that, in
default of your
so doing the said may proceed to
judgment and execution against you.

DATED this day of , 20 .

Magistrate.

Note.-Summonses for witnesses and for the production of documents by them will be issued upon application at the office of the Magistrate, upon payment of the proper fee.

Endorsement on Summons

This summons was served at _____ on the _____ day of _____
(state mode of service and when) and I moreover told the defendant
that he was to appear on the _____ day of _____ before
the District Court.

Sworn to this

day of _____ }
20 _____ , }
before me

Bailiff or Police Officer, etc.,
(as the case may be).

N.B.-This original summons is to be returned by the person effecting service immediately after service into the District Court from whence it issued.

The Defendant shall be served three clear days at least before the sitting of the Court as stated within, but the service, though it may be short service for the day named in the writ shall hold good for the first subsequent sitting of the Court.

Provided that service shall be effected within one year after process issued.

FORM NO. 2

DISTRICT COURTS (PROCEDURE) ACT
Procedure Forms

Summons to Witness
[Section 18]

BELIZE

In the District Court.

Plaintiff.

vs.

Defendant.

TO of .

YOU are hereby required to attend at o'clock in the noon
on the day of , 20 , at
before the as a witness in the above
on behalf of the *(and you are also required to
bring with you).*

If without reasonable excuse you make default in obeying this summons
you will be liable to a fine not exceeding one hundred dollars.

DATED this day of , 20 .

Magistrate.

FORM NO. 3

DISTRICT COURTS (PROCEDURE) ACT
Procedure Forms

Writ of Execution
[Sections 37 and 40]

BELIZE.

In the

District Court.

Plaintiff.

vs.

Defendant.

TO
of the Court.

,

Bailiff

WHEREAS on the day of , 20 , judgment
was obtained by against for the sum of
together with costs:

This is therefore to authorise you to levy the same, with all subsequent costs as allowed by the District Courts (Procedure) Act, Cap. 97, on the goods and chattels of the said (the bedding and wearing apparel of himself and his family, and to the value of twenty-five dollars, the tools and implements of his trade only, excepted) the sum stated at the foot of this writ together with the costs of this execution, and to pay the same to the Clerk of this Court, and make return under this writ immediately upon the execution thereof.

DATED this day of , 20 .

Magistrate.

Judgment \$

Costs	...	...	...	...	...	_____
Total	...	...	...	...	...	_____
Paid to account						
Remaining due	...	...	...	_____
Subsequent costs	...	...	...	_____
Total amount to be levied...						

FORM NO. 4

DISTRICT COURTS (PROCEDURE) ACT

Procedure Forms

Interpleader Summons

to Third Party

[Section 50]

BELIZE

In the

District Court

Plaintiff.

vs.

Defendant.

TO

of

TAKE NOTICE that the above-named defendant, of has made application to the magistrate for the Judicial District, that he does not claim any interest in the subject-matter of the above-named action, but that the right thereto belongs to you, the said

This is therefore to require you to be and appear at o'clock in the noon on , the day of , 20 , at before the District Court, to do all matters and things touching the said premises by law required of you.

DATED this day of , 20 .

Magistrate.

FORM NO. 5

DISTRICT COURTS (PROCEDURE) ACT

Procedure Forms
Interpleader Summons to Party
claiming Personal
Property taken in Execution
[Section 51]

BELIZE

In the District Court.

Plaintiff.

vs.

Defendant.

TO of

YOU are hereby required to be and appear at o'clock in the
noon on the day of , 20 , at
before the said Court in order that the said Court may hear
the allegations which you may have to make in the matter of the claim
which you have made to certain
taken in execution by Bailiff of the said Court by virtue
of a process issued by the said Court at the suit of against
and to do all matters and things touching the premises by
law required of you.

DATED this day of , 20 .

Magistrate.

FORM NO. 6

DISTRICT COURTS (PROCEDURE) ACT

Procedure Forms

Interpleader Summons to Party on whose behalf Execution issued

[Section 51]

BELIZE

In the

District Court

Plaintiff.

vs.

Defendant.

TO

of

TAKE NOTICE that of has, by his notice in writing dated the day of 20, and addressed to

Bailiff of the said Court, made claim to certain taken in execution under a process issued by the said Court and bearing date the day of, 20, in an action in which you are the plaintiff and is the defendant and that the said has made application to the said Court to summon before it and hear the allegations of as well the party at whose instance that process issued as the party making the claim:

This is therefore to require you to be and appear at o'clock in the noon on the day of, 20, at before the said Court, to do all matters and things touching the premises by law required of you.

DATED this day of, 20.

Magistrate.

FORM NO. 7

DISTRICT COURTS (PROCEDURE) ACT
Procedure Forms
Record Book of District Court
[Section 59]

BELIZE.

In the	District Court.
	No. of case
	Date of lodging claim
	Date of issuing summons
	Name of Defendant
	Name of Plaintiff
	Substance of claim
	Date of judgment
	Minute of judgment
	Costs
	Judgment if satisfied
	Remarks