



BELIZE

**PRISONS ACT
CHAPTER 139**

**REVISED EDITION 2011
SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

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CHAPTER 139**PRISONS***[29th November, 1884]*

Ch. 68,
 R.L., 1958.
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 R.E. 1980-1990.
 24 of 1962.
 38 of 1963.
 40 of 1963.
 10 of 2002.

PART I*Preliminary*

- Short title. **1.** This Act may be cited as the Prisons Act.
- Interpretation. **2.** In this Act, unless the context otherwise requires,
- 10 of 2002. “contracted out prison” means a prison or part of a prison for the running of which a contract under this Act is for the time being in force;
- 10 of 2002. “contracted prison officer” means a prison officer employed by the contractor;
- 10 of 2002. “contractor”, in relation to a contracted out prison, means the person who has contracted with the Minister for the running of such prison;
- “Keeper” means the gaoler or other officer in charge of any district prison;
- “Minister” means the Minister responsible for prisons;
- “Permanent Secretary” means the Permanent Secretary to the Ministry responsible for prisons;
- “prison” includes any gaol and any buildings and other places, set apart by the Minister for the reception and confinement of prisoners, and also includes the yards, airing grounds or other grounds or buildings occupied by prison officers for the use of the prison and contiguous thereto;

“prisoner” means any person committed to prison on remand, or for trial, safe custody, punishment or otherwise;

“prison officer” means any Keeper of Prisons or other officer appointed to exercise the duties of the several offices in connection with prisons, but does not include the Superintendent of Prisons;

“sub-contractor”, in relation to a contracted out prison, means a person who has contracted with the contractor for the running of such prison or any part of such prison;

10 of 2002.

“Superintendent of Prisons” or “Superintendent” means the officer in charge of the Belize Prison Service.

PART II

Prisons Administration etc.

3. Subject to this Act, the following places may be used for the confinement of prisoners in Belize,

Prisons.

- (a) the Prison at Hattieville; and
- (b) such other prisons as may have been, or may hereafter be appointed to be prisons by the Minister.

4.-(1) The Governor-General may appoint a Superintendent of Prisons, and the Public Services Commission may appoint such number of Keepers of Prisons and other officers of or above the rank of Principal Prison Officer to execute the duties of the several offices in connection with prisons as may be requisite.

Prison officers.

(2) The Superintendent, pursuant to the provisions of the Belize Constitution, may appoint such junior prison officers as may be necessary for the efficient functioning of the prison service.

- Prison surgeons. **5.** Each Medical Officer (if there is more than one, then the Senior) shall be the Medical Officer of the Prison within his district, and the Director of Health Services shall designate any medical officer in Belize City to be the Medical Officer of the Prison at Hattieville.
- Visiting justices and official visitors. **6.**—(1) Each magistrate shall be *ex officio* visiting justice to the prison within his district.
- 38 of 1963. (2) The Minister may appoint annually such number of visiting justices as he shall think fit for any prison.
- Visits to prisoners. **7.** Any person shall be admitted to visit any prison or prisoner by order in writing of the Permanent Secretary and any commissioned officer of the Belize Defence Force shall be admitted to visit any prisoner belonging to that Force in Belize on the order in writing of the Officer Commanding the Force, and any person shall be admitted to visit a district prison or any prisoner therein by order in writing of the magistrate of such district.
- 40 of 1963.
- Commitment of prisoners. **8.** All prisoners shall be committed to prison referred to in section 3 of this Act.
- District prisons. **9.** The Minister may appoint in districts one or more suitable buildings or places as prisons, and a notification of such appointments shall be published in the *Gazette*, and the Keepers thereof shall carry out, under the directions of the Superintendent, any punishment to which any prisoner confined therein may be sentenced.
- Prisoners in districts. **10.** In any district except the Belize District, the Superintendent may cause any prisoners undergoing sentence in that district to be employed under the charge and control of the Keeper or other officer, who shall be responsible for their secure keeping, and the due performance of their sentence.
- Other prisons in the cayes. **11.**—(1) The Minister may set apart and appoint any place situate in any part of Belize, including its cayes and waters, as a prison for the reception and confinement of prisoners.

(2) Prior to any such place being made use of as a prison the fact of its being set apart and established as a prison shall be published in the *Gazette*, and thereupon such place and all appurtenances thereto shall be held to be a lawful prison.

12. The Minister may, by order under his hand, direct the removal of any prisoner from any one prison to any other prison, and the Superintendent or the Keeper of the prison having the custody of any prisoner whose removal to another prison is ordered by the Minister shall, when so required, deliver up the prisoner to the officer or person who produces the order, and the said officer or person shall give a receipt to the Superintendent or Keeper for such prisoner, and shall thereupon with convenient dispatch convey and deliver up the prisoner into the custody of the officer in charge of the prison mentioned in the order, who shall give a receipt in writing to such other officer or person for every prisoner so received into his custody.

Removal of prisoners.

13.-(1) No person shall be sentenced to be kept in penal servitude.

Penal servitude abolished.

(2) Any person who, but for this Act, might have been sentenced to penal servitude, shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding the term for which he might have been sentenced to penal servitude.

14.-(1) Nothing herein contained shall interfere with or affect the authority or discretion of any court in respect of any punishment which, under any law or enactment for the time being in force, such court has or shall have power to award to any offender other than penal servitude.

Other punishments.

(2) Where such other punishment may be awarded at the discretion of the court instead of, or in addition to, penal servitude, the same may be awarded by such court instead of, or in addition to, the punishment hereby substituted for penal servitude.

PART III

Prison Pardon, Prerogative of Mercy, Rules etc.

Pardon.

15.—(1) Whenever the Governor-General is pleased to extend mercy to any offender convicted of any offence for which he is liable to the punishment of death, on condition of his being kept to imprisonment for any term of years, or for life, such extension of mercy shall have the same effect, and may be signified in the same manner as in cases in which the Governor-General or the former Governor was, under former laws, pleased to extend mercy on condition of the offender being kept to penal servitude.

(2) All courts, justices and others shall give a similar effect to the extension of mercy and the condition of pardon as they would have given effect under former laws when the Governor-General or the former Governor extended mercy on condition of the offender being kept to penal servitude.

(3) The order for the execution of such punishment as the Governor-General may have made the condition of mercy shall be substituted for the order for the execution of the punishment of penal servitude.

Prerogative of mercy.

16. Nothing contained in this Act shall in any manner affect Her Majesty's Royal prerogative of mercy or any prerogative of mercy vested in the Governor-General.

Prison rules for officers and prisoners.
24 of 1962.

17.—(1) The Minister may from time to time make and when made alter, amend or rescind rules for,

- (a) the government of any prison and the maintenance of good order and discipline among the prisoners;
- (b) the classification, hours of labour and mode of employment of prisoners;

- (c) the identification of prisoners by such methods as he may by such rules prescribe;
- (d) the imposition of any punishment by solitary confinement not exceeding fourteen days; and
- (e) defining the duties and powers of the Superintendent of Prisons.

(2) All rules so made and all alterations, amendments or rescissions thereof shall be published in the *Gazette* and shall thereafter have the force of law and be judicially noticed by all courts.

18. The Superintendent, on appointment and after taking the oaths of allegiance and office as set out in the First Schedule, and every prison officer after signing the attestation set out in the Second Schedule and taking the said oaths, shall so long as he continues to be the Superintendent or a prison officer,

Powers of Superintendent and prison officers.

- (a) have all the powers, authorities, privileges, protection and advantages; and
- (b) be liable to all such duties and responsibilities,

as the Superintendent or any prison officer duly appointed now has or is subject to or liable to or may hereafter have or be subject to or liable to either by the common law of England or by virtue of any law which now is or may hereafter be in force in Belize.

19. The Superintendent shall, from time to time, subject to the approval of the Minister, make such rules and regulations as he thinks expedient for,

Superintendent to make rules.

- (a) the general government of the prison officers, their distribution and inspection;
- (b) the description of clothing, arms, accoutrements and other necessities to be furnished to prison officers;

- (c) the attendance of prison officers at any prison;
- (d) the definition of the duties of prison officers and the mode in which they are to perform them;
- (e) the service required of prison officers, and their conduct in the performance thereof;
- (f) the discipline of prison officers and rank;
- (g) the promotion or reduction of prison officers from one rank or grade to another; and
- (h) the giving of credit to prison officers.

Powers of Superintendent as to suspension.

20.—(1) The Superintendent may at any time, pursuant to the provisions of the Belize Constitution, Cap. 4, suspend from employment any prison officer below the rank of Principal Prison Officer whom he may think remiss or negligent in the discharge of his duty or otherwise unfit for it.

(2) The Superintendent shall thereupon notify the fact, with the cause of such suspension to the Minister and the Public Services Commission for information only.

(3) When any person is suspended under this section, all powers vested in him as a prison officer shall immediately cease and shall remain in abeyance during the period of such suspension.

Powers of Superintendent as to dismissal.

21. A prison officer below the rank of Principal Prison Officer may, subject to the approval of the Governor-General, be discharged at any time if, in the opinion of the Superintendent, he is unlikely to become, or has ceased to be, an efficient prison officer.

Powers of Superintendent as to punishment.

22.—(1) The Superintendent of Prisons shall be *ex officio* a justice of the peace for Belize.

(2) The Superintendent of Prisons or any person delegated by him for the purpose shall, subject as hereinafter expressed, have power and

jurisdiction to hear and determine all charges against any prison officer below the rank of Principal Prison Officer for the offences set out in subsection (5) of this section, and to punish all such offenders as provided in subsection (6) of the section.

(3) The Superintendent of Prisons and any person delegated by him under subsection (2) of this section, shall have all the powers of bringing such offenders before them, and of summoning and enforcing the attendance of witnesses and of examining them upon oath or affirmation in respect of offences which they are authorised to investigate under this Act or under any rule made or continued in force thereunder respectively as are possessed by a summary jurisdiction court.

(4) Any person wilfully and corruptly giving false evidence before the Superintendent or any such person as aforesaid shall be deemed guilty of perjury.

(5) Any prison officer below the rank of Principal Prison Officer shall be guilty of an offence against this Act for any of the following acts or omissions,

- (i) coming late on duty or being absent from duty without leave;
- (ii) leaving a cell, door or gate unlocked;
- (iii) entering a prisoner's cell at night contrary to orders;
- (iv) allowing any unauthorised person to communicate with a prisoner;
- (v) leaving keys in a door, lying about or taking them outside the prison;
- (vi) cursing, swearing or using indecent or immoral language;
- (vii) neglecting to strike every hour correctly while on duty;

- (viii) neglecting to guard, supervise or attend prisoners under his charge;
- (ix) speaking of the prison arrangements in the hearing of a prisoner or of and to any person not connected with the prison;
- (x) carelessly searching or neglecting to search, when necessary or directed, a prisoner or a visitor;
- (xi) being asleep whilst on duty;
- (xii) neglecting to examine the cells and fastening of the cells under his charge, and to examine and search the wards, cells, bedding and clothing;
- (xiii) allowing tools, materials or other articles likely to facilitate escape to be lying about out of their appointed places;
- (xiv) neglecting to maintain a proper state of cleanliness in the ward, cells, yards or other places under his charge;
- (xv) omitting to report any misconduct, breach of the rules or omission of duty in himself, another warder, or a prisoner, or any injury done to the prison furniture or to the walls, windows, partitions or any part of the prison;
- (xvi) not maintaining proper supervision when in charge of prisoners;
- (xvii) allowing unauthorised persons to remain in the vicinity of prisoners;

- (xviii) appearing in prison out of uniform or improperly or slovenly dressed or dirty;
- (xix) quitting his post without authority;
- (xx) wrangling or making unnecessary noise either within the prison or when on duty outside;
- (xxi) in any way obstructing the duties of the prison;
- (xxii) omitting, when sick and unable to attend at the prison, to notify the Superintendent or the Chief Officer in writing;
- (xxiii) neglecting to count the prisoners at the times prescribed by the rules, or by the Superintendent or Chief Officer;
- (xxiv) allowing prisoners to be idle, to talk or in any way failing to maintain discipline amongst them when under his charge;
- (xxv) smoking or reading whilst on duty;
- (xxvi) failing to peg the clock as ordered;
- (xxvii) trafficking with prisoners;
- (xxviii) drunkenness or disobedience of, or negligence in carrying out the prison rules, or any orders or direction given by any proper authority;
- (xxix) when on duty as gatekeeper, neglecting or in any way failing to observe the rules specially laid down for that officer;
- (xxx) refusing, failing or neglecting to obey a lawful order;

(*xxxi*) striking or offering violence to his superior officer;

(*xxxii*) losing or leaving about arms or ammunition;

(*xxxiii*) engaging in disgraceful or scandalous conduct, neglect of duty or conduct to the prejudice of good order and discipline.

(6) On conviction of any such offence by the Superintendent, or in his absence, some person deputed by him, the prison officer shall be liable to be punished for each offence by any one or any combination of not more than three of the following punishments,

(*a*) caution, reprimand or severe reprimand;

(*b*) fine not exceeding one hundred dollars;

(*c*) reduction of rank or grade;

(*d*) extra duties for a period not exceeding six days;

(*e*) confinement to cells not exceeding fourteen days;

(*f*) dismissal.

(7) Every delegation under this section shall be in writing under the hand of the Superintendent and shall be revocable, and may be either general or special as the Superintendent thinks fit.

(8) All sentences inflicted by any person so delegated by the Superintendent shall, if the accused officer so demands, be submitted to, and be subject to the approval of the Superintendent.

(9) The Superintendent may confirm such sentence or remit the whole or any part thereof, or may enhance it, or may in the case of a sentence of dismissal, alter it to any other sentence which is authorised to be inflicted by this section.

(10) It shall be the duty of the person submitting such sentence to the Superintendent to attach to his report of the case, the evidence which shall be taken on oath, and also any statement which the accused officer may desire to make in his defence.

23. Any prison officer below the rank of Principal Prison Officer who is absent without leave shall forfeit all right to pay during the period of absence, and all fines or penalties imposed upon any such prison officer for any offence under this Act or for the breach of any rules made under this Act may be enforced by deducting the amount from any pay due or which may become due to the officer so fined.

Forfeiture of pay, etc.

24. The Minister may also from time to time frame, alter or annul rules for the medical attendance of prison officers, or for either their free admission into hospitals or for their admission therein subject to the deduction from their pay of such sum as may be requisite to defray the whole or any part of the charges incurred by such admission.

Rules as to medical attendance.

25.—(1) Every person enrolled under this Act shall sign an attestation paper in the form given in the Second Schedule before a justice of the peace, who, after cautioning him that any false answer to the questions read to him will render him liable to be punished as provided in this Act, shall read or cause to be read to him the questions set out in the attestation paper, and shall take care that such person understands each question, and after ascertaining that the answers of such person are duly recorded on the attestation paper, shall require him to make and sign the acknowledgment set out in the said paper and shall then administer to him the oaths set out in the First Schedule.

Attestation paper of enrolled persons.

(2) Such attestation shall be signed by the justice of the peace, and by the person authorised to enrol the officer.

26. Any person wilfully making a false answer on attestation shall, upon conviction before a summary jurisdiction court, be liable to imprisonment for a term not exceeding three months, and to be dismissed.

Penalty for false answers.

PART IV

Duties and Protection etc., of Prisons Officers

Prison officers not to receive gratuities.

27.—(1) Subject to subsection (2) of this section, it shall not be lawful for any prison officer to take or receive any gratuity, fee, remuneration or reward, pecuniary or otherwise, for the performance of any act done or to be done by him in the execution of his duty, except only the pay and allowances appertaining to his rank or grade, and any such member acting in breach of this provision shall be liable to suspension, or dismissal, and shall also be liable on summary conviction to a fine not exceeding four hundred dollars.

(2) Nothing contained in subsection (1) of this section, shall prevent any prison officer from accepting any gratuity or reward conferred upon him by virtue of any enactment now or hereafter in force.

Satisfaction of civil judgments against prison officers.

28.—(1) When any judgment is obtained in any civil court against any prison officer, no execution shall be issued thereon, but a certificate setting out the full particulars thereof and the nature of the action in which the judgment was obtained, shall be forwarded to the Superintendent by the Registrar or clerk, as the case may be, of the court in which the judgment has been obtained, and the Superintendent shall make such order thereon as to the mode and manner in which the judgment shall be satisfied by the prison officer as to him may seem proper.

(2) The Superintendent shall, pursuant to an order made under subsection (1), cause the amount of such judgment, including costs, to be deducted from the pay of such prison officer and shall pay the amount or amounts so deducted as aforesaid to the Registrar or clerk of court as the case may be, to be applied by such officer in satisfaction of the judgment according to law.

(3) This section shall not apply when any prison officer has left the prison service.

Prison officer not to be sued.

29. No amount shall be recovered in any court from any prison officer by any person on account of anything purchased or taken upon credit

at any store or shop whilst employed as a Prison officer otherwise than in accordance with rules and regulations made under this Act, and the judge or judicial officer presiding over or in any court shall take judicial notice of this section, whether or not pleaded or raised in objection by such prison officer.

30. It shall not be lawful for any prison officer to be himself, either directly or indirectly, engaged in any trade, manufacture or business in Belize or to be employed in any office or employment for hire or gain other than the office to which he may be appointed by virtue of this Act, and every such prison officer acting in breach of this section shall be liable to dismissal, and shall also be liable on summary conviction to a fine not exceeding one hundred dollars.

Prison officer not to engage in trade.

31. Any prison officer making or consenting to any transfer or assignment of his pay or allowances or any part thereof, or against whom a judgment debtor summons is issued, shall be liable to dismissal.

Prison officers assigning their pay, etc., liable to dismissal.

32. Any person having in his possession any arms, ammunition, clothing, accoutrements or other appointments furnished for the use of any prison officer and not satisfactorily accounting for the possession thereof, shall on summary conviction be liable to a fine not exceeding one hundred dollars, or to imprisonment for any period not exceeding six months.

Penalty for not returning arms, etc.

33. It shall be lawful for all prison officers to use such force as may be actually necessary for the carrying out of any method of identification authorised by any rules made under section 17 of this Act.

Use of force for carrying out identification.

PART V

Discharge, Burial, Escape etc., of Prisoners

34. Every prisoner whose term of imprisonment would, according to his sentence, expire on Sunday, Christmas Day or Good Friday, shall be discharged at noon on the next preceding day.

Discharge of prisoners.

Burial of executed prisoners.

35.—(1) The body of any prisoner executed in a prison shall not be buried within the precincts of any prison in Belize.

(2) In case of difficulty the body of any prisoner executed in prison shall be buried where directed by the Minister.

Inquest on dead criminals.

36. The Superintendent or Keeper shall, upon the death of any prisoner, give immediate notice thereof to the coroner, who shall hold an inquiry thereupon according to the Coroners' Act, Cap. 126.

Employment of prisoners outside prisons.

37. Subject to the rules for the time being in force, it shall be lawful to employ any prisoner under sentence of imprisonment, upon any public road, highway, street, canal or building, or upon public or government grounds or works under the supervision of a prison officer to which such prisoner has been committed or removed, and every such prisoner shall, during any absence from his prison for such purpose, be deemed to be in the legal custody of the person or persons entrusted with the supervision of his employment, and to be subject to the same restraint and, in the event of misbehaviour, to the same punishment as if he had continued in prison.

Escape and prison breach.

38.—(1) Every prisoner who escapes from or breaks prison or escapes during the time of his conveyance to or from prison or whilst on his way to or from work outside the prison or whilst employed on such work, shall be liable on conviction to be sentenced to imprisonment for any period not exceeding two years, and upon a second or subsequent conviction for a like offence shall be liable to be sentenced to imprisonment for any term not exceeding five years.

(2) Any prisoner who attempts to break prison or escape as described in subsection (1) of this section, or who forcibly breaks out of the cell or other place in which he is confined, or makes any breach therein with intent to escape, shall on conviction thereof be liable to be sentenced to imprisonment for any term not exceeding one year.

Preventing escape.

39. If any prisoner attempts to escape from custody while undergoing sentence, whether within or without the prison, it shall be lawful for the Superintendent, Keeper, prison officer, police or other officer under

whose charge or in whose custody such prisoner so attempting to escape is, to stop and capture the prisoner at all hazards and, if necessary, to use the weapon with which he is armed.

40. Every person who aids any prisoner in escaping or attempting to escape from any prison or from the custody of any officer in whose custody such prisoner may be, when employed upon any work outside the prison, or when going to or returning from any place of employment, or who, with intent to facilitate the escape of any prisoner, conveys or causes to be conveyed into any prison, or who secretes or leaves upon or about any road, works or other place where any such prisoner is usually employed or confined, for the purpose of being found or received by any such prisoner, any mask, dress or other disguise, or any letter or any other article or thing in contravention of this Act, shall be guilty of felony, and be liable, on conviction, to be sentenced to imprisonment for any term not exceeding two years.

Aiding escape.

41. Every person who rescues or attempts to rescue, or assists in rescuing or attempting to rescue any prisoner convicted of, or charged with, any felony, from lawful custody, or knowingly harbours, conceals, or assists in harbouring or concealing any person for the apprehension of whom, on charge of any crime, on conviction whereof imprisonment may be awarded, a warrant has been issued, shall be guilty of felony, and be liable, on conviction, to be sentenced to imprisonment for any term not exceeding five years.

Rescue or harbouring prisoners.

42. Every person having the custody of a prisoner who knowingly and wilfully allows him to escape shall be liable on conviction, to be sentenced to imprisonment for any term not exceeding that to which the prisoner so escaping was originally liable.

Wilful escape.

43. Every person having the custody of a prisoner who, through negligence or carelessness, allows any such prisoner to escape, shall be liable on conviction to a fine or imprisonment or both at the discretion of the Supreme Court.

Negligent escape.

44.-(1) Every person who,

Persons communicating with prisoners.

- (a) holds or attempts to hold any communication with any prisoner whilst he is in any prison or whilst he is employed outside a prison; or
- (b) brings or attempts by any means whatever to introduce into any prison any spiritous or fermented liquor or tobacco contrary to rules of such prison; or
- (c) attempts to deliver or causes to be delivered to any prisoner when or wherever employed upon work outside the prison or when going to or returning from any such place of employment any spiritous or fermented liquor or tobacco contrary to the rules of such prison,

shall be liable on summary conviction to a fine not exceeding one hundred dollars, or imprisonment for a term not exceeding three months, or to both at the discretion of the magistrate.

(2) Every officer of prison who suffers any spiritous or fermented liquor or tobacco to be sold or used in any prison contrary to prison rules, shall on summary conviction be liable to the punishment prescribed in subsection (1) of this section and in addition to forfeiture of all arrears of salary due to him.

PART VI

Prohibition into Prison Premises

45.-(1) Every person who,

- (a) conveys or attempts to convey any letter or other document or any article whatever not allowed by prison rules into or out of any prison; or
- (b) conveys or causes to be conveyed to any prisoner when employed beyond the precincts of the prison

Conveying letters
or articles.

or when going or returning from any such place of employment any letter or other document or any article whatever not allowed by prison rules,

shall on summary conviction be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred dollars, or both, in the discretion of the magistrate.

(2) Every officer of the prison convicted under this section shall, in addition to any other punishment, be liable to forfeit all arrears of salary due to him.

46. Any person who is found trespassing within the boundaries of any prison, or who enters the same without being duly authorised shall, upon summary conviction thereof, be adjudged to pay a fine not exceeding two hundred dollars.

Trespass on
prison premises.

47. There shall be affixed in a conspicuous place outside the prison a notice setting forth the penalties which will be incurred by persons committing any offence in contravention of sections 40, 41, 44, 45 and 46 of this Act.

Notice of penalties
outside prison.

48.-(1) If any person resists or assaults the Superintendent or any Keeper of any prison or any other officer or police officer having the lawful charge of any prisoner, or any prison officer in the execution of his duty, or aids or incites any person so to resist or assault any such officer or police officer, he shall for every such offence be liable on summary conviction to a fine not exceeding one hundred dollars, or to imprisonment for any term not exceeding three months.

Resisting or as-
saulting officers.

(2) If the person committing the offence is a prisoner, he shall for every such offence be liable on conviction thereof before the Supreme Court to be imprisoned for a term not exceeding two years.

49. The period, if any, during which any prisoner has been unlawfully absent from prison, shall not be reckoned as part fulfilment of his sentence, but he shall be liable to undergo the full term of such original sentence, and every additional term of imprisonment, to which any prisoner, then

Additional sen-
tences.

already undergoing imprisonment, may be sentenced shall commence from the period when such prisoner shall have actually undergone any previous sentence or sentences passed upon him.

PART VII

Hospitalisation of Prisoners in Prisons and Public Hospitals etc.

Removal of prisoners from a prison to a public hospital.

50.—(1) The Minister, Permanent Secretary or the magistrate of the district may by order in writing direct that any prisoner be removed to a public hospital, to remain there for medical treatment.

(2) A prisoner removed to a public hospital pursuant to an order under subsection (1) of this section, shall be detained in such public hospital until the Director of Health Services or a Medical Officer certifies that he is fit to return to prison or until the Minister, Permanent Secretary or the magistrate directs that such prisoner be returned to prison.

(3) The Superintendent of Prisons or the Keeper of any prison when he considers it necessary may direct that any prisoner be removed to a public hospital for medical attention, but such prisoner shall not be detained in any public hospital for more than forty-eight hours unless an order for his removal in accordance with subsections (1) and (2) of this section has been obtained.

Status of prisoners in a public hospital.

51. Every prisoner while in a public hospital as provided in section 50 (1) and (3) of this Act, or while being conveyed from the prison to the hospital or *vice versa*, shall be deemed to be in lawful custody in a prison.

Removal of prisoner to give evidence, etc.

52.—(1) The Minister or a magistrate, on proof to his satisfaction that the presence of any prisoner at any place is required in the interest of justice or for the purpose of any public inquiry, may by writing under his hand order that the prisoner be taken to that place.

(2) A prisoner taken from a prison in pursuance of an order made under this section or of a warrant issued under section 82 of the Supreme Court of Judicature Act, Cap. 91, shall whilst outside any prison be kept

in such custody as the Minister or a magistrate may prescribe and whilst in that custody shall be deemed to be in legal custody.

53. All fines imposed upon officers attached to prisons under this Act, or any rules or regulations made thereunder for any offence against discipline shall be paid into the Treasury to be placed to the credit of a fund called the “Prison Officers Reward Fund.”

Prison Officers
Reward Fund.

54.—(1) No payment shall be made from the Prison Officers Reward Fund except upon the authority of the Superintendent of Prisons.

Payments from
Fund.

(2) The Superintendent of Prisons may, in his discretion, sanction payments from the Prison Officers Reward Fund for any of the following purposes,

- (a) assistance to the wives or families of deceased officers of the prisons or to any officers discharged from the prisons as medically unfit for further service;
- (b) payments to officers of the prisons for meritorious acts or service in the execution of duty, if such payments are not met from Government Funds;
- (c) expenditure for the benefit and advancement of authorised recreation and sport organised by the officers of the prisons;
- (d) any other purpose not specified in this section which the Superintendent of Prisons considers to be for the general welfare of the officers.

(3) Payments from the Fund in any one year shall not exceed the sum of two hundred and fifty dollars without the prior approval of the Minister.

Minister may order payment of expenses of the removal, etc., of criminals or criminal lunatics from certain places.

55.—(1) When any person who is a native of, or ordinarily resident in Belize, commits any offence in any place out of Her Majesty's dominions in which Her Majesty exercises jurisdiction over British subjects, and is either convicted of the said offence or acquitted therefrom on the ground of insanity and is sent to any British colony or other place to undergo his sentence or to be confined as a criminal lunatic under the powers contained in section 7 of the Foreign Jurisdiction Act 1890 c. 37, or in the Colonial Prisoners' Removal Act 1884, c. 31 or in any Act amending either of the aforesaid Acts, it shall be lawful for the Minister to order the payment by the Financial Secretary out of the Consolidated Revenue Fund of the expenses, so far as they cannot be met out of the effects of such person under order of the court so convicting or acquitting, of the removal of such person to Belize or place in which he is to undergo his sentence or be confined as a criminal lunatic, and of his maintenance during his imprisonment or confinement and of any other expenses incident to his conviction or his acquittal on the ground of insanity.

(2) The Minister may from time to time make rules and Regulations for the more effectual working of this section.

PART VIII

Miscellaneous

Contracting of prison.

10 of 2002.

56.—(1) The Minister may enter into a contract with another person for the provision or running by the person, (or if the contract so provides) for the running by sub-contractor of the person, of any prison or part of a prison.

(2) While a contract under this section for the running of a prison or part of a prison is in force,

- (a) the prison or part of the prison shall be run in accordance with this Act and any subsidiary legislation made under this Act;

- (b) in the case of a part of the prison, that part and the remaining part shall each be treated as if they were separate prisons.

57.—(1) Instead of the Superintendent, every contracted out prison shall have a Director, who shall be appointed by the Contractor and approved by the Minister.

Director and other officers of contracted out prison.
10 of 2002.

(2) The Director shall have such functions as are conferred on the Superintendent by this Act and any subsidiary legislation made under this Act.

(3) The Contractor may appoint such number of contracted prison officers of, or above, the rank of Principal Prison Officer, for the contracted out prison.

(4) The Director may appoint such junior contracted prison officers as may be necessary for the efficient functioning of the contracted out prison.

(5) In relation to a contracted out prison, any reference to the Superintendent and any other prison officer in this Act and in any subsidiary legislation made under this Act, shall be construed as a reference to the Director or any other contracted prison officer employed by the contractor.

(6) Where an officer in the prison service is transferred to an office in the contracted out prison and he retires or resigns on pension form, or dies while in service of, the contracted out prison, the service of the officer in prison service shall rank as qualifying service or pensionable service, as the case may be, for purposes of determining eligibility for a gratuity or pension under the Pensions Act, Cap. 30.

(7) Notwithstanding any contrary provision in the Pensions Act or any other enactment amending or replacing that Act, where a person employed in a pensionable office by the contracted out prison is transferred to a pensionable office in the public service, his service under the contracted out prison shall rank as qualifying service or pensionable service, as the case may be, for purposes of determining his eligibility for gratuity or pension under the Pension Act, Cap. 30.

(8) When making payment for a pension or gratuity in respect of officers referred to in subsections (6) and (7) of this section, the Government shall pay the whole pension or gratuity, but the contractor shall contribute to Government for the portion representing the number of years of pensionable service rendered by the officer in the employment of the Contractor.

Intervention
Minister.
10 of 2002.

by **58.**—(1) This section applies where, in case of a contracted out prison, it appears to the Minister,

- (a) that the Director has lost, or is likely to lose, effective control of the prison or any part of the prison; and
- (b) that the making of an appointment under subsection (2) of this section is necessary in the interests of preserving the safety of any person, or of preventing serious damage to any property.

(2) The Minister may appoint a public officer to act as Superintendent of the contracted out prison for the period,

- (a) beginning with the time specified in the letter of appointment; and
- (b) ending with the time specified in the letter of termination.

(3) During that period,

- (a) all the functions which will otherwise be exercisable by the Director shall be exercisable by the Superintendent;
- (b) the Contractor and any sub-contractor of the contractor shall do all that he reasonably can to facilitate the exercise by the Superintendent of those functions; and
- (c) the contracted prison officers shall comply with any direction given by the Superintendent in the exercise of those functions.

(4) For the purposes of this section, the word “Superintendent” refers to the person appointed under subsection (2) of this section.

59. The Minister may enter into a contract with another person, in relation to a prison that has not been contracted out, for the performance of any function of a prison officer under the Act by contracted prison officers provided by that person.

Contracting out
functions of
prison officers.
10 of 2002.

60.—(1) A person, other than a prison officer already employed by the prison service, shall not act as a contracted prison officer, unless the person is the holder of a licence under this Act.

Licence.
10 of 2002.

(2) An application for a licence shall be made to the Minister in such manner as the Minister may determine.

(3) A licence may be granted by the Minister and shall,

- (a) be in prescribed form;
- (b) not be transferable;
- (c) be issued on payment of the prescribed fee;
- (d) be valid for a period of one year commencing on the 1st day of January in any year and terminating on the 31st day of December next following that date; and
- (e) specify the conditions subjected to which it is granted.

(4) The Minister may make such inquiry and investigation as he thinks fit regarding the character, antecedents and competence of an applicant for a licence.

61.—(1) The Minister may refuse to grant a licence on the following grounds that,

Refusal of licence.
10 of 2002.

- (a) the applicant has been convicted of an offence;

- (b) the Minister is not satisfied as to the character or antecedents or competence of the applicant.

(2) Upon refusing to grant a licence, the Minister shall notify the applicant of his decision, stating the reasons for such a decision.

Suspension or
cancellation of li-
cence.
10 of 2002.

62. The Minister may, after giving the licensee an opportunity to be heard, suspend or cancel the licence where,

- (a) the licensee is convicted of an offence under this Act;
- (b) the licensee is convicted of an offence under the Criminal Code, Cap. 101;
- (c) the licensee is in breach of a condition of the licence;
or
- (d) in the opinion of the Minister, it is necessary to do so in the public interest.

Finality.
10 of 2002.

63. A decision of the Minister under sections 60, 61 and 62 of this Act shall be final.

FIRST SCHEDULE

PRISONS ACT
Oath of Allegiance
[Section 18]

“I, _____, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

So help me God.”

Oath of Office

“I, _____, do swear that I will well and truly serve Her Majesty Queen Elizabeth II in the office of _____

So help me God.”

SWORN before me, _____ this
day of _____ 20____ .

J.P.

SECOND SCHEDULE

PRISONS ACT
Attestation Paper
[Sections 18 and 25]

Answers

- | | |
|--|----|
| 1. What is your name? | 1 |
| 2. Where were you born? | 2 |
| 3. What is your age? | 3 |
| 4. Can you read and write? | 4 |
| 5. Are you in debt? | 5 |
| 6. Are you an apprentice? | 6 |
| 7. What is your trade or calling? | 7 |
| 8. Have you ever been employed in the Public Service? | 8 |
| 9. Have you ever been convicted in any Court of Justice or dismissed from Her Majesty's Service? | 9 |
| 10. Do you understand that when enrolled the whole of your time belongs to the public service, and that you are not permitted to follow any other trade, manufacture, business or calling? | 10 |
| 11. Do you understand that you are prohibited from publishing anything through the medium of the press either anonymously or otherwise? | 11 |

- 12. Are you subject to fits or any other bodily infirmity? 12
- 13. Do you understand that if you have in the answers 13
to any of these questions designedly made any false
representation you will be liable, in addition to immediate
dismissal, to be taken before a magistrate and punished
in such manner as is provided for in this Act?

I acknowledge that the above questions have been separately put to me, and that I have written the answers thereto, which are in every respect true.

I also acknowledge that I have read the Prisons Act, and that I agree to serve under the conditions contained therein, and under any Regulations made thereunder on 12 months' probation at a salary of \$..... per month.

Signature

ACKNOWLEDGED before me, at
this day of , 20 .

J.P.

ACKNOWLEDGED before me, at
this day of , 20 .

Superintendent of Prisons.
