



PRACTICE DIRECTION

CIVIL RESTRAINT ORDERS OF THE SENIOR COURTS OF BELIZE

January 2025

SENIOR COURTS (CIVIL PROCEDURE) RULES, 2025**PRACTICE DIRECTION****NO. 1 OF 2025****CIVIL RESTRAINT ORDERS**

This Practice Direction is issued pursuant to Part 4 of the Senior Courts (Civil Procedure) Rules, 2025.

1. INTRODUCTION

1.1 This Practice Direction supplements Rule 26.2(6) of the Senior Courts (Civil Procedure) Rules, 2025, which provides that the Chief Justice may by practice direction prescribe—

- (a) the circumstances in which a court has the power to make a civil restraint order against a party to the proceedings;
- (b) the procedure where a party applies for a civil restraint order against another party; and
- (c) the consequences of the court making a civil restraint order.

1.2 This Practice Direction applies where the court is considering whether to make—

- (a) a limited civil restraint order;
- (b) an extended civil restraint order; or
- (c) a general civil restraint order,

against a party who has issued claims or made applications which are totally without merit.

2. GENERAL

2.1 A party to the proceedings may apply for a civil restraint order.

2.2 An application made under this Practice Direction for, or pursuant to, a civil restraint order shall be made in accordance with Part 11 of the Senior Courts (Civil Procedure) Rules, 2025.

2.3 An application by a party to the proceedings for a civil restraint order shall specify the type of civil restraint order being sought.

2.4 Examples of a limited civil restraint order, an extended civil restraint order and a general civil restraint order are annexed to this Practice Direction as Annexes A, B and C respectively, and may be modified as appropriate in any particular case.

3. LIMITED CIVIL RESTRAINT ORDERS

3.1 A limited civil restraint order may be made by the court where a party has made two or more applications in the same proceedings which are totally without merit.

3.2 Where the court makes a limited civil restraint order, the party against whom the order is made—

- (a) will be restrained from making any further applications in the proceedings in which the order is made without first obtaining the permission of the court;
- (b) may apply for amendment or discharge of the order provided that the party has first obtained the permission of the court; and
- (c) may apply for permission to appeal the order and if permission is granted, may appeal the order.

3.3 Where a party who is subject to a limited civil restraint order makes a further application in the proceedings in which the order is made without first obtaining the permission of the court, such application will automatically be dismissed—

- (a) without the court having to make any further order; and
- (b) without the need for the other party to respond to it.

3.4 A limited civil restraint order—

- (a) is limited to the particular proceedings in which it is made; and
- (b) will remain in effect for the duration of the proceedings in which it is made, unless the court otherwise orders.

4. EXTENDED CIVIL RESTRAINT ORDERS

4.1 An extended civil restraint order may be made by the court where a party has persistently issued claims or made applications which are totally without merit.

4.2 Where the court makes an extended civil restraint order, the party against whom the order is made—

- (a) will be restrained from issuing claims or making applications concerning any matter involving, or relating to, or touching upon, or leading to the proceedings in which this order is made without first obtaining the permission of the court;
- (b) may apply for amendment or discharge of the order provided that the party has first obtained the permission of the court; and
- (c) may apply for permission to appeal the order and if permission is granted, may appeal the order.

4.3 Where a party who is subject to an extended civil restraint order issues a claim or makes an application concerning any matter involving, or relating to, or touching upon, or leading to the proceedings in which the order is made without first obtaining the permission of the court, the claim or application will automatically be struck out or dismissed—

- (a) without the court having to make any further order; and
- (b) without the need for the other party to respond to it.

4.4 An extended civil restraint order may be made for a specified period not exceeding two years.

4.5 The court may extend the duration of an extended civil restraint order if it considers it appropriate to do so, but it shall not be extended for a period exceeding two years on any given occasion.

5. GENERAL CIVIL RESTRAINT ORDERS

5.1 A general civil restraint order may be made by the court where the party against whom the order is made persists in issuing claims or making applications which are totally without merit, in circumstances where an extended civil restraint order would not be sufficient or appropriate.

5.2 Where the court makes a general civil restraint order, the party against whom the order is made—

- (a) will be restrained from issuing any claim or making any application in any court without first obtaining the permission of the court;
- (b) may apply for amendment or discharge of the order provided that the party has first obtained the permission of the court; and

- (c) may apply for permission to appeal the order and if permission is granted, may appeal the order.

5.3 Where a party who is subject to a general civil restraint order issues a claim or makes an application without first obtaining the permission of the court, the claim or application will automatically be struck out or dismissed—

- (a) without the court having to make any further order; and
(b) without the need for the other party to respond to it.

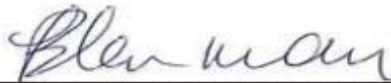
5.4 A general civil restraint order may be made for a specified period not exceeding two years.

5.5 The court may extend the duration of a general civil restraint order if it considers it appropriate to do so, but it shall not be extended for a period exceeding two years on any given occasion.

6. EFFECTIVE DATE

This Practice Direction shall come into effect on the 2nd day of January 2025.

MADE by the Chief Justice this 2nd day of January 2025.



(HON. MDE. JUSTICE LOUISE ESTHER BLENMAN)

Chief Justice