



BELIZE

**CRIMINAL CODE
CHAPTER 101**

REVISED EDITION 2003
SHOWING THE SUBSTANTIVE LAWS AS AT 31ST MAY, 2003

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 2000.

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the state of intoxication was caused without his consent by the malicious or negligent act of another person.

(4) Voluntary intoxication shall be taken into account for the purpose of determining whether the person charged had formed any specific intention in cases where a specific intent is an essential element in the offence charged.

(5) For the purposes of this section "intoxication" shall be deemed to include a state produced by narcotics or drugs.

Ignorance or mistake of fact or of law.

28. (1) A person shall not be punished for an act which by reason of ignorance or mistake of fact in good faith he believes to be lawful.

(2) A person shall not, except as in this Code otherwise expressly provided, be exempt from liability to punishment for any act on the ground of ignorance that such act is prohibited by law.

Abolition of presumption of marital coercion.

29. Any presumption of law that a crime committed by a wife in the presence of her husband is committed under the coercion of the husband is hereby abolished.

TITLE VI

Justifiable Force and Harm

Justification for force or harm.

30. (1) For the purposes of this Code, force or harm is justifiable and shall constitute a defence to any criminal charge when such force or harm is used or caused in pursuance of such matter of justification, and within such limits as hereinafter in this Title mentioned.

(2) Throughout the remainder of this Title expressions applying to the use of force apply also to the causing of harm, although force only be expressly mentioned.

31. Force may be justified in the cases and manner, and subject to the conditions hereinafter in this Title mentioned, on the ground of either of the following matters, namely-

Grounds on which force or harm may be justified.

- (a) express authority given by a statute;
- (b) authority to execute the lawful sentence or order of a court;
- (c) the authority of an officer to keep the peace, or of a court to preserve order;
- (d) authority to arrest and detain for felony;
- (e) authority to arrest, search or detain a person otherwise than for felony;
- (f) necessity for prevention of or defence against crime;
- (g) necessity for defence of property or possession, or for overcoming obstruction to the exercise of lawful rights;
- (h) necessity for preserving order on board a vessel;
- (i) authority to correct a child, servant or other similar person, for misconduct;
- (j) the consent of the person against whom the force is used.

32. Notwithstanding the existence of any matter of justification for force, force cannot be justified as having been used in pursuance of that matter-

General limits of justifiable force or harm.

- (a) which is in excess of the limits hereafter prescribed in the section of this Title relating to that matter; or
- (b) which in any case extends beyond the amount and kind of force reasonably necessary for the purpose for which force is permitted to be used.

Authority by statute.

33. Every person who is authorised by the provisions of statute "to use force" may justify the use of necessary force according to the terms and conditions of his authority.

Execution of a sentence or order of a court.

34. Every person who is authorised to execute any lawful sentence or order of a court "may justify the force" mentioned in the sentence or order.

Authority to keep the peace or to preserve order.

35. Every person who is authorised as a peace officer, or in any judicial or official capacity, to keep the peace or preserve order at any place, or to remove or exclude a person from any place, or to use force for any similar purpose, may justify the execution of his authority by any necessary force, not extending to a blow, wound or grievous harm.

Prevention of or defence against crime.

36. (1) For the prevention of or for the defence of himself or of any other person against crime, a person may justify the use of necessary force not extending to a blow, wound or grievous harm.

(2) For the prevention of or for the defence of himself or of any other person against any criminal force or harm, a person may justify the use of necessary force not extending to a wound or grievous harm.

(3) For the prevention of or for the defence of himself or of any other person against any felony, a person may justify the use of necessary force not extending to dangerous harm.

(4) For the prevention of or for the defence of himself or of any other person against any of the following crimes, a person may justify the use

of necessary force or harm, extending in case of extreme necessity even to killing, namely

- (a) Treason
- (b) Piracy
- (c) Murder
- (d) Manslaughter, except manslaughter by negligence
- (e) Robbery
- (f) Burglary
- (g) Aggravated burglary
- (h) Arson of a dwelling-house or vessel
- (i) Rape
- (j) Forcible unnatural crime
- (k) Dangerous or grievous harm.

(5) For the suppression or dispersion of a riotous or unlawful assembly, ~~force may be~~ justified in the cases and subject to the conditions specified in this Code with respect to such assemblies.

(6) No force used in an unlawful fight can be justified under any provision of this Code, and every fight is an unlawful fight in which a person engages, or which he maintains, otherwise than solely in pursuance of some of the matters of justification specified in this Title.

28 of 1994.

(7) Where a person is alleged to have killed another person and the accused person claims that he did so for the prevention of or for the defence of himself or of any other person against any of the crimes specified in subsection (4) of this section, no charge shall be laid or prosecution commenced against such person for the offence of murder except with the leave of the Director of Public Prosecutions given in writing.

28 of 1994.

(8) In considering whether or not to grant leave for the purpose of subsection (7) above, the Director of Public Prosecutions shall have regard to all the relevant circumstances including the prevalence of the crime in respect of which the force was allegedly used and the danger apprehended by the person using the force.

Defence of property, possession or overcoming obstruction of legal right.

37. A person may justify the use of force for the defence of property or possession, or for overcoming an obstruction to the exercise of any legal right, as follows-

- (a) A person in actual possession of a vessel, house, land or goods, or his servant, or any other person authorised by him may use such force, not extending to a wound or grievous harm, as is necessary for repelling a person who attempts forcibly and unlawfully to enter such vessel, house or land, or to take possession of such goods.
- (b) A person in actual possession of a house, land or vessel, or his servant, or any other person authorised by him, may use such force, not extending to a blow, wound or grievous harm, as is necessary for removing a person who being in or on such house, or land or vessel, and having been lawfully required to depart therefrom, refuses to depart.
- (c) If a person wrongfully takes possession of or detains

goods, any other person who as against him has a present right to the possession of them may, upon his refusal to deliver up the goods on demand, use such force, by himself or by any other person, not extending to a blow, wound or grievous harm, as is necessary for recovering possession of the goods.

- (d) A person may use such force not amounting to a blow, wound or grievous harm, as is necessary for overcoming any obstruction or resistance to the exercise by him of any legal right.

38. The master of a vessel, or any person acting by his order, may justify the use of any such force against any person on board the vessel as is necessary for suppressing any mutiny or disorder on board the vessel, whether among officers, seamen or passengers, whereby the safety of the vessel, or of any person therein or about to enter or quitting the same, is likely to be endangered, or the master is threatened to be subjected to the commands of any other person, and may kill any person who is guilty of or abets such mutiny or disorder, if the safety of the vessel or the preservation of any person as aforesaid cannot by any means be otherwise secured.

Preserving order
on board vessel.

39. (1) A blow or other force not in any case extending to a wound or grievous harm may be justified for the purpose of correction, as follows-

Authority to
correct child, or
other similar
person.

- (a) A parent may correct his child being under sixteen years of age, or any guardian or person acting as a guardian may correct his ward being under sixteen years of age, for misconduct, or for disobedience to any lawful command.
- (b) A parent or guardian, or person acting as a guardian may delegate to any person whom he entrusts permanently or temporarily with the governance or

custody of his child or ward all his own authority for correction, including the power to determine in what cases correction ought to be inflicted, and such delegation shall be presumed, except in so far as it is expressly withheld, in the case of a schoolmaster or person acting as a schoolmaster in respect of a child or ward.

(2) A person who is authorised to inflict correction as in this section mentioned may, in any particular case, delegate to any fit person the infliction of such correction.

(3) No correction can be justified which is unreasonable in kind or in degree regard being had to the age and physical and mental condition of the person on whom it is inflicted, and no correction can be justified in the case of a person who, by reason of tender years or otherwise, is incapable of understanding the purpose for which it is inflicted.

Consent to the use of force.

40. The use of force against a person may be justified on the ground of his consent, subject as follows-

- (a) The killing of a person cannot be justified on the ground of consent.
- (b) A wound or grievous harm cannot be justified on the ground of consent, unless the consent is given and the wound or harm is caused in good faith for the purposes or in the course of medical or surgical treatment.
- (c) A party to a fight, whether lawful or unlawful, cannot justify on the ground of the consent of another party any force which he uses with intent to cause harm to the other party.

- (d) A person may revoke any consent which he has given to the use of force against him, and his consent when so revoked shall have no effect for justifying force.
- (e) Consent to the use of force for the purposes of medical or surgical treatment does not extend to any improper or negligent treatment.
- (f) Consent to the use of force against a person for purposes of medical or surgical treatment, or otherwise for his benefit, may be given against his will by his father or guardian, or a person acting as his guardian, if he is under eighteen years of age, or by any person lawfully having the custody of him if he is insane, or is a prisoner in any prison or reformatory, and when so given on his behalf cannot be revoked by him.
- (g) If a person is intoxicated or insensible, or is from any cause unable to give or withhold consent, any force is justifiable which is used in good faith and without negligence for the purpose of medical or surgical treatment, or otherwise for his benefit, unless some person authorised by him or by law to give or refuse consent on his behalf dissents from the use of such force.

41. Every person who, in justifiably using force against a person, is obstructed or resisted by a third person, may in any case use such force against the third person not extending to a blow, wound or grievous harm, as is necessary for overcoming the obstruction or resistance, and may, if the obstruction or resistance amounts to a crime or to abetment of a crime, use force in accordance with the provisions of this Title with respect to the use of force in case of necessity for preventing crime.

Interference by
third persons.

- Additional force and harm. 42. Every person who is authorised to use force of a particular kind against a person may further use such additional force, not extending to a blow, wound or grievous harm, as is necessary for the execution of his authority.
- Aid of other persons. 43. Every person who aids another person in a justifiable use of force is justified to the same extent and under the same conditions as the other person.

PART II

Particular Crimes

TITLE VII

Criminal Force to the Person

1. Assaults

- Common assault. 44. Every person who unlawfully commits a common assault upon any other person shall be guilty of a misdemeanour.
- Aggravated assault. 45. Every person who commits an unlawful assault of any of the following kinds, namely-
- (a) assault upon a person acting as a judicial officer or as a peace officer; or
 - (b) assault upon a minister of religion acting in the execution of the duties of his office; or
 - (c) assault upon a person in any court of justice, or assault upon a person in order to prevent him from doing, or on account of his doing or having done, anything as a party, agent, counsel, or witness, in any judicial proceeding; or

purpose, or at which any seditious libel is published, or at which any speeches are made with a seditious purpose;

"seditious libel" is the publication, by print, writing, painting or by any means otherwise than solely by gestures, spoken words or other sounds, of any matter with a seditious purpose; 29 of 1989.

"seditious purpose" means a purpose to excite any of Her Majesty's subjects to the obtaining by force or other unlawful means of an alteration in the laws or in the form of Government, or to the commission of any crime punishable under the first section of this Title or punishable under any law relating to treason;

"unlawful oath" means any oath or engagement to commit or abet any crime, or to conceal a design to commit any crime, or to prevent the discovery of any crime, or the conviction of any person for any crime, and any oath or engagement to conceal the existence, purposes or proceedings of any association of persons associated for any treasonable or seditious purpose. Fictitious suits.

(2) A seditious libel cannot be justified on any ground of absolute or qualified privilege.

TITLE XIV

Crimes Against the Public Peace

226. Every person who takes part in a riot is guilty of a misdemeanour. Riot.
227. Every person who takes part in a riot, being armed with any offensive instrument, shall be liable to imprisonment for two years. Rioting with weapons.
228. Every person who in rioting is guilty of any felony punishable under any of the Titles VII to IX (both inclusive) or X and XI shall be liable to imprisonment for a term which may exceed by three years the term to which he would otherwise be liable under the provisions of that Title. Riot and felony.

- Unlawful assembly. 229. If any persons assemble or be together with a purpose of committing a riot, each of them is guilty of a misdemeanour.
- Provocation of riot. 230. Every person who does any act with intent to provoke a riot is guilty of a misdemeanour.
- Rioting after proclamation. 231. If a proclamation be made commanding the persons engaged in a riot, or assembled with the purpose of committing a riot, to disperse, every person who, at or after the expiration of one hour from the making of such proclamation, takes or continues to take part in the riot or assembly, shall be liable to imprisonment for five years.
- Obstructing proclamation. 232. If any person forcibly prevents or obstructs the making of such proclamation as mentioned in section 231, he shall be liable to imprisonment for ten years, and if the making of the proclamation be so prevented, every person, who, knowing that it has been so prevented, takes part or continues to take part in the riot or assembly, shall be liable to imprisonment for five years.
- Assaulting magistrate, etc., in riot. 233. Every person who assaults any magistrate, justice of the peace, officer or person, executing any duty or authority for the suppression of a riot, or for the dispersion or arrest of any persons engaged in a riot, or assembled with the purpose of committing a riot, shall be liable to imprisonment for five years.
- Forcible entry. 234. Every person who with violence makes entry into any building or land, whether he be entitled to the possession thereof or not, is guilty of a misdemeanour, unless he do so in pursuance of a warrant or other lawful authority to use such violence.
- Forcible detainer. 235. Every person, who being unlawfully in or upon any building or land maintains or attempts to maintain his possession or occupation thereof with violence, is guilty of a misdemeanour.

236. Every person who-
- Provocation to fight.
- (a) does any act with intent to provoke another person to fight (whether in a public place or not) with any deadly or dangerous instrument,
- (b) agrees or offers to agree so to fight,
- shall be liable to imprisonment for two years.
237. If two or more persons together in any public place openly carry, without lawful cause, any deadly or dangerous instruments with intent to cause terror to any member of the public, each of them shall be liable on summary conviction to imprisonment for one month. Unlawfully carrying arms.
238. Every person who threatens any person with death with intent to put that person in fear of death or grievous harm is guilty of a misdemeanour. Threats of death or grievous harm.
239. Every person who by writing threatens any person with death or grievous harm, shall be liable to imprisonment for five years. Written threats.
240. Every person who uses any violence with intent to deter any person from acting in any manner as a judge, magistrate, juror, witness, counsel, agent, prosecutor or party, in any legal proceeding or inquiry, or from acting in execution of his duty as a magistrate or peace officer, or in any judicial or official capacity, or from having recourse to any court or public officer, or on account of his having so acted or had recourse, is guilty of a misdemeanour, and shall be liable to imprisonment for two years. Violence against judges, witnesses, etc.
241. Every person who unlawfully and with violence obstructs the assembly of any persons for any lawful purpose, or disturbs any such assembly, or with violence disperses or attempts to disperse any such assembly is guilty of a misdemeanour. Disturbance of lawful assemblies.

Obstructing
public officers.

242. Every person who with violence or by deceit hinders or obstructs any public or peace officer acting or proceeding to act in the execution of any public office or duty, or in the execution of any warrant or legal process, is guilty of a misdemeanour.

Obstructing
lawful acts by
violence, etc.

243. Every person who for the purpose of compelling a person to conduct himself in a particular manner in respect of his business or employment, or to do any act, or to abstain from doing any lawful act of any kind, injures, removes or conceals any tools, materials or other things used by him in his business or employment, or uses any violence to him or to any other person, shall be liable on summary conviction to imprisonment for six months.

Causing public
terror.

244. (1) Every person who in any public place, or being unlawfully in any place not public, wantonly does any act with intent to cause terror to any person or persons shall, if harm be thereby caused to any person, or if his act was of such a character as to be likely to cause harm to any person by terror, be liable on summary conviction to imprisonment for three months.

(2) For the purposes of this section harm shall in this case be deemed to have been caused by the act, although the harm be the mere inward effect of the terror caused by the act.

*Definitions and Special Provisions Relating to the Matter of this
Title*

Riot defined.

245. (1) If five or more persons together in any public or private place commence or attempt to do either of the following things, namely-

(a) to execute any common purpose with violence and without lawful authority to use such violence for that purpose; or

(b) to execute a common purpose of obstructing or resisting the execution of any legal process or

authority; or

- (c) to facilitate by force or by show of force or of numbers the commission of any crime,

they are guilty of a riot.

(2) Persons are not guilty of a riot by reason only that they, to the number of five or more, suddenly engage in an unlawful fight, unless five or more of them fight with a common purpose against some other person or persons.

246. Any magistrate, or in the absence of any magistrate any commissioned officer in Her Majesty's Naval, Military or Air Force Service or any police officer above the rank of inspector, in whose view a riot is being committed, or who apprehends that a riot is about to be committed by persons being assembled within his view, may make or cause to be made a proclamation in the Queen's name, in such form as he thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

Proclamation,
how to be made.

247. Upon the expiration of such time (after a proclamation is made, or after the making of a proclamation has been prevented by force) or such time as shall be sufficient for persons riotously assembled together to disperse peaceably, any person authorised to make a proclamation, or any peace officer, or any other person acting in aid of such person or officer, ~~may do all things necessary for dispersing~~ the persons so continuing assembled, or for apprehending them or any of them, ~~and if any person make resistance, may use all such force as is reasonably necessary for overcoming such resistance, and shall not be liable in any criminal or civil proceeding for having by use of such force caused harm or death to any person.~~

Dispersion of
rioters

248. For the purposes of this Title "violence" means any criminal force or harm to any person, or any criminal damage to any property, or any threat or offer of such force, harm or damage, or the carrying or use of deadly, dangerous or offensive instruments in such a manner as that terror is likely to be caused to

Violence defined.

any persons, or such conduct as is likely to cause in any persons a reasonable apprehension of criminal force, harm or damage to them or their property.

TITLE XV

Perjury and Obstruction of Public Justice

1. Perjury and Other Crimes Relating to Evidence and to Judicial Proceedings

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|---|--|
| Perjury. | 249. Every person who commits perjury or abets perjury shall be liable to imprisonment for ten years. |
| Perjury on trial for capital crimes. | 250. Every person who commits perjury or abets perjury, with intent to cause the conviction of any person for a crime punishable with death, shall be liable to imprisonment for life. |
| Perjury on trial for other crimes. | 251. Every person who commits perjury or abets perjury, with intent to cause the conviction of any person for any crime not capital, shall be liable to imprisonment for fourteen years or for any greater term to which such person would, on conviction of that crime, be liable. |
| False statutory declarations and other false statements without oath. | 252. If any person knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular, and the statement is made- <ul style="list-style-type: none"> (a) in a statutory declaration; or (b) in an abstract, account, application, balance sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return or other document which he is authorised or required to make, attest, verify or keep or cause to be kept by, under or in pursuance of any Act or other law for the time being in force; or |