



BELIZE

**CRIME CONTROL AND CRIMINAL JUSTICE ACT
CHAPTER 102**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-	Page
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Amendments in force as at 31st December, 2000.	



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CHAPTER 102

CRIME CONTROL AND CRIMINAL JUSTICE

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CHAPTER 102

CRIME CONTROL AND CRIMINAL JUSTICE

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PART I¹

26 of 1992.

Suppression of Criminal Gangs

Interpretation of
phrase used in
this Part.
26 of 1992.

1. In this Part, unless the context otherwise requires, “criminal gang” means an organisation or association or combination of persons which is formed for, or which acquires, the purpose of committing or facilitating the commission of any of the offences set out in section 5(2) of this Act; and any such organisation or association or combination of persons shall be treated as a gang whether or not it has other objects or purposes.

Membership, etc.,
of criminal gangs.
26 of 1992.

2.-(1) Subject to subsection (3) below, a person is guilty of an offence if he knowingly:-

- (a) belongs or professes to belong to a criminal gang;
- (b) solicits or invites support for a criminal gang; or
- (c) arranges or assists in the arrangement of, or addresses, any meeting of three or more persons (whether or not it is a meeting to which the public are admitted) knowing that the meeting is:-

¹ This Part was originally enacted under the Criminal Justice Act (26 of 1992) and it came into force on the 4th day of March, 1993, by virtue of statutory instrument 32 of 1993.

- (i) to support a criminal gang; or
- (ii) to further the activities of a criminal gang.

(2) A person guilty of an offence under subsection (1) above shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(3) A person belonging to a criminal gang is not guilty of an offence under this section by reason of belonging to a criminal gang if he shows:-

- (a) that he became a member when it was not a criminal gang under this Act; and
- (b) that he has not since this Act came into force, taken part in any of its activities.

3.-(1) Any person who in a public place:-

- (a) wears any item of dress; or
- (b) wears, carries or displays any badge, label, insignia or article,

Display of
support in
public.
26 of 1992.

with the intention of displaying his membership of, or support for, a criminal gang, is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(2) In this section “public place” includes any highways and any premises to which at the material time the public have, or are permitted to have, access, whether on payment of a fee or otherwise.

Forfeiture of property.
26 of 1992.

4.-(1) Subject to the provisions of this section, the court by or before which a person is convicted of an offence under this Part may, in addition to any other penalty, order the forfeiture of money or other property which, at the time of the offence, he had in his possession or under his control provided it is shown that he had such property for the use or benefit of a criminal gang.

(2) Where a person other than the convicted person claims to be the owner of or otherwise interested in anything which can be forfeited by an order under this section, the court shall, before making such an order in respect of it, give him an opportunity to be heard.

Power of Director of Public Prosecutions to investigate gang-related criminal activities.
26 of 1992.

5.-(1) If the Director of Public Prosecutions has any information suggesting the occurrence or threatened occurrence of any gang-related crime, or any conspiracy to commit such a crime, or any other information or material touching on the detection and prosecution of gang-related offences, he may appoint a Committee of Inquiry consisting of one or more (but not more than three) members, and authorising such a Committee to inquire into any of the matters mentioned in subsection (2) below.

(2) A Committee appointed under this section may be authorised to investigate any of the following matters:-

CAP. 103.

- (a) offences under the Misuse of Drugs Act;
- (b) drug-related killings or other crimes of violence;

CAP. 143.

- (c) offences under the Firearms Act;
- (d) kidnappings and blackmail;
- (e) conspiracy to commit robberies.

(3) A Committee appointed under this section shall hold its sitting *in camera*.

(4) The evidence taken by a Committee appointed under this section and the record of its proceedings shall not be admissible in any court of law save and except on a charge or perjury or contempt of court arising out of any sworn testimony given by any person before the Committee:

Provided that before any person gives evidence at any such inquiry, the Committee shall warn him that any false evidence given by him may lead to a charge of perjury against him.

(5) No person giving evidence before a Committee of Inquiry appointed under this section shall be compelled to disclose any matter which would tend to incriminate him, unless he has been given a written guarantee of immunity from prosecution for any such thing said by him before the Committee.

(6) Subject to the foregoing provisions of this section, the Attorney General may, after consultation with the Director of Public Prosecutions, make regulations governing the powers and procedures of a Committee of Inquiry appointed under this section, including, but not limited to, the summoning and swearing of witnesses, the penalties on witnesses for failing to attend at the inquiry or to give evidence or to produce documents, the payment and protection of witnesses, and all consequential and other matters necessary to give effect to the provisions of this section.

(7) Any regulations made by the Attorney General pursuant to subsection (6) above shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution by both Houses of the National Assembly.

PART II ²

26 of 1992.
28 of 1994.

Articles with Blades or Points and Offensive Weapons

Offence of having
article with blade
or point in public
place.
28 of 1994.

6.-(1) Subject to the provisions of this section, any person who has an article to which this section applies with him in a public place:-

- (a) between the hours of 8:00 pm and 5:00 am;
- (b) at anytime in a gathering of people for political, social, sporting, cultural or other activities,

shall be guilty of an offence.

(2) This section applies to any article:-

- (a) which has a blade or is sharply pointed, except a folding pocket knife the cutting edge of which does not exceed three inches; or
- (b) which amounts to an offensive weapon as defined in this section.

(3) It shall be a defence for a person charged with an offence under this section to prove that he had the article with him for use at work or had other good reason or lawful authority for having the article with him in a public place.

² This Part was originally enacted under the Crime Control Act (28 of 1994) and it came into force on the 13th day of February, 1995, by virtue of statutory instrument 14 of 1995.

(4) A person guilty of an offence under this section shall, unless any other penalty is specially provided, be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

(5) In this section:-

“offensive weapon” means any article made or adapted for use for causing injury to or incapacitating a person, or intended by the person having it with him for such use, but does not include a firearm subject to the Firearms Act;

CAP. 143.

“public place” includes any place to which at the material time the public have or are permitted access, whether on payment of a fee or otherwise.

PART III³

Prevention of Crime and Disorder

18 of 1998.

7.-(1) An application for an order under this section may be made by a relevant authority if it appears to the authority that the following conditions are fulfilled with respect to any person aged 10 or over, namely:-

Anti-social
behaviour
orders.
18 of 1998.

- (a) that the person has acted in an anti-social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to two or more persons not of the same household as himself; and
- (b) that such an order is necessary to protect persons in the area in which the harassment, alarm or distress was caused or was likely to be caused from further anti-social acts by him;

³ This Part was originally enacted under the Law Reform (Miscellaneous Provisions) Act (18 of 1998) and it came into force on the 1st day of August, 1998, by virtue of statutory instrument 81 of 1998.

and in this section “relevant authority” means the Department of Human or Social Development or a police officer of or above the rank of Assistant Inspector.

(2) Such an application shall be made by complaint to the magistrate’s court of the judicial district where it is alleged that the harassment, alarm or distress was caused or was likely to be caused.

(3) If, on such an application, it is proved that the conditions mentioned in subsection (1) above are fulfilled, the magistrate’s court may make an order under this section (an “anti-social behaviour order”) which prohibits the defendant from doing anything described in the order.

(4) The prohibition that may be imposed by an anti-social behaviour order are those necessary for the purpose of protecting persons in the area from further anti-social acts by the defendant.

(5) An anti-social behaviour order shall have effect for a period (not less than two years) specified in the order or until replaced by a further order.

(6) Subject to subsection (7) below, the applicant or the defendant may apply by complaint to the court which made an anti-social behaviour order for it to be varied or discharged by a further order.

(7) Except with the consent of both parties, no anti-social behaviour order shall be discharged before the end of the period of two years beginning with the date of service of the order.

(8) If without reasonable excuse a person does anything which he is prohibited from doing by an anti-social behaviour order, he shall be liable:-

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one

thousand dollars, or to both such fine and term of imprisonment; or

- (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine not exceeding five thousand dollars, or to both such fine and term of imprisonment.

8.-(1) If it appears to a police officer of or above the rank of Assistant Inspector that the following conditions are fulfilled with respect to any person, namely:-

Sex offender orders.
18 of 1998.

- (a) that the person is a sex offender; and
- (b) that the person has acted, since the relevant date, in such a way as to give reasonable cause to believe that an order under this section is necessary to protect the public from serious harm from him,

the police officer may apply for an order under this section to be made in respect of the person.

(2) Such an application shall be made by complaint to the magistrate's court of the judicial district where it is alleged that the defendant acted in such a way as is mentioned in subsection (1) (b) above.

(3) If, on such an application, it is proved that the conditions mentioned in subsection (1) above are fulfilled, the magistrate's court may make an order under this section (a "sex offender order") which prohibits the defendant from doing anything described in the order.

(4) The prohibitions that may be imposed by a sex offender order are those necessary for the purpose of protecting the public from serious harm from the defendant.

(5) A sex offender order shall have effect for a period (not less than

five years) specified in the order or until replaced by a further order.

(6) Subject to subsection (7) below, the applicant or the defendant may apply by complaint to the court which made a sex offender order for it to be varied or discharged by a further order.

(7) Except with the consent of both parties, no sex offender order shall be discharged before the end of a period of five years beginning with the date of service of the order.

(8) If, without reasonable excuse, a person does anything which he is prohibited from doing by a sex offender order, he shall be liable:-

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand dollars, or to both such fine and term of imprisonment; or
- (b) on conviction on indictment, to imprisonment for a term not exceeding five years or to a fine not exceeding five thousand dollars, or to both such fine and term of imprisonment.

Sex offender
orders:supplemental.
18 of 1998.

9.-(1) In section 8 above and this section “sex offender” means a person who:-

- (a) has been convicted of rape, attempted rape, carnal knowledge, forcible abduction, unnatural offence, or indecent assault;
- (b) has been found not guilty of such an offence by reason of insanity, or found to be under a disability and to have done the act charged against him in respect of such an offence; or

- (c) has been punished under the law in force in a country or territory outside Belize for an act which:-
- (i) constituted a sexual offence under that law; and
 - (ii) would have constituted a sexual offence if it had been done in Belize.

(2) In subsection (1) of section 8 above “the relevant date”, in relation to a sex offender, means:-

- (a) the date or, as the case may be, the latest date on which he has been convicted, found, or punished as mentioned in subsection (1) above; or
- (b) if later, the date of the commencement of that section.

(3) An act punishable under the law in force in any country or territory outside Belize constitutes an offence under that law for the purposes of subsection (1) above, however it is described in that law.

(4) Subject to subsection (5) below, the condition in subsection (1) (c) (i) above shall be taken to be satisfied unless, not later than rules of court may provide, the defendant serves on the applicant a notice:-

- (a) stating that, on the facts as alleged with respect to the act in question, the condition is not in his opinion satisfied;
- (b) showing his grounds for that opinion; and
- (c) requiring the applicant to show that it is satisfied.

(5) The court, if it thinks fit, may permit the defendant to require the applicant to show that the condition is satisfied without the prior service of a notice under subsection (4) above.

Appeals against orders.
18 of 1998.

10.-(1) An appeal shall lie to the Supreme Court against the making by a magistrate's court of an anti-social behaviour order or sex offender order.

(2) On such an appeal the Supreme Court:-

- (a) may make such orders as may be necessary to give effect to its determination of the appeal; and
- (b) may also make such incidental or consequential orders as appear to it to be just.

(3) Any order of the Supreme Court made on an appeal under this section (other than one directing that an application be re-heard by a magistrate's court) shall, for the purposes of section 7(6) or 8(6) above, be treated as if it were an order of the magistrate's court from which the appeal was brought and not an order of the Supreme Court.

PART IV⁴

28 of 1994.

Special Provisions for Crime - Ridden Areas

Interpretation of Part IV.
28 of 1994.

11. In this Part, unless the context otherwise requires:-

“Minister” means the Minister of National Security;

“Security Forces” means:-

⁴ This Part was originally enacted under the Crime Control Act (28 of 1994) and it came into force on the 13th day of February, 1995, by virtue of statutory instrument 14 of 1995.

- (a) the Belize Police Department; 42 of 1999.
- (b) the Belize Defence Force, to the extent that such Force has been assigned to act in aid of and in the company of the Police;
- (c) the Special Police Constabulary; and
- (d) any auxiliary force prescribed by, or established pursuant to, regulations made under this Part;

“special area” means any area of Belize not exceeding one square mile in which the provisions of this Part have effect by virtue of an Order made under section 12 below.

12.-(1) Where the Minister has reasonable grounds to believe that in the interest of public safety or public order, or for the purpose of preventing or detecting crime, it is requisite so to do, he may, by Order published in the *Gazette*, with the concurrence of the Crime Control Council, declare that the provisions of this Part shall, during the continuance in force of the Order, have effect in relation to any area of Belize not exceeding one square mile specified in the Order.

Declaration of special areas. 28 of 1994.

(2) An Order made under this section shall, subject to revocation or amendment by the Minister, remain in force for a period of thirty days or such longer period as may be sanctioned for the time being by resolution of the House of Representatives.

13.-(1) In a special area, any member of the Security Forces may, *without warrant*, and using such force (if any) as may be reasonably justified in the circumstances:-

Powers of Security Forces in a special area. 28 of 1994.

- (a) undertake a search of any premises, place, vehicle, person or thing upon reasonable suspicion of being

thereon or therein any unlawful drug or any unlicensed or prohibited firearm or ammunition, or any unlawfully-obtained article or thing, or any person wanted in connection with a criminal investigation;

- (b) seize, take away and detain any vehicle or article which he reasonably suspects is intended to be used, or has been used, for or in connection with the commission of any offence or is or has been unlawfully obtained or possessed;
- (c) arrest any person upon reasonable suspicion of his having committed or of being about to commit an offence; and
- (d) temporarily establish a cordon around the special area or any part thereof for a period not exceeding three hours in any period of twenty-four hours and restrict the freedom of movement of persons and vehicles into or out of any area so cordoned.

(2) No person who is a female shall be searched under paragraph (a) of subsection (1), except by another female.

(3) Where anything is detained in accordance with paragraph (b) of subsection (1), a receipt therefor shall be given to the person from whose custody it was taken, and any such article or thing shall be kept, by virtue of such detention, for so long only as may be necessary for the purposes of any examination, investigation, trial or enquiry.

(4) The powers conferred upon the Security Forces by this section shall be without prejudice to any other powers conferred upon such Forces by any other law.

14. Where any member of the Security Forces purports to act in the exercise of authority conferred by or under this Part of this Act he shall be presumed to be acting within such authority in the absence of proof to the contrary.

Protection of
Security Forces.
28 of 1994.

15.-(1) The Minister may make regulations for the better carrying out of the provisions of this Part of this Act and, without prejudice to the generality of the foregoing, such regulations may make provision in relation to all or any of the following:-

Regulations.
28 of 1994.

(a) the custody or disposal of anything detained under section 13;

(b) the operation of cordons;

(c) the establishment of auxiliary forces with like functions, powers and immunities as those of the Belize Police Department and under the direction of the Commissioner of Police; and

42 of 1999.

(d) anything authorised or required by this Part to be prescribed.

(2) Any regulations made under this Part may contain such incidental or supplementary provisions as appear to the Minister to be necessary or expedient for the purpose of the regulations.

(3) Regulations made under this Part shall be subject to negative resolution of the House of Representatives.

PART V ⁵

26 of 1992.
6 of 1994.

Limitation on Right to Grant Bail

Restrictions on
admission to bail.
CAP. 96.
26 of 1992.
6 of 1994.
28 of 1994.
6 of 1994.

16.-(1) Without prejudice to section 62 of the Indictable Procedure Act, but notwithstanding any other law, no magistrate, justice of the peace or a police officer shall admit to bail any person charged with an offence to which this section applies:

Provided that a magistrate may, for special reasons to be recorded in writing, grant bail to an accused person, but in every such case where the magistrate grants bail, the prosecution may appeal to a judge of the Supreme Court in chambers against the grant of bail or against the terms of bail.

(2) The offences to which this section applies are the following:-

- (a) attempted murder;
- (b) a drug trafficking offence, where the quantity of controlled drug involved is more than the quantities specified in the *proviso* to section 17(1) (a) of the Misuse of Drugs Act;
- (c) a drug-related offence other than a drug-trafficking offence, where the person charged has been convicted on two previous occasions of a drug-related offence;
- (d) a drug-related offence other than drug trafficking where the person charged is proved to have committed a drug-related offence while previously on bail for a similar offence;

CAP. 103.

⁵ This Part was originally enacted under the Criminal Justice Act (26 of 1992) and it came into force on the 4th day of March, 1993, by virtue of statutory instrument 32 of 1993.

- (e) an offence under the Firearms Act, where the quantity of firearms or ammunition involved is more than five and fifty respectively; CAP. 143.
- (f) robbery;
- (g) aggravated assault with deadly weapons.

(3) Where the bail is refused in pursuance of subsection (1) the person charged may apply to a judge in chambers and in considering any such application the judge shall have regard *inter alia* to the prevalence of the crime with which the accused person is charged, the possibility of the accused person repeating the offence or interfering with witnesses while on bail, the need for assisting the security services in their drive against crime, and all other relevant factors and circumstances.

(4) Where bail is withheld under this section, the trial of the accused person shall, subject to subsection (5) hereof, take place:-

- (a) in the case of summary trial, not later than one month from the date following the day on which bail is withheld;
- (b) in the case of trial on indictment, at the next practicable sitting of the Supreme Court for the district.

(5) Where for any reason the trial cannot be proceeded with within the time prescribed in subsection (4) above, the accused person may be admitted to bail in the discretion of the judge or magistrate, at any time following the last day upon which the trial should have been held under that subsection.

17.-(1) A judge, magistrate, justice of the peace or a police officer, when considering an application for bail by or on behalf of an accused person, may require such person to produce such evidence of identity as to ensure that the

Evidence of
identity.
28 of 1994.

accused person has given to the court or the police his true name, address, date of birth and other particulars.

(2) Bail may be refused if the accused person fails to give the particulars aforesaid or gives false particulars.

PART VI ⁶

Corrective Training and Extended Sentences

Corrective
training.
28 of 1994.

18.-(1) Where a person who is under the age of twenty-one years:-

CAP. 98.

- (a) is convicted of the offence of loitering or of any other petty misdemeanour or petty offence as contained in section 3 and 4 of the Summary Jurisdiction (Offences) Act; and
- (b) has been convicted on at least one previous occasion of the same or any other petty misdemeanour or petty offence; and
- (c) the court is satisfied that he qualifies for a sentence of corrective training as specified in subsection (2) below,

then, the court may, in addition to or *in lieu* of any other sentence, pass a sentence of corrective training for such term not exceeding four years as the court may determine.

(2) An offender qualifies for a sentence of corrective training within the meaning of subsection (1) above if:-

⁶ This Part was originally enacted under the Crime Control Act (28 of 1994) and it came into force on the 13th day of February, 1995, by virtue of statutory instrument 14 of 1995.

- (a) he is neither gainfully employed nor is receiving instruction in a school or other educational institution; or
- (b) the court is satisfied, having regard to the social reports about the offender, that it is expedient with a view to his reformation and the prevention of crime that he should receive training of a corrective character.

(3) A sentence of corrective training may be passed concurrently with, or consecutive to, a sentence of imprisonment.

(4) A sentence of corrective training shall be served at such place as the Minister responsible for young offenders may direct, and whilst so detained at such place, the offender shall be deemed to be in lawful custody.

(5) The power conferred on a court by this section to impose a sentence of corrective training shall be without prejudice to section 12 of the Juvenile Offenders Act or any other provision of any law which requires the imposition of a mandatory custodial sentence.

CAP. 119.

19.-(1) Where an offender is convicted of an offence punishable with imprisonment for a term of one year or more (whether or not he was sentenced to such imprisonment), on two or more occasions, then, if the court is satisfied, by reason of his previous conduct and of the likelihood of his committing further offences, that it is expedient to protect the public from him for a substantial period, the court may impose an extended term of imprisonment under this section.

Power to impose extended sentence.

(2) The extended term of imprisonment which may be imposed under this section for any offence may exceed the maximum term authorised for the offence apart from this section if the maximum so authorised is less than ten years, but shall not exceed ten years if the maximum so authorised is less than ten years or exceed five years if the maximum so authorised is less than five years.

(3) Where an extended term of imprisonment is imposed on an offender under this section, the court shall issue a certificate stating that the term was so imposed.

PART VII ⁷

6 of 1999.

Sentence for Serious Offences Involving Violence, other than Murder

Mandatory life sentence for serious crimes of violence.
6 of 1994.

20.-(1) If a person is found guilty of an offence specified in subsection (4) of this section on more than two occasions, after the commencement of this Act he shall, notwithstanding any other law to the contrary, be sentenced to a mandatory term of life imprisonment unless the court, for special extenuating circumstances to be recorded in writing, determines otherwise.

(2) Subsection (1) above shall apply whether a person is convicted of the same offence on the third or subsequent occasion or of any other offence specified in subsection (4) below.

(3) Where the court refrains from awarding the mandatory sentence of life imprisonment under subsection (1) above, it shall sentence the offender in accordance with the law applicable to the relevant offence, including any provision for a mandatory minimum sentence, as if this section had not been enacted.

(4) This section applies to the offences of rape, kidnapping, forcible abduction, dangerous harm, maim, use of deadly means of harm, robbery and blackmail.

⁷ This Part was originally enacted under the Criminal Justice Act (6 of 1994) and it came into force on the 30th day of May, 1994, by virtue of statutory instrument 48 of 1994.

PART VIII⁸

Power to make Community Service Orders

26 of 1992.

21.-(1) Where a person of or over the age of 14 years is convicted of an offence punishable by imprisonment, the court by or before which he is convicted may, in addition to or instead of dealing with him in any other way (but subject to subsection (2) below) make an order (in this Act referred to as a “community service order”) requiring him to perform unpaid work in accordance with the subsequent provisions of this Act.

Power to make community service orders.
26 of 1992.

(2) The reference in this section to an offence punishable by imprisonment shall be construed without regard to any prohibition or restriction imposed by or under any enactment on the imprisonment of young offenders.

(3) The number of hours which a person may be required to work under a community service order shall be specified in the order and shall be in the aggregate:-

- (a) not less than 40 hours; and
- (b) not more:-
 - (i) in the case of an offender aged 16 or under, than 120 hours,
 - (ii) in other cases, 240 hours.

⁸ This Part was originally enacted under the Criminal Justice Act (26 of 1992) and it came into force on the 1st day of March, 1994, by virtue of statutory instrument 10 of 1994.

(4) A court shall not make a community service order in respect of any offender unless the offender consents and after considering a report by a probation officer or welfare officer of the social services department about the offender and his circumstances and, if the court thinks it necessary, after hearing a probation officer or a welfare officer of the social services department, the court is satisfied that the offender is a suitable person to perform work under such an order.

(5) A court shall not make a community service order in respect of any offender who is of or over seventeen years of age unless the court is satisfied that provision for him to perform work under such an order can be made under the arrangements for persons to perform work under such orders in the judicial district in which he resides or will reside.

(6) A court shall not make a community service order in respect of an offender who is under seventeen years of age unless it is satisfied that arrangements exist or can be made for persons of the offender's age who reside in the judicial district in which the offender resides or will reside to perform work under such order.

(7) Where the court makes community service orders in respect of two or more offences for which the offender has been convicted by or before the court, the court may direct that the hours of work specified in the orders shall be concurrent with or additional to those specified in any other of those orders, but so that the total number of hours which are not concurrent shall not exceed the maximum specified in subsection (3) (b) (i) or (ii) above.

(8) A community service order shall specify the judicial district in which the offender resides or will reside; and the functions conferred by the subsequent provisions of this Part on the relevant officer may be discharged by a probation officer, a social welfare officer, or a Justice of the Peace for the judicial district for the time being specified in the order, or by a person who in the opinion of the court is a proper person to undertake supervision

and direction of the offender and the work to be performed under the order.

(9) Before making a community service order the court shall explain to the offender in ordinary language:-

- (a) the purpose and effect of the order (in particular the requirements of the order as specified in section 22 of this Act);
- (b) the consequences which may follow under section 23 if he fails to comply with any of the requirements; and
- (c) that the court has under section 24 the power to review the order on the application of either the offender, a probation officer or other relevant officer.

(10) The court by which a community service order is made shall forthwith give copies of the order to the probation officer assigned to the court and he shall give a copy to the offender and to the relevant officer, and where the court is not itself the court of the judicial district named in the community service order, send a copy of the order to the clerk of the magistrate's court of the judicial district specified in the order together with such documents and information relating to the case that it considers likely to be of assistance to that court in exercising its functions in relation to the order.

(11) The Attorney General may by Order published in the *Gazette* direct that subsection (3) above shall be amended by substituting for the maximum number of hours for the time being specified in subsection (3) (b) (i) or (ii), such number of hours as may be specified in the Order.

(12) Nothing in subsection (1) above shall be construed as preventing a court which makes a community service order in respect of any offence from making an order for costs against, or imposing a disqualification on, the offender or from making in respect of the offence any other order

which the court is empowered to make under this or any other Act for the time being in force.

(13) While making a community service order, the court shall not specify the nature of work to be carried out, but the same shall be determined by the relevant officer in accordance with any regulations made by the Attorney General in that behalf after consultation with the Minister responsible for social services and community development.

Obligation of persons subject to community service orders. 26 of 1992.

22.-(1) An offender in respect of whom a community service order is in force shall:-

- (a) report to the relevant officer and subsequently from time to time notify him of any change of address; and
- (b) perform for the number of hours specified in the order such work at such times as he may be instructed by the relevant officer.

(2) Subject to section 24(1) of this Act, the work required to be performed under a community service order shall be performed during the period of twelve months beginning on the date of the order and unless revoked, the order shall remain in force until the offender has worked under it for the number of hours specified in it.

(3) The instructions given by the relevant officer under this section shall, so far as practicable, be such as to avoid any conflict with the offender's religious beliefs and any interference with the times, if any, at which he normally works or attends a school or other educational establishment.

Breach of requirements of community service order.

23.-(1) If at any time while a community service order is in force in respect of an offender it appears on information to a justice of the peace acting for the judicial district for the time specified in the order that the offender has

failed to comply with any of the requirements of section 22 of this Act (including any failure satisfactorily to perform the work which he has been instructed to do), a justice of the peace may issue a summons requiring the offender to appear at a place and time specified therein, or may, if the information is in writing and on oath, issue a warrant for his arrest.

(2) Any summons or warrant issued under this section shall direct the offender to appear or be brought before a magistrate's court acting for the judicial district for the time being specified in the community service order.

(3) If it is proved to the satisfaction of the magistrate's court before which an offender appears or is brought under this section that he has failed without reasonable excuse to comply with any of the requirements of section 22 the court may, without prejudice to the continuance of the order, impose on him a fine not exceeding one thousand dollars or may:-

- (a) if the community service order was made by a magistrate's court, revoke the order and deal with the offender for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made;
- (b) if the order was made by the Supreme Court or the Court of Appeal, commit him in custody or release him on bail until he can be brought or appear before the Supreme Court or the Court of Appeal, as the case may be.

(4) A magistrate's court which deals with an offender's case under subsection (3) (b) above shall send to the Supreme Court or the Court of Appeal a certificate signed by a magistrate or a justice of the peace certifying that the offender has failed to comply with the requirements of section 22 in the respect specified in the certificate, together with such other particulars of

the case as may be desirable; and a certificate purporting to be so signed shall be admissible in evidence of the failure, before the Supreme Court or the Court of Appeal.

(5) Where by virtue of subsection (3) (b) above an offender is brought or appears before the Supreme Court or the Court of Appeal and it is proved to the satisfaction of the court that he has failed to comply with any of the requirements of section 22, that the court may either:-

- (i) without prejudice to the continuation of the order, impose on him a fine not exceeding one thousand dollars; or
- (ii) revoke the order and deal with him, for the offence in respect of which the order was made, in the manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.

(6) A person sentenced under subsection (3) (a) above for an offence may appeal to the Supreme Court against the sentence.

(7) In proceedings before the Supreme Court under this section any question whether the offender has failed to comply with the requirements of section 22 shall be determined by the court alone and not by the verdict of a jury.

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

Variation and
revocation of
community
service orders.
26 of 1992.

24.-(1) Where a community service order is in force in respect of any offender and, on the application of the offender or the relevant officer, it appears to a magistrate's court for the judicial district for the time being

specified in the order that it would be in the interests of justice to do so having regard to the circumstances which have arisen since the order was made, the court may extend, in relation to the order, the period of twelve months specified in section 22(2) of this Act.

(2) Where such an order is in force and on any such application it appears to a magistrate's court for the judicial district so specified that having regard to such circumstances it would be in the interests of justice that the order should be revoked or that the offender should be dealt with in some other manner for the offence in respect of which the order was made, the court may:-

- (a) if the order was made by a magistrate's court, revoke the order or revoke it and deal with the offender for that offence in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made;
- (b) if the order was made by the Supreme Court or the Court of Appeal, commit him in custody or release him on bail until he can be brought or appear before the Supreme Court or the Court of Appeal;

and where the court deals with his case under subsection (2) (b) above it shall send to the Supreme Court or the Court of Appeal such particulars of the case as may be desirable.

(3) Where an offender in respect of whom such an order is in force:-

- (a) is convicted of an offence before the Supreme Court; or
- (b) is committed by a magistrate's court to the Supreme Court for sentence and is brought or appears before the Supreme Court; or

- (c) by virtue of subsection (2) (b) is brought or appears before the Supreme Court or the Court of Appeal,

and it appears to that Court to be in the interests of justice to do so, having regard to the circumstances which have arisen since the order was made, the Supreme Court or the Court of Appeal may revoke the order or revoke the order and deal with the offender for the offence in respect of which the order was made in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.

(4) A person sentenced under subsection (2) (a) above for an offence may appeal to the Supreme Court against the sentence.

(5) Where:-

- (a) an offender in respect of whom a community service order is in force is convicted of an offence before a magistrate's court for the judicial district specified in the order; and
- (b) the court imposes a custodial sentence on him; and
- (c) it appears to the court on the application of the offender or the relevant officer, that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made, the court may:-
- (i) if the order was made by a magistrate's court, revoke it; and
- (ii) if the order was made by the Supreme Court or the Court of Appeal, commit him in custody or

release him on bail until he can be brought or appear before the Supreme Court or the Court of Appeal,

and where the court deals with his case under subparagraph (ii) above, it shall send to the Supreme Court or the Court of Appeal such particulars of the case as may be desirable.

(6) Where by virtue of subsection (5) (c) (ii) above, the offender is brought or appears before the Supreme Court or the Court of Appeal and it appears to the Supreme Court or the Court of Appeal to be in the interest of justice to do so, having regard to circumstances which have arisen since the order was made, the Supreme Court or the Court of Appeal may revoke the order.

(7) If:-

- (a) a magistrate's court for the judicial district for the time being specified in a community service order is satisfied that the offender proposed to change or has changed his residence from that judicial district to another judicial district; and
- (b) the conditions specified in subsection (8) below are satisfied,

the court may, and on the application of the relevant officer shall, amend the order by substituting the other judicial district for that specified in the order.

(8) The conditions referred to in subsection (7) (b) above are:-

- (a) if the offender is of or over 17 years of age, that it appears to the court that provision can be made for him to perform work under the community service order

under the arrangements which exist for persons who reside in the other judicial district to perform work under such orders; and

- (b) if the offender is under 17 years of age:-
- (i) that the court is satisfied that arrangements exist or can be made for persons of his age who reside in the other judicial district to perform work under such orders, and
 - (ii) it appears to the court that provision can be made under the arrangements for him to do so.

(9) Where a community service order is amended by a court under subsection (7) above the court shall send to the clerk of the magistrate's court of the new judicial district specified in the order a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to a magistrate's court for that judicial district in exercising its functions in relation to the order.

(10) Where a magistrate's court proposes to exercise its powers under subsection (1) or (2) above otherwise than on the application of the offender it shall summon him to appear before the court and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

CAP. 94. (11) In this Part, "court" includes an Alcalde Jurisdiction Court established under Part VI of the Inferior Courts Act.

28 of 1994. (12) The power conferred on a court to make Community Service Orders shall be subject to any other law which requires the imposition of minimum custodial or other sentences for certain offences.

PART IX⁹

Crime Control Council

25.-(1) There is hereby established a Crime Control Council (referred to in this Part as “the Council”), consisting of fourteen members appointed by the Prime Minister who shall include:-

Establishment of
Crime Control
Council.
28 of 1994.

- (a) the Minister of National Security or his representative;
- (b) the Attorney General or his representative;
- (c) a Justice of the Supreme Court;
- (d) the Director of Public Prosecutions or his representative;
- (e) the Chief Magistrate or his representative;
- (f) the Commissioner of Police or his representative;
- (g) a representative of the Ministry of Human Resources;
- (h) a person nominated by the Belize Tourism Industry Association;
- (i) a person nominated by the Council of Churches;
- (j) a person nominated by Non-Governmental Organisations;
- (k) a person nominated by the Bar Association of Belize;

⁹ This Part was originally enacted under the Crime Control Act (28 of 1994) and it came into force on the 13th day of February, 1995, by virtue of statutory instrument 14 of 1995.

- (l) a representative of the business community;
- (m) one representative of the body bearing the name “Crime Advisory Board” existing immediately before the commencement of this Act; and
- (n) one person nominated by the Leader of the Opposition.

(2) The Prime Minister shall designate one person from among the members to be the Chairman.

Functions of the Council.
28 of 1994.

26.-(1) The functions of the Council shall be as follows:-

- (a) to monitor the crime situation in the country on a continuing basis;
- (b) to plan, develop and coordinate comprehensive crime prevention programmes and strategies;
- (c) to promote employability and job placement of unemployed youth;
- (d) to liaise with a broad spectrum of community-based and social-service organisations to develop a coordinated team-approach to reducing gang violence or the effects of substance abuse or other criminal activities;
- (e) to solicit contributions and donations from the business sector and other donor agencies to fund constructive programmes for reducing crime; and
- (f) to make recommendations to the Prime Minister for strengthening or reforming the law or the law

enforcement agencies to better control and prevent the incidence of crime.

(2) In the exercise of its functions, the Council may establish Committees of its own members and may coopt other persons for specific purposes.

27.-(1) The Prime Minister may make regulations for the better carrying out of the functions of the Council.

Rules and
Regulations.
28 of 1994.

(2) Subject to any regulations made by the Prime Minister under subsection (1) above, the Council may make rules to regulate its own procedure.