



BELIZE

**DEFENCE ACT
CHAPTER 135**

REVISED EDITION 2020

**SHOWING THE SUBSTANTIVE LAWS AS AT
31ST DECEMBER, 2020**

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 2020.

This edition contains a consolidation of amendments made to the law by Act No. 33 of 2020.



BELIZE

**DEFENCE ACT
CHAPTER 135**

REVISED EDITION 2020

**SHOWING THE SUBSTANTIVE LAWS AS AT
31ST DECEMBER, 2020**

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 2020.

This edition contains a consolidation of amendments made to the law by Act No. 33 of 2020.

CHAPTER 135

DEFENCE

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.
3. Active service provisions.
4. Establishment of the Force.
5. Employment of the Force.
6. Formation into units.
7. Employment of Force outside Belize.
8. Overseas training.

PART II

Belize Defence Board and Officers of the Force

9. Membership of the Board.
10. Functions of the Board.
11. Power to grant commissions.
12. Appointment and transfer of officers.
13. Resignation and dismissal of officers.
14. Power to make regulations under this Part.

PART III

Enlistment, Terms and Conditions of Service in the Regular Force

15. Recruiting officers.

16. Enlistment.
17. Terms of enlistment.
18. Re-engagement and continuance of service.
19. Prolongation of service.
20. Discharge.
21. Transfer to the reserve.
22. Postponement of discharge or transfer pending proceedings for offences, etc.
23. Restrictions on reduction in rank of warrant officers and non-commissioned officers.
24. Right of warrant officer to discharge on reduction in rank.
25. Discharge of members of Force.
26. Right of soldier to purchase discharge.
27. Rules for reckoning service.
28. Validity of attestation and enlistment.
29. False answers in attestation papers.

PART IV

Discipline, Trial and Punishment of the Officers and Soldiers for Military and Civil Offences

30. Misconduct in action.
31. Assisting the enemy.
32. Obstructing operations.
33. Offences by or in relation to sentries.
34. Failing to attend for duty, neglect of duty, etc.
35. Looting.
36. Mutiny.
37. Failure to suppress mutiny.
38. Insubordinate behaviour.
39. Disobedience to lawful orders.
40. Disobedience to standing orders.
41. Desertion.
42. Absence without leave.
43. Failure to apprehend or report deserters or absentees.
44. Malingering.
45. Drunkenness.

46. Fighting, threatening words, etc.
47. Public or service property, etc., offences.
48. Misapplication and waste of public or service property.
49. Issues and decorations offences.
50. Permitting escape and unlawful release of prisoners.
51. Resistance to arrest.
52. Escape from confinement.
53. Courts martial offences.
54. False evidence.
55. Obstruction of police officer arresting officer or soldier.
56. Unauthorised disclosure of information.
57. Making of false statement on enlistment.
58. Making of false documents.
59. Offences against morale.
60. Scandalous conduct of officers.
61. Ill-treatment of officers or soldiers of inferior rank.
62. Disgraceful conduct.
63. False accusations.
64. Attempts to commit military offences.
65. Aiding and abetting, etc., and inciting.
66. Conduct to prejudice of military discipline.
67. Civil offences.
68. Punishment of officers.
69. Punishment of soldier.
70. Imprisonment.
71. Power to arrest offenders.
72. Avoiding delay after arrest.
73. Powers of commanding officer.
74. Trial by, and power of, court martial.
75. Convening and composition of court martial.
76. Constitution of court martial.
77. Sittings of court martial.
78. Challenges by accused.
79. Administration of oaths.
80. Court martial to sit in open court.
81. Dissolution of court martial.
82. Decisions of court martial.
83. Finding and sentence.
84. Power to convict of offence other than that charged.

85. Rules of evidence.
86. Privilege of witnesses and others at court martial.
87. Offences by civilians in court martial.
88. Affirmations.
89. Confirmation of proceedings of court martial.
90. Petition against findings or sentence.
91. Revision of findings of court martial.
92. Power of confirming authority.
93. Confirming authority.
94. Review of summary findings and awards.
95. Insane accused.
96. Commencement of sentences.
97. Duration of sentences of imprisonment and detention.
98. Restrictions on serving of sentences of detention.
99. Confinement in Belize civil prisons.
100. Jurisdiction on ex-officers and soldiers.
101. Limitation of time for trial of offences under the Act.
102. Jurisdiction of civil courts.
103. Exemption from prosecution under the Act.
104. Appointment of judge advocate.
105. Promulgation.
106. Custody of proceedings of court martial and right of accused to a copy thereof.
107. Rules of Procedure.
108. Courts of inquiry.
109. Inquiries into absence.

PART V

Forfeitures and Deductions

110. Forfeitures and deductions.
111. Forfeiture of pay for absence from duty.
112. Suspension.
113. Deductions for payment of civil penalties.
114. Compensation for loss occasioned by wrongful act or negligence.
115. Deductions for barrack damage.

116. Remission of forfeiture and deductions.

PART VI

Volunteer Element of the Force

117. Composition of volunteer element of the Force.
117A. Enlistment of recruits in the volunteer element.
118. Enlistment and re-engagement in volunteer element.
119. Training of volunteer element.
120. Call out of volunteer element on temporary service.
121. Call out of volunteer element on permanent service.
122. Attendance on call out.
123. Effective time of call out.
124. Termination of service.
125. Posting or attachment of members of volunteer element.
126. Punishment for non-attendance.
127. Wrongful sale, etc., of public property.
128. Discharge from volunteer element.
129. Application of Parts IV and V.
130. Protection from dismissal and loss of wages, etc.

PART VII

Reserve Officers and Soldiers of the Force

131. Composition of reserve.
132. Re-engagement in the reserve.
133. Call out of reserve on permanent service.
134. Attendance upon call out.
135. Effective time of call out.
136. Termination of service.
137. Posting and attachment of members of the reserve.
138. Punishment for non-attendance.
139. Discharge from reserve.
140. Application of Parts V and VI.
141. Protection from dismissal and loss of wages, etc.

PART VIII

Government and General Provisions

142. Command of Force.
143. Powers of command of members of co-operating forces.
144. Complaints by officers.
145. Complaints by soldiers.
146. Exemption from jury service.
147. Exemption from execution on property used for military purposes.
148. Arrest of deserters and absentees without leave.
149. Proceedings in civil court for illegal absence.
150. Deserters and absentees without leave surrendering to police.
151. Certificate of arrest or surrender of deserters and absentees.
152. Duties of superintendent of prisons and others to receive deserters and absentees.
153. Punishment for procuring and assisting desertion.
154. Punishment for obstructing members in execution of duty.
155. Punishment for aiding malingering.
156. Unlawful purchase, etc., of military stores.
157. Illegal dealings in documents relating to pay, pensions, mobilization, etc.
158. General provisions as to evidence.
159. Proof of outcome of civil trial.
160. Evidence of proceedings of court martial.
161. Temporary reception in civil custody of persons under escort.
162. Avoidance of assignment of, or charge on, military pay, pensions, etc.
163. Belize Defence Force Benevolent Fund.

PART IX

Application of the Act and Supplementary Provisions

164. Persons subject to military law.
165. Application of the Army Act, 1955.
166. Power to make regulations.

- 167. National service regulations.
- 168. Execution of orders, instruments, etc.
- 169. Saving of rights of officers and soldiers of Volunteer Guard.

SCHEDULE I
SCHEDULE II
SCHEDULE III
SCHEDULE IV
SCHEDULE V
SCHEDULE VI

CHAPTER 135**DEFENCE**

8 of 1977.
 Ch. 106,
 R.E,1980-1990
 2 of 1981.
 5 of 1983.
 22 of 1987.
 30 of 1990.
 21 of 2005.
 33 of 2020.
 S. I. 79 of 1977.

[1st January, 1978]

PART I**Preliminary**

Short title. **1.** This Act may be cited as the Defence Act.

Interpretation. **2.**-(1) In this Act, unless the context otherwise requires—

“acting rank” means rank of any description (however called) such that under regulations under section 166, a commanding officer has power to order the holder to revert from that rank; and “acting warrant officer” and “acting non-commissioned officer” shall be construed accordingly;

“arrest” includes open arrest;

“before the enemy”, in relation to a person, means that he is in action against the enemy or about to go into action against the enemy or is under attack or threat of imminent attack by the enemy;

“civil court” means a court of ordinary criminal jurisdiction, but does not, except where otherwise expressly provided, include any such court outside Belize;

“civil offence” has the meaning assigned to it by section 67 (2);

“Commander” means the officer appointed by the Governor-Governor under section 142, to have command of the Force;

“commanding officer” means an officer commanding a unit or a detachment of a unit of the Force;

“on conviction” in sections 30 to 64, and 66, means on conviction by a court martial;

“corresponding civil offence” has the meaning assigned to it by section 67 (2);

“damage” includes destruction, and references to damaging shall be construed accordingly;

“date of attestation”, in relation to any person, means the date on which he is attested in accordance with the provisions of this Act;

“decoration” includes medal, medal ribbon, clasp and badge;

“desertion” shall be construed in accordance with section 41 (2);

“detachment” means a part of a unit which is so separated from the unit to which it belongs that the commanding officer of that unit cannot effectively exercise his disciplinary powers as commanding officer over it;

“enemy” includes all persons engaged in armed operations against the Force or any forces co-operating therewith and also includes all armed mutineers, armed rebels, armed rioters and pirates;

“officer” means a member of the Belize Defence Force who has been commissioned to the rank of second lieutenant;

33 of 2020.

“prescribed” means prescribed by Rules of Procedure made under section 107;

“public property” means any property belonging to the Government of Belize or held for the purposes thereof;

“recruiting officer” means a person authorised as such under the provisions of section 15;

33 of 2020.

“scandalous conduct” means any conduct or behaviour that displays indecency, indecorum, acts of cruelty, acts against morality or law;

“service”, when used adjectivally, means belonging to or connected with the Force;

“soldier” does not include an officer, but with the modifications contained in this Act in relation to warrant officers and non-commissioned officers, includes (except in section 73) a warrant officer and a non-commissioned officer;

2 of 1981.
CAP. 101.

“steal” has the meaning assigned to in section 139 of the Criminal Code;

“stoppages” means the recovery by deductions from the pay of the offender, of a specified sum by way of compensation for any expenses, loss or damage occasioned by the offence;

“the Force” means the Belize Defence Force established under this Act;

2 of 1981.

“unit” means any body of the Force declared by the Minister to be a unit; “volunteer element” means the volunteer element of the Force.

(2) References to warrant officers do not include references to acting warrant officers.

(3) References to non-commissioned officers include references to acting non-commissioned officers and to acting warrant officers.

3.-(1) In this Act, the expression “on active service”, in relation to any unit, means that it is engaged in operations against an enemy, and in relation to a person, means that he is serving in or with such a unit which is on active service.

Active service provisions.
2 of 1981.

(2) Where it appears to the Governor-General that, by reason of the imminence of active service or of the recent existence of active service, it is necessary for the public service that a unit should be deemed to be on active service, he may declare that for such period, not exceeding three months, beginning with the coming into force of the declaration as may be specified therein, that unit shall be deemed to be on active service.

(3) Where it appears to the Governor-General that it is necessary for the public service that the period specified in a declaration under sub-section (2), should be prolonged or, if previously prolonged under this section, should be further prolonged, he may declare that the said period shall be prolonged by such time, not exceeding three months, as may be specified in the declaration under this sub-section.

(4) If at any time while any unit is deemed to be on active service by virtue of the foregoing provisions of this section, it appears to the Governor-General that there is no necessity for the unit to continue to be treated as being on active service, he may declare that as from the coming into operation of the declaration the unit shall cease to be deemed to be on active service.

(5) Any declaration under this section shall be made by proclamation.

4. There shall be established and maintained in Belize a body of Her Majesty’s military forces to be called the BELIZE DEFENCE FORCE consisting of—

Establishment of the Force.

- (a) a regular force;
- (b) the volunteer element; and
- (c) the reserve.

Employment of
the Force.
2 of 1981.

5. The Force shall be charged with—

- (a) the defence of Belize;
- (b) the support of the civil authorities in the maintenance of order in Belize; and
- (c) such other duties as may from time to time be defined by the Governor-General.

Formation into
units.
2 of 1981.

6. The Force may by order of the Minister be formed into units.

Employment of
Force outside
Belize.
2 of 1981.

7. The Governor-General may at any time order that the whole or any part of the Force shall be employed out of or beyond Belize,

provided that no officer or soldier of the volunteer element or the reserve shall be liable to be employed out of or beyond Belize unless either he is a soldier serving in the reserve in consequence of being transferred from the regular force or he has entered into an agreement in writing accepting such a liability.

Overseas
training.
2 of 1981.

8.-(1) The Minister may order that any member of the regular force, or with his consent, any member of the volunteer element or of the reserve, shall proceed to any place outside Belize for the purpose of undergoing instruction or training, or for duty or employment.

(2) The Minister may, if the consent of the member concerned is first obtained, place any member of the Force at the disposal of the military authorities of any other country or

territory for the purpose of his being attached to the armed forces of that country or territory for duty or for training.

PART II

Belize Defence Board and Officers of the Force

9.-(1) There shall be a Belize Defence Board hereinafter referred to as the “Board” which shall consist of the following members—

Membership of
the Board.
2 of 1981.

- (a) the Minister responsible for defence who shall be the chairperson;
- (b) such other Minister as shall be appointed by the Prime Minister, who shall be deputy chairperson;
- (c) the Permanent Secretary to the Ministry responsible for defence;
- (d) the Chief of Defence Staff of the Ministry responsible for defence; and
- (e) the Commander Belize Defence Force.

30 of 1990.
33 of 2020.

(2) The Chief Executive Officer to the Ministry responsible for defence shall function as the secretary of the Board.

(3) In the absence of the chairperson whether through illness or otherwise, the deputy chairperson, if present, shall act as chairperson.

(4) Notwithstanding any vacancy in its membership, it shall be lawful for the Board to hold meetings and to carry out its duties, functions and obligations hereunder.

(5) The Board shall meet as often as is necessary to carry out its duties, functions and obligations hereunder.

(6) Any question arising at any meeting of the Board shall be determined by a majority of the votes of those present. The chairperson shall have, if there is an equality of votes, a second or casting vote.

(7) Subject to the foregoing provisions of this section and those of this Act, the Board may regulate its own procedure.

Functions of the Board.
2 of 1981.

10.-(1) The Board shall be responsible, under the general authority of the Minister, for the formulation of policy, the training and administration of the Belize Defence Force, the structural organisation of the Belize Defence Force, and for such other functions as may be assigned to it from time to time.

33 of 2020.

(2) The Board may make such recommendation as it considers necessary to the Security Services Commission with regard to the appointment, disciplinary control and removal of members of the Belize Defence Force.

Power to grant commissions.
2 of 1981.
33 of 2020.
33 of 2020.

11.-(1) The power to grant commissions in the Force shall be vested in the Security Services Commission.

(2) *Repealed.*

(3) A commission may be granted either for an indefinite period or for a specified time.

33 of 2020.

(4) Every officer on being granted a commission shall be issued with a commission to be signed by the Security Services Commission in the form set out in Schedule I to this Act.

Appointment and transfer of officers.
2 of 1981.
33 of 2020.

12.-(1) Every officer upon being granted a commission shall, in accordance with the advice of the Security Services Commission, be appointed by the Governor-General.

33 of 2020.

(2) The Governor-General may, in accordance with the advice of the Security Services Commission, transfer any officer between the regular force, the volunteer element and the reserve,

provided that no officer shall be transferred to the regular force, the volunteer element or the reserve without his consent.

13.-(1) The Governor-General may, in accordance with the advice of the Security Services Commission, permit an officer of the Force to resign his commission.

Resignation and dismissal of officers.

2 of 1981.
33 of 2020.

(2) The Governor-General may, in accordance with the advice of the Security Services Commission, terminate the commission of an officer of the Force for inefficiency or for any other cause.

33 of 2020.

14.-(1) Subject to the provisions of this Act and after consultation with the Security Services Commission, the Governor-General may make regulations for the better carrying out of the provisions of this Part and, without prejudice to the generality of the foregoing, such regulations may make provisions with respect to all or any of the following matters—

Power to make regulations under this Part.

2 of 1981.
33 of 2020.

- (a) the commissioning of officers;
- (b) their appointment;
- (c) their transfer;
- (d) their promotion;
- (e) their retirement;
- (f) their resignation; and
- (g) other matters concerning officers as may seem to him necessary.

(2) The appointment, transfer, substantive promotion, retirement, resignation or removal from office of any officer shall be notified in the *Gazette*.

PART III

Enlistment, Terms and Conditions of Service in the Regular Force

Recruiting
officers.
2 of 1981.

15. Any officer authorised by the Commander, in this Act referred to as a recruiting officer, may enlist recruits in the regular force in accordance with the following provisions of this Act.

Enlistment.

16.-(1) A person offering to enlist in the regular force shall be given a notice set out in Schedule II to this Act, setting out the questions to be answered on attestation and stating the general conditions of the engagement to be entered into by him, and a recruiting officer shall not enlist any person in that force unless satisfied by that person that he has been given such a notice, understands it, and wishes to be enlisted.

(2) A recruiting officer shall not enlist a person under the age of eighteen years in the regular force.

(3) On satisfying himself as provided in this section, the recruiting officer shall request the recruit to take the oath or, as the case may be, make a solemn affirmation of allegiance (which the recruiting officer is hereby authorised to administer).

Terms of
enlistment.

17.-(1) The term for which a person enlisting in the regular force may be enlisted shall be such a term beginning with the date of his attestation as is mentioned in sub-section (2).

(2) The said terms shall be—

- (a) a term of twelve years regular service;
- (b) a term of three years regular service and nine years in the reserve;

- (c) a term of six years regular service and six years in the reserve; or
- (d) a term of nine years regular service and three years in the reserve.

18.-(1) Any soldier of the regular force of good character, who at any time has completed, or within two years before completing, the term of his regular service, may, with the approval of the Commandant, re-engage for such further period or periods of regular service and for service in reserve,

Re-engagement and continuance of service.
2 of 1981.

provided that such further period or periods of regular service together with the original period of such service shall not, except as provided by sub-section (2), exceed a total continuous period of twenty-seven years regular service from the date of the soldier's original attestation.

33 of 2020.

(2) Any soldier of the regular force who shall have completed a period of twenty-seven years' regular service may, if he shall so desire and with the approval of the Commander, continue to serve in all respects as if his term of such service was still unexpired except that it shall be lawful for him to claim his discharge at the expiration of the period of three months beginning with the day on which he gives to his commanding officer notice of his wish to be discharged.

33 of 2020.

19. Any soldier of the regular force whose term of regular service expires during a state of war, insurrection, hostilities or public emergency may be retained in that force and his service prolonged for such further period as the Governor-General in accordance with the advice of the Security Services Commission may direct.

Prolongation of service.
33 of 2020.

Discharge.

20.-(1) Save as in this Act provided, every soldier of the regular force upon becoming entitled to be discharged shall be discharged with all convenient speed, but until discharged shall remain subject to military law.

(2) Except in pursuance of the sentence of a court martial, a soldier of the regular force shall not be discharged unless his discharge has been authorised by order of his commanding officer.

(3) Every soldier of the regular force shall be given on his discharge a certificate of discharge containing particulars as to his conduct and service.

Transfer to the
reserve.
2 of 1981.

21.-(1) Save as in this Act provided, every soldier of the regular force, upon falling to be transferred to the reserve, shall be transferred thereto but until so transferred shall remain subject to military law.

33 of 2020.

(2) Notwithstanding anything contained in sub-section (1) of this section, the Security Services Commission may, when a soldier of the regular force falls to be transferred to the reserve, discharge him forthwith without giving any reason and in any such case the provisions of section 20 (3) shall apply.

Postponement of
discharge or
transfer pending
proceedings for
offences, etc.

22.-(1) Notwithstanding anything in this Part, a soldier of the regular force shall not be entitled to be discharged or transferred to the reserve at a time when he has become liable to be proceeded against for an offence against any of the provisions of this Act,

provided that if it is determined that the offence shall not be tried by court martial this sub-section shall cease to apply.

(2) Notwithstanding anything in this Part, a soldier of the regular force who is serving a sentence of imprisonment or detention awarded by a court martial or by his commanding officer shall not be entitled to be discharged or transferred to the reserve during the currency of the sentence.

23.-(1) A warrant officer or non-commissioned officer of the regular force (other than a lance-corporal) shall not be reduced in rank except by a sentence of a court martial or by order of the Security Services Commission.

Restriction on reduction in rank of warrant officers and non-commissioned officers.
2 of 1981.
33 of 2020.

(2) For the purposes of this section, reduction in rank does not include reversion from acting rank.

24. A warrant officer of the regular force who is reduced to the ranks may thereupon claim to be discharged, unless a state of war, hostilities or public emergency exists.

Right of warrant officer to discharge on reduction in rank.

25.-(1) Any member of the Force, other than the Commander, may at any time be discharged by the Security Services Commission, in the case of the enlisted and by the Security Services Commission on the advice of the Belize Defence Board, in the case of officers—

Discharge of members of Force
30 of 1990.
33 of 2020.

- (a) on compassionate grounds;
- (b) on appointment to a commission in the Force;
- (c) for inefficiency or unsuitability for military service;
- (d) on the ground that he is medically unfit for service;
- (e) upon his conviction for any offence by the Commander, a court martial or a civil court (including any court of criminal jurisdiction outside Belize);
- (f) on security grounds; or
- (g) for any other fit and proper cause.

(2) Notwithstanding anything contained in this Act, where a member of the Force is discharged on the ground specified in

paragraph (f) of sub-section (1), it shall not be necessary for the Security Services Commission to disclose to such member the details for his discharge if the Security Services Commission, on the advice of the Belize Defence Board, is satisfied that it would not be in the public interest so to do.

Right of soldier
to purchase
discharge.
30 of 1990.

26.-(1) Subject to the provisions of this section, a soldier of the regular force shall be entitled to claim his discharge at any time before the completion of his term of engagement and if he makes such a claim he shall, on payment of such sum and subject to such conditions as may from time to time be prescribed by the Security Services Commission on the advice of the Belize Defence Board by regulations made under this section, be discharged with all convenient speed but until discharged shall remain subject to military law.

33 of 2020.

(2) The provisions of section 20 shall not apply to a soldier discharged under the provisions of this section.

(3) A soldier of the regular force shall not be entitled to claim his discharge under sub-section (1), while soldiers of that force are required to continue their regular service under the provisions of section 19.

Rules for
reckoning
service.

27. In reckoning the service of any soldier of the regular force towards discharge or re-engagement or transfer to the reserve, there shall be excluded therefrom all periods during which he has been absent from his duty for any of the following causes—

- (a) imprisonment;
- (b) desertion; and
- (c) absence without leave exceeding twenty-eight days.

Validation of
attestation and
enlistment.

28.-(1) Where a person has taken the oath of allegiance upon his attestation and has thereafter received pay as a soldier of the regular force—

- (a) the validity of his enlistment shall not be called in question on the grounds of any error or omission in his attestation paper;
- (b) after the expiration of the period of three months from the date on which he took the said oath he shall be deemed to have been validly enlisted notwithstanding any non-compliance with the requirements of this Act or any other ground whatever (not being an error or omission in his attestation paper) and he shall be deemed to be a soldier of that force until his discharge.

(2) Nothing in sub-section (1) shall be construed as prejudicing the determination of any question as to the term for which a person was enlisted or as preventing the discharge of a person who has not claimed his discharge.

29.-(1) If a person appearing before a recruiting officer for the purpose of being enlisted in the regular force knowingly makes a false answer to any question contained in the attestation paper and put to him by or by the direction of the recruiting officer, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred dollars.

False answers in attestation papers.

(2) A person may be proceeded against under this section notwithstanding that he has since become subject to military law.

PART IV

*Discipline, Trial and Punishment of the Officers and Soldiers
for Military and Civil Offences*

Misconduct in
action.
33 of 2020.

30.-(1) A person subject to military law commits an offence and is liable on conviction if, without lawful excuse, that person—

- (a) surrenders any place or thing to the enemy; or
- (b) abandons any place or thing which it is his or her duty to defend against the enemy or to prevent from falling into the hands of the enemy.

33 of 2020.

(2) A person subject to military law commits an offence and is liable on conviction, if being in the presence or vicinity of the enemy, or being engaged in any action or operation against the enemy or under orders to be prepared for any action or operation by or against the enemy, he—

- (a) fails to use his or her utmost exertions to carry the lawful orders of his or her superior officers into execution; or
- (b) while on guard duty and posted or ordered to patrol, sleeps or, without having been regularly relieved, leaves any place where it is his or her duty to be; or
- (c) behaves in such a manner as to show cowardice, or induces any other person so to behave at a time when that other person, being a member of the Force or of a force cooperating therewith, is in the presence or vicinity of the enemy, or is engaged in any action or operation against the enemy or under

orders to be prepared for any action or operation by or against the enemy; or

(d) uses words likely to cause despondency or unnecessary alarm.

(3) A person commits an offence and is liable on conviction— 33 of 2020.

(a) if the offence consisted of an act or omission falling within sub-section (1) or paragraph (a) of sub-section (2) and was committed with intent to assist the enemy, to suffer death or any less punishment provided by this Act;

(b) in any other case, to imprisonment or any less punishment provided by this Act.

(4) The reference in sub-section (2) (a), to superior officers shall be construed in accordance with section 38 (2).

31.-(1) A person subject to military law commits an offence and is liable on conviction if, knowingly and without lawful excuse, he—

Assisting the enemy.
33 of 2020.

(a) communicates with, or gives intelligence to, the enemy;

(b) fails to make known to the proper authorities any information received by him from the enemy;

(c) furnishes the enemy with supplies of any description;

(d) having been captured by the enemy, serves with or aids the enemy in the prosecution of hostilities or of measures likely to influence

morale or in any other manner whatever not authorised by international usage;

- (e) having been captured by the enemy, fails to take, or prevents or discourages any other person subject to military law who has been captured by the enemy from taking, any reasonable steps to rejoin the Force which are available to him or, as the case may be, to that other person; or
- (f) harbours or protects an enemy not being a prisoner of war.

(2) A person guilty of an offence against this section shall, on conviction, be liable—

- (a) if the offence consisted of an act or omission falling within paragraph (a), (b), (c), (d), or (f) of sub-section (1) of this section and was committed with intent to assist the enemy, to suffer death or any less punishment provided by this Act;
- (b) in any other case, to imprisonment or any less punishment provided by this Act.

Obstructing
operations.
33 of 2020.

32.-(1) A person subject to military law commits an offence and is liable on conviction if he does any act calculated to imperil the success of any action or operation on the part of the Force, or willfully delays or discourages upon any pretext whatever any such action or operation.

33 of 2020.

(2) A person commits an offence and is liable on conviction—

- (a) if the offence was committed with intent to assist the enemy, to death or any less punishment provided by this Act;

(b) in any other case, to imprisonment or any less punishment provided by this Act.

33. Any person subject to military law who—

Offences by or in relation to sentries.

(a) while on guard duty and posted or ordered to patrol, or under orders to regulate traffic, sleeps, or, without having been regularly relieved, leaves any place where it is his or her duty to be;

(b) strikes or otherwise uses force against a member of the Force, or of any forces co-operating therewith, who is on guard duty and posted or ordered to patrol, or under orders to regulate traffic; or

(c) by the threat of force compels any such person as is mentioned in paragraph (b) to let him or any other person pass,

commits an offence and is liable, on conviction, to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

33 of 2020.

34. Any person subject to military law who—

Failing to attend for duty, neglect of duty, etc.

(a) without reasonable excuse fails to attend for any duty of any description, or leaves any such duty before he or she is permitted to do so; or

(b) neglects to perform, or negligently performs any duty of any description,

commits an offence and is liable, on conviction, to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

33 of 2020.

35. Any person subject to military law who—

Looting.

(a) steals from, or with intent to steal searches, the person of anyone killed, wounded or captured in the course of warlike operations, or killed, injured or detained in the course of operations undertaken by the Force for the preservation of law and order or otherwise in aid of the civil authorities;

(b) steals any property which has been left exposed or unprotected in consequence of any such operations as are mentioned in paragraph (a); or

33 of 2020.

(c) takes, otherwise than for the public service, any vehicle, equipment or stores abandoned by the enemy,

33 of 2020.

commits an offence and is liable on conviction to imprisonment or any less punishment provided by this Act.

Mutiny.
33 of 2020.

36.-(1) Any person subject to military law commits an offence if that person—

(a) takes part in a mutiny involving the use of violence or the threat of the use of violence, or having as its object or one of its objects the refusal or avoidance of any duty or service against, or in connection with, operations against the enemy, or the impeding of the performance of any such duty or service; or

33 of 2020.

(b) incites any person subject to military law to take part in such a mutiny, whether actual or intended—

(i) if his offence was committed on active service, shall be liable to suffer death or any other punishment provided by this Act; and

- (ii) in any other case, be liable to imprisonment or any less punishment provided by this Act.

(1A) A person who commits an offence under sub-section (1) is liable on conviction— 33 of 2020.

- (a) if the offence was committed on active service, to suffer death or any other punishment provided by this Act; and
- (b) in any other case, to imprisonment of any less punishment provided by this Act.

(2) Any person subject to military law who in a case not falling within sub-section (1), takes part in a mutiny, or incites any person subject to military law to take part in a mutiny, whether actual or intended, shall, on conviction, be liable to imprisonment or any less punishment provided by this Act.

(3) In this Act, the expression “mutiny” means a combination between two or more persons subject to military law, or between two persons at least who are subject to military law. 33 of 2020.

37. Any person subject to military law commits an offence if that person, knowing that a mutiny is taking place or is intended— Failure to suppress mutiny.
33 of 2020.

- (a) fails to use his utmost endeavour to suppress or prevent it; or
- (b) fails to report without delay that the mutiny is taking place or is intended.

(2) A person who commits an offence under sub-section (1) is liable on conviction—

- (a) if the offence was committed with intent to assist the enemy, to suffer death or any other punishment provided by this Act; and
- (b) in any other case, to imprisonment or any less punishment provided by this Act.

Insubordinate
behaviour.

38.-(1) Any person subject to military law who—

- (a) strikes or otherwise uses violence, or offers violence, to his superior officer; or
- (b) uses threatening or insubordinate language to his superior officer,

33 of 2020.

commits an offence and, on conviction, is liable to imprisonment or any less punishment provided by this Act.

provided that it shall be a defence for any person charged under this sub-section to prove that he neither knew nor had reasonable cause to believe that the person in relation to whom the offence is alleged to have been committed was his superior officer.

(2) In the foregoing provisions of this section, the expression “superior officer”, in relation to any person, means an officer, warrant officer or non-commissioned officer of the Force of superior rank, and includes an officer, warrant officer or non-commissioned officer attached to the Force whether subject to military law or not of equal rank but greater seniority while exercising authority as the said person’s superior.

Disobedience to
lawful orders.

39. Any person subject to military law who, whether willfully or through neglect, disobeys any lawful order (by whatever means communicated to him) shall, on conviction, be liable to imprisonment or any less punishment provided by this Act.

40.-(1) Any person subject to military law who contravenes or fails to comply with any provision of orders to which this section applies, being a provision known to him, or which he might reasonably be expected to know, shall, on conviction, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Disobedience to standing orders.

(2) This section applies to standing orders or other routine orders of a continuing nature made for any formation or unit or body of troops, or for any command or other area, garrison or place.

41.-(1) Any person subject to military law who deserts commits an offence and, on conviction, is liable to imprisonment or any less punishment provided by this Act.

Desertion.
33 of 2020.

(2) For the purposes of this Act, a person deserts who—

- (a) leaves or fails to attend at his unit or place of duty with the intention of remaining permanently absent from duty without lawful authority, or, having left or failed to attend at his or her unit or place of duty, thereafter forms the like intention; or
- (b) absents himself without leave with intent to avoid serving at any place overseas, or to avoid service or any particular service when before the enemy,

and references in this Act to desertion shall be construed accordingly.

42. Any person subject to military law who absents himself without leave shall, on conviction, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Absence without leave.

Failure to
apprehend or
report deserters
or absentees.

43. Any person subject to military law who, knowing that any other person so subject has committed an offence, or is attempting to commit an offence under section 41 (1) or section 42—

- (a) fails to report the fact without delay; or
- (b) fails to take any steps within his power to cause that other person to be apprehended,

33 of 2020.

commits an offence and is, on conviction, to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Malingering.

44.-(1) Any person subject to military law who—

- (a) falsely pretends to be suffering from sickness or disability;
- (b) injures himself with intent thereby to render himself unfit for service, or causes himself to be injured by any person with that intent;
- (c) injures another person subject to military law, at the instance of that person, with intent thereby to render that person unfit for service; or
- (d) with intent to render or keep himself unfit for service, does or fails to do anything (whether at the time of the act or omission he is in hospital or not) whereby he produces, or prolongs or aggravates, any sickness or disability,

33 of 2020.

commits an offence and, on conviction, is liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

(2) In this section, the expression “unfit” includes temporarily unfit.

45.-(1) Any person subject to military law who is guilty of drunkenness, whether on duty or not, shall, on conviction, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Drunkenness.

(2) For the purpose of this section a person is guilty of drunkenness if owing to the influence of alcohol or any drug, whether alone or in combination with any other circumstances, he is unfit to be entrusted with his duty or with any duty which he might reasonably expect to be called upon to perform, or behaves in a disorderly manner or in any manner likely to bring discredit on the Force.

46. Any person subject to military law who, without reasonable excuse—

Fighting, threatening words, etc.

- (a) fights with any other person, whether subject to military law or not; or
- (b) uses threatening, abusive, insulting or provocative words or behaviour likely to cause a disturbance,

commits an offence and, on conviction, is liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

33 of 2020.

Public or service property, etc. offences.

47.-(1) Any person subject to military law who—

- (a) steals or fraudulently misapplies any public or service property or any property belonging to another person so subject;
- (b) receives any such property knowing or having reason to believe it to have been stolen or to have been fraudulently misapplied;

- (c) willfully damages or causes the loss of any such property; or
- (d) by willful neglect causes or allows damage to, or the loss of, any such property,

33 of 2020.

commits an offence and, on conviction, is liable to imprisonment or any less punishment provided by this Act.

(2) Any person subject to military law who—

- (a) by any negligent act or omission causes or allows damage to, or the loss of, any public or service property or any property belonging to another person so subject;
- (b) is guilty of any willful or negligent act or omission which is likely to cause damage to, or the loss of, any such property,

33 of 2020.

commits an offence and, on conviction, is liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

48. Any person subject to military law who misapplies or wastefully expends any public or service property commits an offence and, on conviction, is liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Misapplication and waste of public or service property.
33 of 2020.

Issues and decorations offences.

49.-(1) Any person subject to military law who makes away with (whether by pawning, selling, destroying or in any other way), or loses, or by negligence damages or allows to be damaged—

- (a) any clothing, arms, ammunition or other equipment issued to him for his use for military purposes; or

(b) any decoration granted to him,

commits an offence and, on conviction, is liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

33 of 2020.

(2) It shall be a defence for a person charged under this section with losing any property that he took reasonable steps for its care and preservation.

50.-(1) Any person subject to military law who willfully allows to escape any person who is committed to his or her charge, or whom it is his or her duty to guard, commits an offence and, on conviction, is liable to imprisonment or any less punishment provided by this Act.

Permitting escape and unlawful release of prisoners.
33 of 2020.

(2) Any person subject to military law who—

(a) without proper authority releases any person who is committed to his charge; or

(b) without reasonable excuse allows to escape any person who is committed to his charge, or whom it is his duty to guard,

33 of 2020.

commits an offence and, on conviction, is liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

51.-(1) Any person subject to military law, who, being concerned in any quarrel or disorder, refuses to obey any officer subject to military law who orders him into arrest, or strikes or otherwise uses violence to, or offers violence to, any such officer, commits an offence whether or not the officer is his superior officer.

Resistance to arrest.

33 of 2020.

(2) Any person subject to military law who strikes or otherwise uses violence to, or offers violence to, any person,

33 of 2020.

whether subject to military law or not, whose duty is to apprehend him or in whose custody he is, commits an offence.

(3) Any person guilty of an offence against this section shall, on conviction, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Escape from
confinement.
33 of 2020.

52. Any person subject to military law who escapes from arrest, prison or other lawful custody (whether military or not) commits an offence and, on conviction, is liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Court martial
offences.

53.-(1) Any person subject to military law who—

- (a) having been duly summoned or ordered to attend as a witness before a court martial, fails to comply with the summons or order;
- (b) refuses to swear an oath when duly required by a court martial to do so;
- (c) refuses to produce any document in his custody or under his or her control which a court martial has lawfully required him to produce;
- (d) when a witness, refuses to answer any question which a court martial has lawfully required him to answer; or
- (e) willfully insults any person, being a member of a court martial or a witness or any other person whose duty it is to attend on or before the court, while that person is acting as a member thereof or is so attending, or willfully insults any such person as aforesaid while that

person is going to or returning from the proceedings of the court; or

- (f) willfully interrupts the proceedings of a court martial or otherwise misbehaves before the court,

commits an offence and, on conviction by a court martial, other than the court in relation to which the offence was committed, is liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

33 of 2020.

(2) Notwithstanding anything in sub-section (1), where an offence against paragraph (e) or paragraph (f) is committed in relation to any court martial held in pursuance of this Act, that court, if of the opinion that it is expedient that the offender should be dealt with summarily by the court instead of being brought to trial before another court martial, may by order under the hand of the president order the offender to be imprisoned for a period not exceeding twenty-one days, or in the case of a private soldier, either to be imprisoned for such a period or to undergo detention for such a period.

54.-(1) Any person subject to military law who, having been lawfully sworn as a witness or as an interpreter in proceedings before a court martial or before any court of inquiry or before any person having power under military law to administer oaths, makes a statement material in those proceedings which he knows to be false or does not believe to be true shall, on conviction, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

False evidence.

(2) A person shall not be liable to be convicted of an offence against this section solely upon the evidence of one witness as to the falsity of any statement alleged to be false.

55. Any person subject to military law who prevents or obstructs,

Obstruction of police officer arresting officer or soldier.

- (a) the execution by a police officer of a warrant for the arrest of a person subject to military law who has committed or is suspected of having committed an offence punishable on conviction by a civil court; or
- (b) the arrest of a person subject to military law by a police officer acting in the exercise of his powers of arrest without warrant,

shall, on conviction, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Unauthorised disclosure of information.

56.-(1) Any person subject to military law who without lawful authority discloses or purports to disclose, whether orally, in writing, by signal or by any other means whatever, information relating to any matter upon which information would or might be useful to an enemy shall, on conviction, be liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

(2) It shall be a defence for a person charged with an offence under this section that he did not know and had no reasonable cause to believe that the information disclosed related to a matter upon which information would or might be directly or indirectly useful to an enemy.

57. Any person who, when before a recruiting officer for the purpose of being attested, has knowingly made a false answer to any question contained in the attestation paper and put to him by or by direction of the recruiting officer commits an offence and, if he has since become and remains subject to military law, is liable on conviction to imprisonment for a term not exceeding three months or to any less punishment provided by this Act.

Making of false statement on enlistment.
33 of 2020.

Making of false documents.

58. Any person subject to military law who—

- (a) makes, signs or makes an entry in any report, return, pay list or certificate or other official document, being a document or entry which is to his knowledge false in a material particular;
- (b) alters any report, return, pay list or certificate or other official document, or alters any entry in such a document, so that the document or entry is to his knowledge false in a material particular, or suppresses, defaces or makes away with any such document or entry which it is his duty to preserve or produce; or
- (c) with intent to deceive, fails to make an entry in any such document,

commits an offence and, on conviction, is liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

33 of 2020.

59. Any person subject to military law who spreads (whether orally, in writing, by signal, or otherwise) reports relating to operations of the Force or any forces co-operating therewith, or of any part of any of those forces, being reports likely to create despondency or unnecessary alarm, commits an offence and, on conviction, is liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Offences against morale.
33 of 2020.

60. Every officer subject to military law who behaves in a scandalous manner, unbecoming the character of an officer, commits an offence and, on conviction, is dismissed with disgrace.

Scandalous conduct of officers.
33 of 2020.

61. If—

- (a) any officer subject to military law strikes or otherwise ill-treats any officer so subject of inferior rank or less seniority or any soldier so subject; or

Ill-treatment of officers or soldiers of inferior ranks.

- (b) any warrant officer or non-commissioned officer subject to military law strikes or otherwise ill-treats any person so subject, being a warrant officer or non-commissioned officer of inferior rank or less seniority or a private soldier,

commits an offence and, on conviction, is liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Disgraceful
conduct.
33 of 2020.

62. Any person subject to military law who engages in disgraceful conduct of a cruel, indecent or unnatural kind, including offences of a sexual nature commits an offence and is liable on conviction to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

False
accusations.

63. Any person subject to military law who—

- (a) makes an accusation against any officer or soldier so subject, which he or she knows to be false or does not believe to be true; or
- (b) in making a complaint where he thinks himself wronged, makes a statement affecting the character of an officer or soldier so subject, which he or she knows to be false or does not believe to be true or willfully suppresses any material facts,

33 of 2020.

commits an offence and, on conviction, is liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Attempts to
commit military
offences.
33 of 2020.

64. Any person subject to military law who attempts to commit an offence against any of the foregoing provisions of this Part commits an offence and, on conviction, is liable to the like punishment as for that offence,

provided that if the offence is one punishable by death he is not liable to any greater punishment than imprisonment.

65.-(1) Any person subject to military law who aids, abets, counsels procures the commission by another person of an offence against any of the foregoing provisions of this Part, or against section 66, or who incites another person to commit any such offence, shall himself commit an offence and is liable to be charged, tried and punished accordingly.

Aiding and abetting, etc., and inciting.
33 of 2020.

(2) A person may be guilty by virtue of sub-section (1) of an offence against section 58 whether or not he knows the nature of the document in question.

66. Any person subject to military law who engages in any conduct or neglect to the prejudice of good order and military discipline commits an offence and, on conviction, is liable to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

Conduct to prejudice of military discipline.
33 of 2020.

67.-(1) Any person subject to military law who commits a civil offence whether in Belize or elsewhere commits an offence under this section.

Civil offences.

(2) In this Act, the expression “civil offence” means any act or omission punishable by the law of Belize or which, if committed in Belize, would be punishable by such law and in this Act the expression “the corresponding civil offence” means the civil offence the commission of which constitutes the offence against this section.

(3) A person convicted by court martial of an offence against this section shall—

- (a) where the offence is committed outside Belize and corresponds to the civil offence of treason or murder, be liable to suffer death; and

- (b) in any other case, be liable to suffer any punishment or punishments which a civil court could award for the corresponding civil offence, if committed in Belize, being a punishment or punishments provided by this Act, or such punishment, not exceeding the maximum punishment which a civil court could so award as is so provided,

provided that where a civil court could not so award imprisonment, a person so convicted shall be liable to suffer such punishment, less than dismissal with disgrace, as is so provided.

(4) A person shall not be charged with an offence against this section committed in Belize if the corresponding civil offence is treason, murder, manslaughter, treason-felony or rape.

(5) Where the corresponding civil offence is murder or manslaughter, an offence against this section shall be deemed, for the purposes of sub-section (4), to have been committed at the place of the commission of the act or occurrence of the neglect which caused the death, irrespective of the place of the death.

Punishment of officers.

68.-(1) The punishments which may be awarded to an officer by sentence of a court martial under this Act are those set out in the following scale; and in relation to an officer references in this Act to punishments provided by this Act are references to those punishments.

- (2) The scale is—
- (a) death;
 - (b) imprisonment;
 - (c) dismissal with disgrace;

- (d) fine of a sum not exceeding the equivalent of ninety days' pay;
- (e) severe reprimand or reprimand;
- (f) where the offence has occasioned any expense, loss or damage, stoppages.

(3) For the purposes of this Part a punishment specified in any paragraph of the scale shall be treated as less than the punishments specified in the preceding paragraphs, and greater than those specified in the following paragraphs, of the scale.

(4) Save as expressly provided in this Act, not more than one punishment shall be awarded by a court martial for one offence.

(5) Stoppages may be awarded by a court martial either in addition to or without any other punishment.

(6) A severe reprimand or reprimand may be awarded by a court martial in addition to a fine imposed under sub-section (2) (d).

(7) Where an officer is sentenced by a court martial to imprisonment he shall also be sentenced to be dismissed with disgrace,

Provided that if the court fails to sentence him to be dismissed with disgrace, the sentence of imprisonment shall not be invalid but shall be deemed to include a sentence of dismissal with disgrace.

69.-(1) The punishments which may be awarded to a soldier by sentence of a court martial under this Act are those set out in the following scale; and in relation to a soldier references in this Act to punishments provided by this Act are references to those punishments.

Punishment of soldier.

(2) The scale is—

- (a) death;
- (b) imprisonment;
- (c) dismissal with disgrace;
- (d) in the case of a warrant officer or non-commissioned officer, reduction to the ranks or any less reduction in rank;
- (e) fine of a sum not exceeding the equivalent of ninety days' pay;
- (f) in the case of a warrant officer or non-commissioned officer, severe reprimand or reprimand;
- (g) where the offence has occasioned any expense, loss or damage, stoppages.

(3) For the purposes of this Part, a punishment specified in any paragraph of the scale shall be treated as less than the punishments specified in the preceding paragraphs, and greater than those specified in the following paragraphs, of the scale.

(4) Save as expressly provided in this Act, not more than one punishment shall be awarded by a court martial for one offence.

(5) A soldier sentenced by a court martial to imprisonment may in addition thereto be sentenced to be dismissed with disgrace.

(6) Where a warrant officer or non-commissioned officer is sentenced by a court martial to imprisonment, he shall also be sentenced to be reduced to the ranks,

provided that if the court martial fails to sentence him to be so reduced, the sentence shall not be invalid but shall be deemed to include a sentence of reduction to the ranks.

(7) In the case of a warrant officer or non-commissioned officer, a severe reprimand or reprimand may be awarded by a court martial in addition to a fine.

(8) Stoppages may be awarded by a court martial either in addition to or without any other punishment.

70. Where in this Act it is provided that any person subject to military law is liable on conviction by court martial to imprisonment and no term or maximum term of imprisonment is specified, then such person shall be liable to imprisonment for any term.

Imprisonment.

71.-(1) Any person subject to military law found committing an offence against any provision of this Act, or alleged to have committed or reasonably suspected of having committed any such offence, may be arrested in accordance with the following provisions of this section.

Power to arrest offenders.

(2) An officer may be arrested by an officer subject to military law of superior rank, or, if engaged in a quarrel or disorder, by such an officer of any rank.

(3) A soldier may be arrested by an officer, warrant officer or non-commissioned officer subject to military law:

Provided that a person shall not be arrested by virtue of this subsection except by a person of superior rank.

(4) The power of arrest given to any person by this section may be exercised either personally or by ordering into arrest the person to be arrested or by giving orders for that person's arrest.

72. The allegation against any person subject to military law shall be reported to his commanding officer in the form of a charge, whether that person is in arrest or not, and the charge shall be duly investigated without unnecessary delay by his commanding officer in accordance with the provisions of section 73.

Avoiding delay after arrest.

Powers of
commanding
officer.
30 of 1990.
33 of 2020.

73.-(1) The offences specified in Schedule IV shall be punishable accordingly by the Security Services Commission without the consent of the offender.

(2) Where a member of the Force is charged with any offence specified in Schedule V, the Security Services Commission, if he thinks it expedient to do so, having regard to any representations made by or on behalf of the offender, the nature of the offence, the absence of circumstances which would render the offence one of a grave or serious character and all other circumstances of the case, and if the offender, when informed by the Security Services Commission of his right to be tried by a court martial, consents to be dealt with summarily, may deal with the case accordingly.

(3) The offences specified in Schedule VI shall only be tried by a court martial.

(4) When the Security Services Commission investigates a charge reported to him under section 72, he shall either—

(a) dismiss the charge if he is of the opinion that the charge should not be proceeded with; or

(b) if he thinks that the charge ought to be proceeded with, either—

33 of 2020.

(i) take steps to bring the offender before the Security Services Commission, without the consent of the offender, if the offence is one specified in Schedule IV, and with the consent of the offender if the offence is one specified in Schedule V; or

(ii) take steps to bring the offender to trial by a court martial if the offence is one specified in Schedule VI, or if the offender charged with an offence

specified in Schedule V elects to be tried by a court martial.

(5) In every case, the Security Services Commission shall hear the evidence against the offender in his presence and shall take the evidence on oath or solemn affirmation. 33 of 2020.

(6) The offender shall be given the opportunity of questioning the witnesses, of giving evidence himself either on oath or unsworn, and of calling witnesses on oath or solemn affirmation on his behalf.

(7) If the offence is one which is triable by a court martial under the foregoing provisions of this section, the Security Services Commission shall take necessary steps to have the evidence recorded in the prescribed manner and shall forward the record of proceedings to the Solicitor General for advice on the sufficiency of evidence, and shall remand the offender for trial by a court martial. 33 of 2020.

(8) Any offence not mentioned in Schedule IV, V or VI, may be tried by a court martial as the Security Services Commission, after consultation with the Solicitor General through the Chief Executive Officer to the Ministry responsible for defence, may consider appropriate; and the foregoing provisions of this section as to the trial of such offences shall apply accordingly. 33 of 2020.

(9) If the offence is one which the Security Services Commission is competent to try summarily under the foregoing sub-sections, it shall, if satisfied after hearing the evidence that the charge is proved, announce that fact and may then award any one or any combination of not more than two of the following punishments, namely— 33 of 2020.

- (a) caution, reprimand or severe reprimand;
- (b) extra duty as Orderly Officer or otherwise;

- (c) stoppages, where the offence has occasioned any expense, loss or damage;
- (d) reduction of rank or grade;
- (e) confinement to barracks for a period not exceeding fourteen days;
- (f) detention for a period not exceeding twenty-eight days;
- (g) a fine not exceeding the equivalent of ninety days' pay; or
- (h) imprisonment for a period not exceeding one year;
- (i) dismissal with disgrace,

33 of 2020.

provided that a fine shall not be awarded for an offence for which imprisonment or detention has been awarded.

33 of 2020.

(10) Where the Security Services Commission tries a case under the foregoing provisions of this section and convicts the offender of any offence, then, if in all the circumstances of the case, including the prevalence of the offence for which the offender has been convicted and the character and antecedents of the offender, the Security Services Commission is of the opinion that greater punishment should be inflicted in respect of the offence than what the Security Services Commission has power to inflict, the Security Services Commission may, after consultation with the Solicitor General, in lieu of dealing with the offender, commit him in custody to the court martial for sentence.

33 of 2020.

(11) Where any offender has been committed for sentence by the court martial under the powers conferred by this section, the Security Services Commission shall, within fourteen days or as soon as is practicable thereafter, transmit the record of the

case to the authority competent to convene a court martial, together with a copy thereof to the Chief Executive Officer to the Ministry responsible for defence.

(12) The competent authority shall, as soon as may be after receiving such record, convene a court martial and the court martial so convened may deal with and punish the offender as if he or she were convicted for that offence by the court martial.

(13) The Security Services Commission may delegate to an officer, not below the rank of Captain who commands a sub-unit, the power of dealing summarily with a charge against a private soldier, lance corporal or corporal,

33 of 2020.

provided that such officer shall not have power to inflict any punishment (other than in the case of a private soldier) of a fine not exceeding fourteen days' pay or confinement to barracks for a period not exceeding seven days, and in the case of a lance-corporal or corporal, reprimand, and in either case where the offence occasioned any loss, expense or damage, stoppages not exceeding fourteen days' pay.

(14) For the purposes of this section, offender includes both a soldier and an officer.

33 of 2020.

74. Subject to the provisions of this Act, a court martial shall have power to try any person subject to military law for any offence which under this Act is triable by court martial and to award for any such offence any punishment authorised by this Act for that offence.

Trial by, and power of court martial.

75.-(1) A court martial shall be convened by the Governor-General in accordance with the advice of the Security Services Commission.

Convening and composition of court martial. 33 of 2020.

(2) A court martial shall consist of the president and not less than of court two other officers,

provided that a court martial shall consist of not less than five members if—

- (a) an officer is to be tried; or
- (b) the only punishment or the maximum punishment which can be awarded in respect of a charge before the court is death.

(3) Save as hereinafter provided, an officer shall not be appointed a member of a court martial unless he belongs to, is attached to or is seconded to serve with the Force and has held a commission for a period of not less than two years or for periods amounting in the aggregate to not less than two years.

(4) Not less than two of the members of a court martial shall be of a rank not below that of captain.

(5) The president of a court martial shall be appointed by order of the convening officer and shall not be under the rank of field officer unless in the opinion of the convening officer a field officer having suitable qualifications is not, with due regard to the public service, available; and in any event the president of a court martial shall not be below the rank of captain.

(6) The members of a court martial, other than the president, shall be appointed by order of the convening officer or in such other manner as may be prescribed.

(7) An officer under the rank of captain shall not be a member of a court martial for the trial of an officer above that rank.

Constitution of
court martial.

76.-(1) An officer who, at any time between the date on which the accused was charged with the offence and the date of the trial, has been commanding officer of the accused, and any other officer who has investigated the charge against the accused or who under military law has held, or has acted as one of the persons holding, an inquiry into matters relating to the subject

matter of the charge against the accused, shall not sit as a member of a court martial or act as judge advocate at such a court martial.

(2) Where the officer convening a court martial appoints a captain to be president, being of the opinion that a field officer having suitable qualifications is not with due regard to the public service available, the order convening the court martial shall contain a statement of such opinion, and that statement shall be conclusive.

77.-(1) Subject to the provisions of this section, a court martial shall sit at such place (whether within or without Belize) as may be specified in the order convening the court.

Sittings of court martial.

(2) A court martial sitting at any place shall, if the convening officer directs it, sit at some other place, and may without any such direction, if it appears to the court requisite in the interests of justice to sit at some other place, adjourn for the purpose of sitting at that other place.

78.-(1) An accused about to be tried by any court martial shall be entitled to object, on any reasonable grounds, to any member of the court, whether appointed originally or in lieu of another officer.

Challenges by accused.

(2) For the purpose of enabling the accused to avail himself of the right conferred by sub-section (1), the names of the members of the court shall be read over in the presence of the accused before they are sworn, and he shall be asked whether he objects to any of those officers.

(3) Every objection made by an accused to any officer shall be considered by the other officers appointed members of the court.

(4) If objection is made to the president and not less than one-third of the other members of the court allow it, the court

shall adjourn and the convening officer shall appoint another president.

(5) If objection is made to a member of the court other than the president and not less than one-half of the members entitled to vote allow it, the member objected to shall retire and the vacancy may, and if otherwise the number of members would be reduced below the legal minimum shall, be filled in the prescribed manner by another officer.

Administration
of oaths.

79.-(1) An oath shall be administered to every member of a court martial and to any person in attendance on a court martial as judge advocate, officer under instruction, shorthand writer or interpreter.

(2) Every witness before a court martial shall be examined on oath,

Provided that where any child of tender years called as a witness does not in the opinion of the court understand the nature of an oath, his or her evidence may be received, though not given over oath, if in the opinion of the court he or she is in possession of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth, so however that, when the evidence is given on behalf of the prosecution, the accused shall not be liable to be convicted upon such evidence alone unless it is corroborated by some other material evidence in support thereof implicating the accused.

(3) An oath required to be administered under this section shall be in the prescribed form and shall be administered at the prescribed time by the prescribed person and in the prescribed manner.

Court martial to
sit in open court.

80.-(1) Subject to the provisions of this section, a court martial shall sit in open court and in the presence of the accused.

(2) Nothing in sub-section (1), shall affect the power of a court martial to sit in camera on the ground that it is necessary

or expedient in the interests of the administration of justice to do so; and without prejudice to that power a court martial may order that, subject to any exceptions the court may specify, the public shall be excluded from all or any part of the proceedings of the court if it appears to the court that any evidence to be given or statement to be made in the course of the proceedings or that part, as the case may be, might otherwise lead to the disclosure of any information which might in the opinion of the court martial be prejudicial to the security of Belize or might be directly or indirectly useful to the enemy.

(3) A court martial shall sit in closed court while deliberating on their finding or sentence on any charge.

(4) A court martial may sit in closed court on any other deliberation amongst the members.

(5) Where a court martial sits in closed court no person shall be present except the members of the court and such other persons as may be prescribed.

81.-(1) Where, whether before or after the commencement of the trial, it appears to the convening officer necessary or expedient in the interests of the administration of justice that a court martial should be dissolved, the convening officer may by order dissolve the court martial.

Dissolution of
court martial.

(2) Without prejudice to the generality of sub-section (1), if after the commencement of the trial a court martial is, by reason of the death of one of the members or for any other reason, reduced below the legal minimum, it shall be dissolved.

(3) If after the commencement of the trial, the president dies or is otherwise unable to attend and the court is not reduced below the legal minimum, then,

(a) if the senior member of the court is of the rank of captain or is of higher rank, the convening

officer may appoint him president and the trial shall proceed accordingly; but

(b) if he is not, the court shall be dissolved.

(4) Without prejudice to the generality of sub-section (1), if after the commencement of the trial it is represented to the convening officer that owing to the sickness or other incapacity of the accused, it is impracticable having regard to all the circumstances to continue the trial within a reasonable time, the convening officer may dissolve the court.

(5) Where a court martial is dissolved under the foregoing provisions of this section, the accused may be tried by another court martial.

Decisions of
court martial.

82.-(1) Subject to the provisions of this section, every question to be determined on a trial by court martial shall be determined by a majority of the votes of the members of the court.

(2) In the case of an equality of votes on the finding, the court shall acquit the accused.

(3) A finding of guilty where the only punishment which the court can award is death shall not have effect unless it is reached with the concurrence of all members of the court; and where on such a finding being come to by a majority of the members there is no such concurrence, the court shall be dissolved and the accused may be tried by another court.

(4) Where the accused is found guilty and the court has power to sentence him either to death or to some less punishment, sentence of death shall not be passed without the concurrence of all members of the court.

(5) In the case of an equality of votes on the sentence, or on any question arising after the commencement of a trial, except the finding, the president shall have a second or casting vote.

83.-(1) Without prejudice to the provisions of section 80, the finding of a court martial on each charge shall be announced in open court.

Finding and sentence.

(2) Any finding of guilty shall be, and be announced as being, subject to confirmation.

(3) Any sentence of a court martial, together with any recommendation to mercy, shall be announced in open court, and a sentence of a court martial shall be, and be announced as being, subject to confirmation.

84.-(1) An accused charged before a court martial with an offence under this Act may, on failure of proof of the offence having been committed under circumstances involving a higher degree of punishment, be found guilty of the offence as having been committed under circumstances involving a less degree of punishment.

Power to convict of offence other than that charged.

(2) An accused charged before a court martial with any offence may be found guilty of attempting to commit that offence.

(3) An accused charged before a court martial with attempting to commit an offence may be convicted on that charge notwithstanding that it is proved that he actually committed the offence.

(4) Where an accused is charged before a court martial under section 67, in respect of attempting to commit a civil offence, he may be convicted on that charge notwithstanding that it is proved that he actually committed the civil offence.

(5) Where an accused is charged before a court martial with an offence against section 67, and the corresponding civil offence is one in proceedings for which, if he had been tried by a civil court for committing the offence in Belize, he might have been found guilty of another civil offence, then if the court finds that he has committed that other civil offence he may be

convicted of an offence against section 67, in respect of the commission of that other civil offence.

(6) An accused charged before a court martial with an offence specified in the first column of Schedule III may be found guilty of an offence specified in relation thereto in the second column of that Schedule.

Rules of evidence.

85.-(1) Subject to the provisions of this Act, the rules of evidence to be observed in proceedings before courts martial shall be the same as those observed in civil courts in Belize, and no person shall be required in proceedings before a court martial to answer any question or to produce any document which he could not be required to answer or produce in similar proceedings before a civil court in Belize.

(2) A court martial shall take judicial notice of all matters of notoriety, including all matters within the general service knowledge of the court, and of all other matters of which judicial notice would be taken in a civil court in Belize.

Privilege of witnesses and others at court martial.

86. A witness before a court martial or any other person whose duty it is to attend on or before the court shall be entitled to the same immunities and privileges as a witness before the Supreme Court of Belize.

Offences by civilians in court martial.

87. Where in Belize any person other than a person subject to military law,

- (a) having been duly summoned to attend as a witness before a court martial, fails to comply with the summons;
- (b) refuses to swear an oath when duly required by a court martial to do so;
- (c) refuses to produce any document in his custody or under his control which a court martial has lawfully required him to produce;

- (d) when a witness refuses to answer any question which a court martial has lawfully required him to answer; or
- (e) willfully insults any person, being a member of a court martial or a witness or any other person whose duty it is to attend on or before the court, while that person is acting as a member thereof or is so attending, or willfully insults any such person while that person is going to or returning from the proceedings of the court;
- (f) willfully interrupts the proceedings of a court martial or otherwise misbehaves before the court; or
- (g) does any other thing which would, if the court martial had been a court of law having power to commit for contempt, have been contempt of that court,

the president of the court martial may certify the offence of that person under his or her hand to any court of law having power to commit for contempt, and that court of law shall thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence and after hearing any statement that may be offered in defence may punish or take steps for the punishment of that person in like manner as if he or she had been guilty of contempt of the court to which the offence is certified.

88. If—

Affirmations.

- (a) a person required by virtue of this Act to take an oath for the purposes of proceedings before a court martial objects to being sworn, and states as the ground of his objection either that

he has no religious belief or that the taking of an oath is contrary to his religious belief; or

- (b) it is not reasonably practicable to administer an oath to such a person as aforesaid in the manner appropriate to his religious belief,

he or she shall be required to make a solemn affirmation in the prescribed form instead of taking an oath.

Confirmation of proceedings of court martial.

89.-(1) Where a court martial finds the accused guilty on any charge, the record of proceedings of the court martial shall be transmitted to the confirming authority for confirmation of the finding and sentence of the court on that charge.

(2) A finding of guilty or sentence of a court martial shall not be treated as a finding or sentence of the court until confirmed:

provided that this sub-section shall not affect the keeping of the accused in custody pending confirmation, or the operation of sections 90 and 91 or the provisions of this Act as to confirmation or approval.

Petition against findings or sentence.

90. At any time after a court martial has sentenced the accused, but not later than the prescribed time after confirmation is completed, the accused may in the prescribed manner present a petition against finding or sentence or both.

Revision of findings of court martial.

91.-(1) The confirming authority may direct that a court martial shall revise any finding of guilty come to by the court in any case where it appears to him—

- (a) that the finding was against the weight of evidence; or
- (b) that some question of law determined at the trial and relevant to the finding was wrongly determined.

(2) Any such direction shall be accompanied by the necessary directions for the reassembly of the court, and shall contain a statement of the reasons for the direction.

(3) On any revision of a finding the court shall reconsider the finding, and (unless the court adheres thereto) may substitute therefor either a finding of not guilty or any other finding to which the court could originally have come at the trial in lieu of the finding under revision.

(4) On any such revision the court shall not have power to receive further evidence.

(5) Where on any such revision the court either adheres to the original finding or substitutes therefore a finding of guilty of another offence, or of the same offence in different circumstances, the court may substitute a different sentence for the original sentence:

Provided that the court shall not have power to substitute a sentence of punishment greater than the punishment or the greatest of punishments awarded by the original sentence, or to substitute a sentence which in the opinion of the court is more severe than the original sentence.

(6) The confirming authority shall not have power to direct the revision of any substituted finding come to by the court on previous direction of the confirming authority, or the revision of the original finding if adhered to by the court on such a previous direction; but save as aforesaid this Act shall apply to the proceedings of the court on any such revision as it applies to their deliberations on the original finding or sentence and any substituted finding or sentence shall be treated for all purposes as an original finding or sentence of the court:

Provided that the decision of the court on the revision shall not be required to be announced in open court.

Power of
confirming
authority.

92.-(1) Subject to the provisions of section 91, and to the following provisions of this section, the confirming authority shall deal with the finding or sentence of a court either by confirming the finding or sentence or by withholding confirmation, if of the opinion that the finding of the court is unreasonable or cannot be supported having regard to the evidence or involves a wrong decision on a question of law or that, on any ground, there was a miscarriage of justice.

(2) In lieu of withholding confirmation of the finding of a court martial, a confirming authority may, if,

- (a) some other finding of guilty could have been validly made by the court on the charge before it; and
- (b) he is of the opinion that the court must have been satisfied of the facts necessary to justify that other finding,

substitute that other finding, and, if he does so, he shall consider in what manner, if at all, the powers conferred by sub-section (4), shall be exercised.

(3) Where it appears to a confirming authority that a sentence of a court martial is invalid, he may, in lieu of withholding confirmation of the sentence, substitute therefor a sentence of any punishment or punishments which could have been awarded by the court, not being greater than the punishment or the greatest of the punishments awarded by the court, and not in his opinion more severe than that punishment or those punishments.

(4) In confirming the sentence of a court martial, the confirming authority, may—

- (a) remit in whole or in part any punishment awarded by the court; or

- (b) commute any such punishment for one or more punishment or punishments provided by this Act, being less than the punishment commuted.

(5) A finding or sentence substituted by the confirming authority, or any sentence having effect after the confirming authority has remitted or commuted punishment, shall be treated for all purposes as a finding or sentence of the court duly confirmed.

(6) The confirmation of a finding or sentence shall not be deemed to be completed until the finding has been promulgated; and in the event of any such substitution, remission or commutation as aforesaid the finding or sentence shall be promulgated as it has effect after the substitution, remission or commutation.

(7) Where the confirming authority determines to withhold confirmation, the determination shall be promulgated and shall have effect as from the promulgation thereof.

93. The confirming authority for the purpose of this Act shall be the Governor-General in accordance with the advice of the Security Services Commission.

Confirming
authority.
2 of 1981.
33 of 2020.

94.-(1) Where a charge has been dealt with summarily, the authority mentioned in sub-section (2) may at any time review the finding or award,

Review of
summary
findings and
awards.

provided that any sentence of imprisonment, dismissal with disgrace, detention or reduction in rank shall be reviewed in accordance with sub-section (2) (a).

(2) The said authority is—

- (a) the Security Services Commission; or
- (b) the Commander, Belize Defence Force.

33 of 2020.

(3) Where on a review under this section it appears to the authority expedient to do so by reason of any mistake of law in the proceedings on the summary dealing with the charge or of anything occurring in those proceedings which in the opinion of the authority involved substantial injustice to the accused, the authority may quash the finding.

(4) If a finding in any proceedings is quashed under subsection (3), and the award made in those proceedings relates only to the finding quashed, the authority shall also quash the award; and if the award relates also to any other finding and it appears to the authority that the award was not warranted by this Act in respect of other finding, the authority may vary the award by substituting such punishment or punishments as the authority may think proper, being a punishment or punishments which could have been included in the original award in relation to that other finding, and not being in the opinion of the authority more severe than the punishment or the punishments included in the original award.

(5) Where on a review under this section it appears to the authority that a punishment awarded was invalid, or too severe, or (where the award included two or more punishments) that those punishments or some of them could not validly have been awarded in combination or are, taken together, too severe, the authority may vary the award by substituting such punishment or punishments as the authority may think proper, being a punishment or punishments which could have been included in the original award and not being in the opinion of the authority more severe than the punishment or punishments included in the original award.

95.-(1) Where, on the trial of a person by court martial, it appears to the court that the accused is by reason of insanity unfit to stand his trial, the court shall so find; and if the finding is confirmed in accordance with the following provisions of this section the accused shall be kept in custody in such manner as may be provided by or under regulations under this Part until the directions of the Governor-General, given in accordance with the advice of the Security Services Commission, are known or until any earlier time at which the accused is fit to stand his trial.

Insane accused.
2 of 1981.

33 of 2020.

(2) Where, on the trial of a person by court martial, it appears to the court that the evidence is such as, apart from any question of insanity, to support a finding that the accused was guilty of any offence, but that at the time of the acts constituting that offence the accused was insane, the court shall find that the accused was guilty of that offence but was insane at the said time, and thereupon the accused shall be kept in custody in such manner as may be provided by or under regulations under this Part until the directions of the Governor-General, given in accordance with the advice of the Security Services Commission, are known.

33 of 2020.

(3) In the case of any such finding, the Governor-General may give orders for the safe custody of the accused during his pleasure in such place and in such manner as the Governor-General in accordance with the advice of the Security Services Commission thinks fit.

33 of 2020.

(4) A finding under sub-section (1), shall not have effect unless and until the finding has been confirmed by the confirming authority and has been promulgated.

(5) Where the court of the confirming authority comes to or substitutes a finding of guilty but insane, the confirming authority shall not have power to substitute for that finding a finding of guilty; but save as aforesaid the provisions of this Act as to revision and confirmation (and in particular the provisions of this Act which confer power to substitute for any finding any other finding which could have been come to by the court

martial in question) apply in relation to such findings as are provided for by sub-section (2), as those provisions apply in relation to other findings of guilty.

Commencement of sentences.

96. A sentence of imprisonment or detention shall begin to run from the beginning of the day on which sentence was originally pronounced by the court martial trying the offender or, as the case may be, was originally awarded by his or her commanding officer.

Duration of sentences of imprisonment and detention.

97. Where any person serving a sentence of imprisonment or detention becomes unlawfully at large during the currency of the sentence, then, in calculating the period for which he is liable to be imprisoned in pursuance of the sentence, no account shall be taken of any time he is at large.

Restrictions on serving of sentences of detention.

98. A person shall not be required to serve any part of a sentence of detention in a civil prison.

Confinement in Belize civil prisons.

99. A person sentenced to death or imprisonment shall be committed or transferred to a civil prison of Belize and shall, while in that prison, be confined and otherwise dealt with in the same manner as a person confined therein under a like sentence of a civil court.

Jurisdiction on ex-officers and soldiers.

100.-(1) Subject to the provisions of section 101, where an offence under this Act triable by court martial has been committed, or is reasonably suspected of having been committed, by a person while subject to military law, then in relation to that offence he shall be treated, for the purposes of the provisions of this Act relating to arrest, keeping in custody, investigation of charges, trial and punishment by court martial (including confirmation and revision) and execution of sentences, as continuing subject to military law notwithstanding his ceasing at any time to be subject thereto.

(2) Where, while a person is in military custody by virtue of this section (whether before, during or after trial), he commits, or is reasonably suspected of having committed, an offence

which if he were subject to military law would be an offence under this Act triable by court martial, then in relation to that offence or suspected offence he shall be treated, for the purposes of the provisions of the Act mentioned in sub-section (1) and the provisions thereof as to the summary dealing with charges, as having been subject to military law when the offence was committed or is suspected of having been committed and as continuing subject to military law thereafter.

(3) Where by virtue of sub-section (1) or (2), a person is treated as being at any time subject to military law for the purpose of any provision of this Act, that provision shall apply to him—

- (a) if he holds any military rank, as to a person having that rank;
- (b) otherwise, as to a person having the rank which he had when last actually subject to military law,

Provided that as respects any time after he has been sentenced for the offence in question and the sentence has been confirmed, the said provision shall apply to him (in any case), as to a private soldier.

(4) Where apart from this sub-section any provision of this Act would under sub-section (3), apply to a person, in relation to different offences, as to a person having different ranks, it shall apply to him as to a person having the lower or lowest of those ranks.

101.-(1) No person shall be tried by court martial for any offence, other than one against section 36 or 37, or desertion, unless the trial is begun within three years after the commission of the offence, there being disregarded any time during which he was a prisoner of war and any time during which he was illegally absent,

Limitation of time for trial of offences under the Act.

Provided,

- (a) in the case of an offence against section 67, where proceedings for the corresponding civil offence must, by virtue of any enactment, be brought within a limited time, that limit of time shall apply to the trial of the offence under section 67, in substitution for the foregoing provisions of this sub-section;
- (b) subject to any such limit of time as is mentioned in paragraph (a), a person may be tried by court martial for a civil offence committed outside Belize notwithstanding that it was committed more than three years before the beginning of the trial, if the Director of Public Prosecutions consents to the trial.

(2) Where a person who has committed an offence of desertion, other than desertion on active service, has since the offence served as a member of the regular force continuously in an exemplary manner for not less than three years, he shall not be tried for the offence.

(3) A person shall not be triable by virtue of section 100 (1), unless his or her trial is begun within three months after he ceases to be subject to military law or the trial is for a civil offence committed outside Belize and the Director of Public Prosecutions consents to the trial.

(4) A person shall not be arrested or kept in custody by virtue of section 100 (1), for an offence at any time after he has ceased to be triable for the offence,

Provided that this sub-section shall not apply to an offence against section 36 or 37, or to desertion.

Jurisdiction of
civil courts.

102.-(1) Where a person subject to military law—

- (a) has been tried for an offence by court martial;
or
- (b) has been charged with an offence under this Act and has had the charge dealt with summarily by his or her commanding officer,

a civil court shall be debarred from trying him subsequently for an offence substantially the same as that offence; but except as aforesaid nothing in this Act shall be construed as restricting the jurisdiction of any civil court to try a person subject to this Act for an offence.

(2) For the purposes of this section—

- (a) a person shall not be deemed to have been tried by a court martial if confirmation is withheld of a finding by the court martial that he is guilty of the offence;
- (b) a case shall be deemed to have been dealt with summarily by the commanding officer notwithstanding that the finding of that officer has been quashed, or the award of that officer quashed or varied, on the review thereof.

103.-(1) Where a person subject to military law under this Act,

Exemption from prosecution under the Act.

- (a) has been tried for an offence by a civil court or court martial;
- (b) has been charged with an offence under military law, and has had the charge dismissed, or has been found guilty on the charge by his or her commanding officer; or
- (c) has had an offence condoned by his or her commanding officer,

he or she shall not be liable in respect of that offence to be tried by court martial or to have the case dealt with summarily by his or her commanding officer.

(2) For the purposes of this section,

- (a) a person shall not be deemed to have been tried by a court martial if confirmation is withheld of a finding by the court martial that he or she is guilty of the offence;
- (b) a case shall be deemed to have been dealt with summarily by the commanding officer notwithstanding that the finding of that officer has been quashed, or the award of that officer quashed or varied, on the review thereof;
- (c) an offence shall be deemed to have been condoned by the commanding officer of a person alleged to have committed the offence if, and only if, that officer or any officer authorised by him to act in relation to the alleged offence has with knowledge of all relevant circumstances informed him that he will not be charged therewith;
- (d) a person ordered under section 53 (2), to be imprisoned or to undergo detention for an offence against that section shall be deemed to have been tried by court martial for that offence.

(3) Where confirmation of a finding of guilty of an offence is withheld, the accused shall not be tried again by court martial for that offence unless the convening order for the later trial is issued not later than twenty-eight days after the promulgation of the decision to withhold confirmation.

(4) Save as provided in the foregoing provisions of this section, proceedings for an offence against this Act (whether before a commanding officer or before a court martial) shall not be barred on the ground of condonation.

104. The appointment of a judge advocate to act at any court martial may Appointment be made by the Governor-General, in accordance with the advice of the of judge Security Services Commission.

Appointment of
judge advocate.
2 of 1981.
33 of 2020.

105. Any finding, sentence, determination or other thing required by this Act to be promulgated shall be promulgated either by being communicated to the accused or in such other manner as may be prescribed or as the confirming authority may direct.

Promulgation.

106.-(1) The record of the proceedings of a court martial shall be kept in the custody of the Security Services Commission for not less than the prescribed period, being a period sufficient to ensure that the rights conferred by sub-sections (2) and (3), shall be capable of being exercised.

Custody of
proceedings of
court martial and
right of accused
to a copy thereof.
33 of 2020.

(2) Subject to the provisions of this section, any person tried by a court martial shall be entitled to obtain from the Security Services Commission on demand at any time within the relevant period and on payment therefor at such rate (if any) as may be prescribed a copy of the record of the proceedings of the court.

33 of 2020.

(3) Where a person tried by court martial dies within the relevant period, his personal representatives or any person who in the opinion of the Security Services Commission ought to be treated for the purposes of this sub-section as his personal representative shall, subject to the provisions of this section, be entitled to obtain from the Security Services Commission on demand at any time within the period of twelve months from the death and on payment therefor at the prescribed rate a copy of the record of the proceedings of the court.

33 of 2020.

33 of 2020.

33 of 2020.

(4) If, on an application in pursuance of either sub-section (2) or (3), for a copy of the record of any proceedings, the Security Services Commission certifies that it is requisite for reasons of security that the proceedings or any part thereof should not be disclosed, the applicant shall not be entitled to a copy of the proceedings or any part thereof to which the certificate relates.

(5) In this section, the expression “the relevant period” in relation to any person tried by court martial, means the period of five years beginning with the date of his acquittal or, where he was convicted, of the promulgation of the findings and sentence or, where a finding of guilty was not confirmed, of the promulgation of the withholding of confirmation:

Provided that where the proceedings relate to two or more charges and the person tried was acquitted on one or more of the charges and convicted on another or others, the relevant period shall be the period of five years beginning with the date of the promulgation of the finding or findings of guilty and the sentence thereon or of the withholding of confirmation of that finding or those findings.

(6) Any reference in this section to the record of the proceedings of a court martial includes a reference to the record of the proceedings with respect to the confirmation and revision of the findings and sentence of the court martial.

Rules of
procedure.
2 of 1981.
33 of 2020.

107.-(1) The Security Services Commission may make rules (in this Act referred to as Rules of Procedure) with respect to the investigation and trial of, and awards of punishment for, offences cognizable by courts martial, and with respect to the confirmation and revision of findings and sentences of courts martial.

(2) Without prejudice to the generality of sub-section (1), Rules of Procedure may make provision with respect to all or any of the following matters—

-
- (i) the taking of evidence (whether orally or in writing, whether or not on oath and whether in full or in summary or abstract form) for the purpose of investigating such charges as a preliminary to the trial thereof by court martial, so however that the rules shall make provision for the application of section 79, in any case where the accused requires that evidence shall be taken on oath;
 - (ii) the addition to, or substitution for, a charge which has been investigated of a new charge for an offence disclosed by evidence taken on the investigation as the investigation of the new charge;
 - (iii) the convening and constitution of courts martial;
 - (iv) the sittings, adjournment and dissolution of courts martial;
 - (v) the procedure to be observed in trials by courts martial;
 - (vi) the representation of the accused at such trials;
 - (vii) procuring the attendance of witnesses before courts martial and at the taking of evidence in pursuance of rules made under paragraph (i);
 - (viii) empowering a court martial or the convening officer, in such cases and to such extent as may be prescribed, to

amend a charge which is being tried by the court;

- (ix) empowering a court martial, where the particulars proved or admitted at the trial differ from those alleged in the charge, but are sufficient to support a finding of guilty of the like offence as that charged, to make a finding of guilty subject to exceptions or variations specified in the finding, if it appears to the court that the difference is not so material as to have prejudiced the accused in his defence;
- (x) the forms of orders and other documents to be made for the purposes of any provision of this Part or the rules relating to the investigation or trial of, or award of punishment for, offences cognizable by courts martial, or the confirmation and revision of the findings and sentences of courts martial.

(3) Rules made by virtue of paragraph (viii) of sub-section (2), shall secure that the power to amend charges shall not be exercisable in circumstances substantially different from those in which indictments are amendable by the Supreme Court of Belize, or otherwise than subject to the like conditions, as nearly as circumstances admit, as those subject to which indictments are so amendable, and shall not be exercisable by a court martial (otherwise than for the purpose only of correcting a mistake in the name or description of the accused or a clerical error or omission) unless there is a judge advocate present at the trial.

(4) Rules of Procedure may make provision as to the exercise by a judge advocate of his functions at a trial by court

martial, and without prejudice to the generality of the foregoing provision, may make provision—

- (i) as to the effect of advice or rulings given to the court by a judge advocate on questions of law;
- (ii) for requiring or authorising the president of a court martial, in such cases as may be specified in the Rules, to direct that questions of law shall be determined by a judge advocate in the absence of the president and other members of the court and any officers under instruction, and for applying to the judge advocate and his proceedings on any such determination such of the provisions of this Act relating to the court or its members and the proceedings thereof as may be specified in the Rules.

(5) In sub-section (4), references to questions of law include references to questions of joinder of charges and as to the trial of persons jointly or separately.

108.-(1) The Security Services Commission, the Commander or a commanding officer may convene a court of inquiry to investigate and report on the facts relating to—

Courts of inquiry.
2 of 1981.
33 of 2020.

- (a) the absence of any person subject to military law;
- (b) the capture of any such person by the enemy;
- (c) the death of any person where an inquiry into the death is not required to be held by the civil authorities;

- (d) any other matter which may be referred to the court by the said Security Services Commission or any such officer as aforesaid,

33 of 2020.

and a court of inquiry shall, if directed so to do, express an opinion on any question arising out of any matter referred to it.

(2) A court of inquiry shall consist of two or more persons subject to military law and the president shall be an officer not below the rank of lieutenant.

(3) A court of inquiry shall, if so directed by the authority convening it, take evidence on oath or solemn affirmation (which the court is hereby authorised to administer).

(4) Evidence given before a court of inquiry shall not be admissible against any person in proceedings before a court martial or commanding officer other than proceedings for an offence against section 54, or for an offence against section 67, when the corresponding civil offence is perjury.

Inquiries into absence.

109.-(1) Where a court of inquiry inquiring into the absence of a member of the Force reports that he has been absent without leave or other sufficient cause for a period specified in the report, not being less than twenty-one days, a record of the report shall be entered in the service books.

2 of 1981.
33 of 2020.

(2) A record entered in pursuance of sub-section (1) shall, unless the absentee subsequently surrenders or is arrested, or the report of the court of inquiry is annulled by the Governor-General in accordance with the advice of the Security Services Commission, or by a subsequent court inquiry, have the like effect as a conviction by court martial for desertion.

PART V

Forfeitures and Deductions

110.-(1) No forfeiture of the pay of a member of the Force shall be imposed unless authorised by this Act or some other enactment and no deduction from such pay shall be made unless so authorised or authorised by regulations.

Forfeitures and deductions.

(2) Regulations shall not authorise the making of any penal deduction, that is to say, a deduction to be made by reason of the commission of any offence or other wrongful act or in consequence of any negligence.

(3) Subject to the provisions of sections 111 and 112, a member of the Force shall, after deductions, remain in receipt of pay at not less than fifty *per centum* of his pay.

30 of 1990.

(4) Any amount authorised to be deducted from the pay of a member of the Force may be deducted from any balance (whether or not representing pay) which may be due to him as a member and references in this Act to the making of deductions from pay shall be construed accordingly.

111.-(1) The pay of a member of the Force shall be forfeited everyday—

Forfeiture of pay for absence from duty.

(a) of absence in such circumstances as to constitute an offence under section 41 or section 42;

(b) for imprisonment or detention awarded under military law by a court martial or Security Services Commission, or of imprisonment or detention of any description (including remand) to which he is or becomes liable in consequence of an order or sentence of a civil court;

33 of 2020.

- (c) on which he is in hospital on account of sickness or injury certified by a registered medical practitioner to have been occasioned by an offence under this Act of which he has been or is subsequently found guilty.

(2) The pay of a member of the Force may be forfeited for any day of his or her absence by reason of his having been made a prisoner of war if a court of inquiry is satisfied that—

- (a) he was made a prisoner of war through disobedience of orders or willful neglect of duty;
- (b) having been made a prisoner of war he failed to take any reasonable steps available to him to rejoin the Force;
- (c) having been made a prisoner of war he served with or aided the enemy in the prosecution of hostilities or measures calculated to influence morale or in any other manner whatever not authorised by international usage,

but, save as aforesaid, nothing in sub-section (1) (a), shall apply to absence by reason of having been made a prisoner of war.

(3) For the purposes of this section any part of a day in hospital or when a prisoner of war shall count as a day.

Suspension.
30 of 1990.

112.-(1) In every case where criminal proceedings have been or are being instituted against a member of the Force and the competent authority considers that the public interest requires that such member should cease to exercise the functions of his office, the competent authority may suspend such member from his office.

(2) During the period of suspension, the member of the Force so suspended shall remain in receipt of pay at not more than fifty *per centum* of his basic pay.

(3) The pay withheld during the period of suspension shall be refunded to such member of the Force if the criminal proceedings do not result in punishment of any kind.

(4) For the purposes of this section, “competent authority” means the authority competent to appoint, and exercise disciplinary control over, such member of the Force.

Deduction for payment of civil penalties.

113. Where a person sentenced or ordered by a civil court (whether within or without Belize) to pay by way of fine, penalty, damages, compensation or costs in consequence of being charged before the court with an offence is at the time of the sentence or order, or subsequently becomes, a member of the Force, then if the whole or any part of that sum is met by a payment made by or on behalf of any military authority, the amount of the payment may be deducted from his pay.

114.-(1) Without prejudice to the provisions of this Act as to the imposition of stoppages as a punishment, the following provisions shall have effect where, after investigation by a court of inquiry, it appears to the Security Services Commission that any loss of, or damage to, public or service property has been occasioned by any wrongful act or negligence of a member of the Force (hereinafter referred to as “the person responsible”).

Compensation for loss occasioned by wrongful act or negligence.
2 of 1981.
33 of 2020.

(2) The Security Services Commission may order the person responsible to pay as or towards compensation for the loss or damage such sum as may be specified in the order, and any such sum, in so far as not otherwise paid by the person responsible, may be deducted from his pay.

33 of 2020.

(3) No order shall be made under the provisions of subsection (2), if in proceedings before a court martial or a commanding officer, the person responsible—

- (a) has been acquitted in circumstances involving a finding that he was not guilty of the wrongful act or negligence in question; or
- (b) has been awarded stoppages in respect of the same loss or damage,

but save as aforesaid, the fact that such proceedings have been brought in respect of the wrongful act or negligence in question shall not prevent the making of an order or deductions under sub-section (2).

Deductions for
barrack damage.

115.-(1) When damage occurs to any premises in which one or more units or parts of such units, of the Forces are quartered or billeted, or any fixtures, furniture or effects in or belonging to such premises are damaged or lost, and it appears on investigation by a court of inquiry that the damage or loss was occasioned by the wrongful act or negligence of persons belonging to any of the units or parts of units in occupation thereof, but that the said persons cannot be identified, any person belonging to any of the units or parts of such units may be required to contribute towards compensation for the damage or loss such amount as may in accordance with regulations be determined to be just, and the amount may be deducted from his pay.

(2) The provisions of sub-section (1), shall extend to motor vehicles in which units or parts of units are being transported and reference to premises, quartering and occupation shall be construed accordingly.

Remission of
forfeiture and
deductions.
2 of 1981.
33 of 2020.

116. Any forfeiture or deduction imposed under the provisions of sections 111 to 115, or under regulations, may be remitted by the Security Services Commission.

PART VI

Volunteer Element of the Force

117. The volunteer element of the Force shall be composed of—

(a) *repealed*;

(b) *repealed*;

(c) officers who are commissioned into the volunteer element; and

(d) soldiers who are enlisted into the volunteer element.

Composition of volunteer element of the force.
33 of 2020.

33 of 2020.

117A. Any officer authorised by the Commander, in this Act referred to as a recruiting officer, may enlist recruits in the volunteer element in accordance with the following provisions of this Act.

Enlistment of recruits in the volunteer element.

118.-(1) The term for which a person enlisting in the volunteer element may be enlisted shall be for a term of four years beginning with the date of his attestation.

Enlistment and re-engagement in volunteer element.

(2) A person enlisting into the volunteer element shall be attested in the same manner as a recruit in the regular force and the following provisions of Part IV, that is to say,

(a) section 16 (which relates to the mode of enlistment and attestation);

(b) section 28 (which relates to the validity of attestation and enlistment), but omitting the references in that section to the receipt of pay; and

- (c) section 29 (which makes recruits punishable for false answers),

shall apply in like manner as if they were re-enacted in this Part with the substitution for the expression “regular force” of the expression “volunteer element”.

(3) A person enlisting in the volunteer element may be attested by any officer and the provisions of Part III mentioned in sub-section (2) together also with section 57 (which relates to false answers on enlistment) shall in their application to the volunteer element be construed as if the expression “recruiting officer” included any officer of the Force.

(4) Any member of the volunteer element who at any time has completed or is within six months before completing the term for which he or she is enlisted or re-engaged in pursuance of this Part may, in the case of an officer, with the approval of the Security Services Commission acting after consultation with the Belize Defence Board, or in the case of a soldier, with the approval of the Commander, re-engage for such further period or periods of four years’ service in the volunteer element.

33 of 2020.

Training of
volunteer
element.
2 of 1981.

119.-(1) Subject to the provisions of this section, every member of the volunteer element shall attend for training at such place or places and for such periods as may be determined by the Minister and shall fulfill such conditions relating to training as may be determined by the Minister.

(2) The requirements of this section may be dispensed with in whole or in part as respects any member of the volunteer element by his commanding officer.

(3) Nothing in this section shall be construed as preventing a member of the volunteer element undergoing voluntary training in addition to any training referred to in sub-section (1).

120.-(1) The Governor-General may, at any time when the occasion appears to require, call out the volunteer element, or as many members thereof as is thought necessary, on temporary service.

Call out of
volunteer
element on
temporary
service.
2 of 1981.

(2) Members called out for service under this section shall not be liable to serve at any one time for a period exceeding twenty-eight days.

121.-(1) In the event of a state of war being declared or of insurrection, hostilities or public emergency, it shall be lawful for the Governor-General by proclamation to direct that the volunteer element shall be called out on permanent service.

Call out of
volunteer
element on
permanent
service.
2 of 1981.

(2) Upon the making of a proclamation under sub-section (1), the Governor-General shall call out the volunteer element, or as many members thereof as is thought necessary, on permanent service.

(3) Every member of the volunteer element when called out on permanent service shall be liable to continue in service until his services are no longer required.

122.-(1) Where the whole or any part of the volunteer element is called out on temporary service or on permanent service, it shall be the duty of every member thereof so called out to attend in person at such place or places as may be stated in the notice given under sub-section (2),

Attendance on
call out.

provided that no member shall be liable to be proceeded against for an offence under this Act by reason of his failure to attend unless he has been served with a notice under the provisions of sub-section (2) requiring him to attend.

(2) Where the volunteer element is called out on temporary service or on permanent service, the Governor-General may cause any member liable to such call out to be served with a notice requiring him to attend at the time and place therein specified.

2 of 1981.

(3) A notice under sub-section (2), may be served on any member by—

- (a) being delivered to him personally;
- (b) being left at his last known address;
- (c) being sent by registered post addressed to him at his last known address.

Effective time of call out.

123. Where a member of the volunteer element is called out on temporary service or on permanent service, he shall, for the purposes of sections 129 and 163 (1) (d), be deemed to be so called out with effect from either—

- (a) the time of his attendance under section 122 (1); or
- (b) the time specified in any notice served under sub-section (2) of section 122,

whichever is the earlier.

Termination of service.
2 of 1981.

124. Where any member of the volunteer element has been called out on temporary service or on permanent service, the Governor-General may at any time thereafter give such directions as he may think fit for terminating the service of any member so called out but without prejudice to the power of the Governor-General by notice served under section 122, to call out for further service any member whose service has been terminated by directions given under this section.

Posting or attachment of members of volunteer element.

125. Every member of the volunteer element may, when called out on temporary service or on permanent service or when undergoing training, be posted or attached to any unit of the Force.

Punishment for non-attendance.

126.-(1) Any member of the volunteer element who, without leave lawfully granted or other reasonable excuse, fails to

appear at the time and place appointed for training, or when called out on temporary service or on permanent service, shall,

- (a) if called out on permanent service, be guilty, according to the circumstances, of desertion within the meaning of section 41 or of absenting himself without leave within the meaning of section 42; or
- (b) if called out on temporary service or for training, be guilty of absenting himself without leave within the meaning of section 42.

(2) Any member of the volunteer element who commits any offence under this section shall be liable,

- (a) to be tried either summarily by his commanding officer or by court martial, and on conviction shall be punishable as for an offence under section 41 or, as the case may be, section 42; or
- (b) to be tried summarily by a magistrate's court and on conviction shall be liable to a fine not exceeding three hundred dollars or imprisonment for any term not exceeding six months.

(3) Section 71 shall apply to members of the volunteer element who commit an offence against this section as it applies to members of the regular force.

(4) Where a member of the volunteer elements fails to appear at the time and place appointed for training or when called out on temporary service or on permanent service, and his absence continues for not less than twenty-one days, an entry of such absence shall be made by an officer in the service books

and such entry shall be *prima facie* evidence of the fact of such absence.

Wrongful sale,
etc., of public
property.

127.-(1) If any person designedly makes away with, or pawns, or wrongfully destroys or damages, or negligently loses, anything issued to him as a member of the volunteer element, or wrongfully refuses or neglects to deliver up on demand anything issued to him as such a member of the volunteer element, the value thereof shall be recoverable from him summarily before a magistrate's court on complaint by any officer of the Force.

(2) Without prejudice to the provisions of sub-section (1), any person who designedly makes away with, sells, pawns, or wrongfully destroys anything issued to him as aforesaid shall be liable on summary conviction before a magistrate's court to a fine not exceeding three hundred dollars.

Discharge from
volunteer
element.
2 of 1981.

128.-(1) A soldier of the volunteer element may be discharged by the Commander at any time during the currency of any term of service in the volunteer element.

(2) A soldier of the volunteer element shall, unless the volunteer element has been called out on permanent service, be entitled to be discharged before the end of his current term of service on complying with the following conditions—

- (a) giving to his Commander six weeks' notice in writing of his desire to be discharged; and
- (b) delivering up in good order, fair wear and tear only excepted, all arms, clothing and equipment, being public property issued to him, or, in cases where for any good or sufficient cause the delivery of the property is impossible, paying the value thereof.

Application of
Parts V and VI.

129. The provisions of Part V relating to the award of fines and stoppages and the provisions of Part VI shall not apply to officers and soldiers of the volunteer element except when

called out on permanent service or on temporary service or when serving on the permanent staff of the volunteer element.

Protection from dismissal and loss of wages, etc.

130.-(1) Every person who discharges or threatens to discharge an employee from his service because of such employee's being, becoming or proposing to become a member of the volunteer element commits an offence.

(2) Notwithstanding any enactment or rule of law to the contrary, it shall be an offence for any employer of a member of the volunteer element to withhold or to deduct any sum by way of wages or other remuneration or to withhold or deny any privileges or benefit to which an employee would otherwise be entitled in respect of any period during which an employee was *bona fide* in the service of the volunteer element for the purpose of attending training required by section 119, or on temporary service under section 120 or on permanent service under section 121.

(3) Every person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding three thousand dollars in default of payment thereof to be imprisoned for not more than two years.

33 of 2020.

(4) Upon a complaint being made by the Commander of an alleged offence against this section to the police, the police shall take action to bring the alleged offender before the court.

(5) The burden of disproving a charge laid under this section shall be upon the employer.

PART VII

The Reserve Officers and Soldiers of the Force

131. The reserve shall consist of—

Composition of reserve.

- (a) officers who hold commissions in the regular force and who have been transferred to the reserve;
- (b) officers who have been granted commissions in the reserve; and
- (c) soldiers who have been transferred thereto (after completing their regular service) pursuant to section 21.

Re-engagement
in the reserve.
2 of 1981.

132. Any soldier of the reserve who at any time has completed, or is within six months before completing, the term for which he is liable to serve in the reserve under the provisions of Part IV may with the approval of the commanding officer re-engage for such further period or periods in the reserve as the Commander may approve.

Call out of
reserve on
permanent
service.

133.-(1) In the event of a state of war being declared or of insurrection, hostilities or public emergency, it shall be lawful for the Governor- General by proclamation to direct that the whole or any part of the reserve shall be called out on permanent service.

2 of 1981.

(2) Every member of the reserve when called out on permanent service shall be liable to continue in service until his services are no longer required.

Attendance upon
call up.

134.-(1) Where the whole or any part of the reserve is called out on permanent service it shall be the duty of every member belonging thereto to attend in person at such place or places stated in the notice of call out,

2 of 1981.

provided that no member of the reserve shall be liable to be proceeded against for an offence under this Act by reason of his failure to attend unless he has been served with a notice under the provisions of sub-section (2) of this section, requiring him to attend.

(2) Where the reserve is called out on permanent service, the Governor-General may cause any member liable to such call out to be served with a notice requiring him to attend at the time and place therein specified.

2 of 1981.

(3) A notice under sub-section (2), may be served on any member by—

- (a) being delivered to him personally;
- (b) being left at his last known address;
- (c) being sent by registered post addressed to him at his last known address.

135. Where a member of the reserve is called out on permanent service he shall, for the purpose of section 140, be deemed to be so called out with effect from either,

Effective time of call out.

- (a) the time of his attendance under section 134 (1); or
- (b) the time specified in any notice under sub-section (2) of section 134, whichever is the earlier.

136. Where a member of the reserve has been called out on permanent service the Governor-General may give directions for terminating the service of any such soldier so called out but without prejudice to the power given under section 134, to call out for further service any member whose service has been terminated by directions given under this section.

Termination of service.
2 of 1981.

137. Every member of the reserve may, when called out on permanent service, be posted or attached to any unit of the Force.

Posting and attachment of members of the reserve.

138.-(1) Any member of the reserve who, without leave lawfully granted or other reasonable excuse, fails to appear at the time

Punishment for non-attendance.

and place specified in any notice under section 134 (2) shall be guilty, according to the circumstances, of desertion within the meaning of section 41 or of absenting himself without leave within the meaning of section 42.

(2) Any member of the reserve who commits any offence under this section shall be liable—

- (a) to be dealt with under the provisions of Part IV and on conviction shall be punishable as for an offence under section 41, or, as the case may be, section 42; or
- (b) to be tried summarily by a magistrates' court and on conviction shall be liable to a fine not exceeding three hundred dollars or to imprisonment for any term not exceeding six months, or to both such fine and term of imprisonment.

(3) Section 71 shall apply to members of the reserve who commit an offence against this section as it applies to persons otherwise subject to military law.

(4) Where a member of the reserve fails to appear at the time and place specified in any notice under section 134 (2), and his absence continues for not less than twenty-one days, an entry of such absence shall be made by an officer in the service books and such an entry shall be *prima facie* evidence of the fact of such absence.

Discharge from
reserve.
2 of 1981.
33 of 2020.

139. A soldier of the reserve may be discharged by the Commander during the currency of any term of service in the reserve after the Commander has obtained the concurrence of the Security Services Commission.

Application of
Part V and VI.

140. The provisions of Part V and Part VI relating to the award of fines and stoppages and other deductions from pay

shall only apply to members of the reserve when called out on permanent service.

Protection from dismissal and loss of wages, etc.
5 of 1983.

141.-(1) Every person who discharges or threatens to discharge an employee from his service because of such employees' being, becoming or proposing to become a member of the reserve shall be guilty of an offence.

(2) Notwithstanding any enactment or rule of law to the contrary, it shall be an offence for an employer of a member of the reserve to hold or to deduct any sum by way of wages or other remuneration or to withhold or deny any privileges or benefit to which an employee would otherwise be entitled in respect of any period during which an employee was *bona fide* in the service in the reserve for the purpose of attending a training provided for in any regulation made in that behalf or on service in the reserve.

(3) Every person who commits an offence under this section shall be liable on summary conviction to a fine not exceeding three thousand dollars and in default of payment thereof to be imprisoned for not more than two years.

33 of 2020.

(4) Upon a complaint being made by the Commander of an alleged offence against this section to the police, the police shall take action to bring the alleged offender before the court.

(5) The burden of disproving a charge laid under this section shall be upon the employer.

PART VIII

Government and General Provisions

142. The Governor-General, acting in accordance with the advice of the Prime Minister, shall appoint an officer in whom the command of the Force shall be vested and subject to the

Command of Force.
2 of 1981.

terms of such appointment such officer shall have command of the Force.

Powers of command of members of co-operating forces.

143.-(1) In so far as powers of command depend on rank, a member of any force who is acting with, or is a member of a body of those forces which is acting with, any body of the Force shall have the like powers as a member of the Force of the same rank; and for the purpose of sections 38 and 71, any such member of the said force shall be treated as if he were a member of the force of the same rank.

(2) If the whole or any part of the Force is required to act with any other Force, the Governor-General may place the Force or such part thereof under the command of the officer commanding such other force.

2 of 1981.

(3) Where any part of the Force is acting in co-operation with any other force, the commander of that part of the Force may, in agreement with the commander of that other force, define the powers of command and order of precedence of the officers, warrant officers and non-commissioned officers of the Force in relation to the officers, warrant officers and non-commissioned officers of such other force.

(4) In this section, “force” means a military force of another country.

Complaints by officers.
33 of 2020.

144.-(1) If an officer of the Force thinks himself wronged in any matter by a superior officer and application to his or her commanding officer does not obtain the redress to which he thinks he is entitled, he or she may make a complaint with respect to that matter to the Security Services Commission, through the Commander, Belize Defence Force.

(2) On receiving any such complaint it shall be the duty of the Commander, Belize Defence Force to investigate the complaint and he shall make his report on the complaint to the Security Services Commission for a decision.

33 of 2020.

(3) If an officer is dissatisfied or aggrieved with the decision of the Security Services Commission and is informed in writing of its findings, the penalty imposed, and his right to appeal the determination of the Commission to the Belize Advisory Council and of the time required for making such application, the officer may proceed in further appealing the matter. 33 of 2020.

(4) Where the officer lodges an appeal with the Belize Advisory Council within the specified period, the penalty shall take effect pending the determination of the appeal to the Belize Advisory Council. 33 of 2020.

(5) The post occupied by an officer who has filed an appeal to the Belize Advisory Council against a decision of the Security Services Commission, shall not be substantially filled while the appeal is in progress. 33 of 2020.

145.-(1) If a soldier of the Force thinks himself wronged in any matter by any officer other than his or her commanding officer or by any soldier, he or she may make a complaint with respect to that matter to his or her commanding officer. Complaints by soldiers.

(2) If a soldier thinks himself wronged in any matter by his or her commanding officer, either by reason of redress not being given to his or her satisfaction on a complaint under sub-section (1), or for any other reason, he or she may make a complaint with respect thereto to the Security Services Commission through the Commander, Belize Defence Force. 2 of 1981.

33 of 2020.

(3) On receiving such a complaint it shall be the duty of the Commandant, Belize Defence Force to proceed as provided in section 144 (2).

(4) It shall be the duty of the Security Services Commission or the commanding officer to have any complaint received by them or him, as the case may be, under this section investigated and to take any steps for redressing the matter complained of which appear to them or him, as the case may be, to be necessary. 2 of 1981.
33 of 2020.

- 33 of 2020. (5) If a soldier is dissatisfied or aggrieved with the decision of the Security Services Commission and is informed in writing of its findings, the penalty imposed, and his right to appeal the determination of the Commission to the Belize Advisory Council and of the time required for making such application, the soldier may proceed in further appealing the matter.
- 33 of 2020. (6) Where a soldier lodges an appeal with the Belize Advisory Council within the specified period, the penalty shall take effect pending the determination of the appeal by the Belize Advisory Council.
- 33 of 2020. (7) The post occupied by the soldier, who has filed an appeal to the Belize Advisory Council against a decision the Security Services Commission, shall not be substantively filled while the appeal is in progress.
- Exemption from jury service. **146.** A member of the Force shall be exempt from serving on any jury.
- Exemption from execution on property used for military purposes. **147.** No judgment, decree or order given or made against a member of the Force by any court in Belize shall be enforced by levying of execution, nor shall distress be made, on any property of the person against whom it is given or made, being arms, ammunition, equipment, instruments or clothing used by him for military purposes.
- Arrest of deserters and absentees without leave. **148.**-(1) Any police officer within Belize may arrest without a warrant any person whom he has reasonable cause to suspect of being a member of the Force who has deserted or is absent without leave.
- (2) Where no police officer is available, any member of the Force or any other person may arrest without a warrant any person whom he has reasonable cause to suspect as aforesaid.
- (3) Any person in Belize having authority to issue a warrant for the arrest of a person charged with crime, if satisfied by evidence on oath that there is, or is reasonably suspected of

being, within his jurisdiction a member of the Force who has deserted or is absent without leave or is reasonably suspected of having deserted or of being absent without leave, may issue a warrant authorising his arrest.

(4) Any person in custody in pursuance of this section shall as soon as practicable be brought before a magistrates' court.

149.-(1) Where a person who is brought before a magistrates' court is alleged to be a member of the Force who has deserted or is absent without leave, the following provisions shall have effect.

Proceedings in
civil court for
illegal absence.

(2) (a) If he admits that he is illegally absent from the Force and the court is satisfied of the truth of the admission, then,

- (i) unless he is in custody for some other cause, the court shall; and
- (ii) notwithstanding that he is in custody for some other cause, the court may,

forthwith either cause him to be delivered into military custody in such manner as the court may think fit or commit him to some prison, police station or other place provided for the confinement of persons in custody, to be kept there for such reasonable time as the court may specify (not exceeding such time as appears to the court reasonably necessary for the purpose of enabling him to be delivered into military custody) or until sooner delivered into such custody.

- (b) Any time specified by the court may be extended by the court from time to time if it appears to the court reasonably necessary to do so for the purposes aforesaid.

(3) If he does not admit that he is illegally absent, or the court is not satisfied of the truth of the admission, the court shall consider the evidence and any statement of the person and if

satisfied that he or she is subject to military law and if of the opinion that there is sufficient evidence to justify his or her being tried under this Act for an offence of desertion or absence without leave, then, unless he or she is in custody for some other cause, the court shall cause him to be delivered into military custody or commit him as aforesaid, but otherwise shall discharge him or her,

provided that if he is in custody for some other cause, the court shall have power, but shall not be required, to act in accordance with this sub-section.

Deserters and absentees without leave surrendering to police.

150.-(1) Where in Belize a person surrenders himself to a police officer as being illegally absent from the Force, the police officer shall (unless he or she surrenders himself at a police station) bring him to a police station.

(2) The police officer in charge of a police station at which a person who has so surrendered himself is brought shall forthwith inquire into the case, and if it appears to that officer that the person is illegally absent, he may cause him to be delivered into military custody without bringing him before a magistrates' court or may bring him before a magistrates' court.

Certificate of arrest or surrender of deserters or absentees.

151.-(1) Where a magistrates' court, in pursuance of section 149, deals with a person as illegally absent, then when that person is delivered into military custody there shall be handed over a certificate signed by a justice of the peace, containing the name and number of the person and particulars as to his arrest or surrender and the proceedings before the court.

(2) Where a person is delivered into military custody without being brought before a magistrates' court whether under the provisions of section 150 or under any other lawful power, there shall be handed over a certificate, signed by the police officer who causes him to be delivered into military custody, containing the name and number of the person and the particulars relating to his surrender.

(3) In any proceedings for an offence under section 41 or 42, a document purporting to be a certificate under either sub-section (1) or (2), and to be signed as thereby required, shall be evidence of the matters stated in the document.

152.-(1) It shall be the duty of the superintendent or other person in charge of a civil prison to receive any person duly committed to that prison by a magistrates' court as illegally absent and to detain him until in accordance with the directions of the court he is delivered into military custody.

Duties of superintendent of prisons and others to receive deserters and absentees.

(2) Sub-section (1) shall apply to the person having charge of any police station or other place (not being a prison) provided for the confinement of persons in custody, as it applies to the superintendent of a prison.

153. Any person who—

- (a) procures or persuades any member of the Force to desert or to absent himself without leave;
- (b) knowing that any such member is about to desert or absent himself without leave, assists him in so doing; or
- (c) knowing any person to be a deserter or absentee without leave from the Force, conceals him or assists in concealing himself or assists in his or her rescue from custody,

Punishment for procuring and assisting desertion.

commits an offence and is liable on summary conviction to a fine not exceeding three hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and term of imprisonment, or on conviction on indictment to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment.

33 of 2020.

Punishment for procuring and assisting desertion.

154. Any person who willfully obstructs or otherwise interferes with any member of the Force acting in the execution of his duty shall be liable on summary conviction to a fine not exceeding three hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

Punishment for aiding malingering.

155. Any person who—

- (a) produces in a member of the Force any sickness or disability; or
- (b) supplies to or for him any drug or preparation calculated or likely to render him, or lead to the belief that he is, permanently or temporarily unfit for service,

33 of 2020.

with a view to enabling him to avoid military service, whether permanently or temporarily, commits an offence and is liable on summary conviction to a fine not exceeding three hundred dollars or to imprisonment for a term not exceeding six months or to both, or on conviction on indictment to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment.

Unlawful purchase, etc., of military stores.
33 of 2020.

156.-(1) Any person who acquires any military stores or solicits or procures any person to dispose of any military stores, or acts for any person in the disposal of any military stores, commits an offence unless he or she proves either—

- (a) that he or she did not know, and could not reasonably be expected to have known, that the chattels in question were military stores;
- (b) that those chattels had (by the transaction with which he or she is charged or some earlier transaction) been disposed of by order or with the consent of some person or authority who

had, or whom he or she had reasonable cause to believe to have, power to give the order of consent; or

- (c) that those chattels had become the property of an officer of the force who had retired or ceased to be such an officer, or of the personal representatives of a person who had died,

and is liable on summary conviction to a fine not exceeding three hundred dollars or to imprisonment for a term not exceeding six months or to both, or on conviction on indictment to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment.

33 of 2020.

(2) A police officer may arrest without warrant any person whom he has reasonable grounds for suspecting of having committed an offence against this section, and may seize any property which he has reasonable grounds for suspecting of having been the subject of an offence.

(3) Any person having authority to issue a warrant for the arrest of a person charged with crime may, if satisfied by evidence on oath that a person within his or her jurisdiction has, or is reasonably suspected of having, in his or her possession any property which has been the subject of an offence against this section, grant a warrant to search for such property as in the case of stolen goods; and any property suspected of having been the subject of such an offence which is found on such a search shall be seized by the officer charged with the execution of the warrant, and that officer shall bring the person in whose possession or keeping the property is found before a magistrates' court.

(4) In this section,

“acquire” means buy, take in exchange, take in pawn or otherwise receive (whether apart from this section the receiving is lawful or not);

“dispose” means sell, give in exchange, pledge or otherwise hand over (whether apart from this section the handing over is lawful or not);

“military stores” means any chattel of any description belonging to the Government, which has been issued for use for military purposes or is held in store for the purposes of being so issued when required, and includes any chattel which had belonged, and had been issued or held, as aforesaid at some past time.

(5) For the purposes of sub-section (3), property shall be deemed to be in the possession of a person if he has it under his control, and whether he has it for his or her own use or benefit or for the use or benefit of another.

Illegal dealings
in documents
relating to pay,
pensions,
mobilization, etc.

157.-(1) Any person who—

- (a) as a pledge or a security for a debt; or
- (b) with a view to obtaining payment from the person entitled thereto of a debt due either to himself or to any other person,

receives, detains or has in his possession any official document issued in connection with the payment to any person of any pay, pension, allowance, gratuity or other payment payable in respect of his or her or any other person’s service in the Force, is guilty of an offence against this section.

(2) Any person who has in his possession without lawful authority or excuse (the proof whereof shall lie on him) any such document as aforesaid or any official document issued in connection with the mobilisation or demobilisation of the Force or any member thereof, is guilty of an offence against this section.

(3) Any person guilty of an offence against this section shall be liable on summary conviction to a fine not exceeding three hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.

(4) For the purposes of this section, a document shall be deemed to be in the possession of a person if he or she has it under his control and whether he or she has it for his or her own use or benefit or for the use or benefit of another.

158.-(1) The following provisions shall have effect with respect to evidence in proceedings under this Act whether before a court martial, a civil court or otherwise.

General provisions as to evidence.

(2) A document purporting to be a copy of the attestation paper signed by any person and to be certified to be a true copy by a person stated in the certificate to have the custody of the attestation paper shall be evidence of the enlistment of the person attested.

(3) The attestation paper purporting to be signed by a person on his or her enlistment shall be evidence of his or her having given the answers to questions which he or she is therein recorded as having given.

(4) A letter, return or other document stating that any person,

- (a) was or was not serving at any specified time or during any specified period in the Force or was discharged therefrom at or before any specified time; or
- (b) held or did not hold at any specified time any specified rank or appointment in the Force, or had at or before any specified time been attached, posted or transferred thereto, or at any specified time or during any specified period was or was not serving or held or did

not hold any rank or appointment in any particular country or place,

shall, if purporting to be issued by or on behalf of the commanding officer, be evidence of the matters stated in the document.

(5) A record made in any service book or other document, being a record made in pursuance of this Act, or otherwise in pursuance of military duty, and purporting to be signed by the commanding officer or by a person whose duty it was to make the record, shall be evidence of the facts stated therein; and a copy of a record (including the signature thereto) in any such book or other document, purporting to be certified to be a true copy by a person stated in the certificate to have the custody of the book or other document, shall be evidence of the record.

(6) A document purporting to be issued by order of the Governor-General or Commander and to contain instructions or orders given or made by the Governor-General or, as the case may be, the Commander, shall be evidence of the giving of instructions or making of the orders and of their contents.

(7) A certificate purporting to be signed by a person's commanding officer or any officer authorised by him to give the certificate, and stating the contents of, or any part of, standing orders or other routine orders of a continuing nature made for any formation or unit or body of troops or any command or other area, garrison or place, shall in proceedings against the said person be evidence of the matters stated in the certificate.

Proof of outcome
of civil trial.
2 of 1981.

159.-(1) Where a person subject to military law has been tried before a civil court (whether at the time of the trial he was so subject or not), a certificate signed by an officer of the court or a senior justice of the peace and stating all or any of the following matters,

(a) that the said person has been tried before the court for an offence specified in the certificate;

- (b) the result of the trial;
- (c) what judgment or order was given or made by the court,

shall for the purposes of this Act be evidence of the matters stated in the certificate.

(2) A document purporting to be a certificate under this section and signed by a Judge or Registrar of the Supreme Court or the magistrate or clerk of the inferior court, shall, unless the contrary is shown, be deemed to be such a certificate.

2 of 1981.

160.-(1) The original proceedings of a court martial purporting to be signed by the president of the court and being in the custody of any person having the lawful custody thereof shall be admissible in evidence on production from that custody.

Evidence of proceedings of court martial.

(2) A document purporting to be a copy of the original proceedings of a court martial or any part thereof and to be certified by the person having the lawful custody of the proceedings to be a true copy shall be evidence of the contents of the proceedings or the part to which the document relates, as the case may be.

(3) This section applies to evidence given in any court, whether in civil or criminal proceedings.

161. Where a person is in military custody when charged with, or with a view to his being charged with, an offence against Part V, it shall be the duty of the superintendent or other person in charge of a civil prison or of the person having charge of any police station or other place in which prisoners may be lawfully detained, upon delivery to him of a written order purporting to be signed by the commanding officer of the person in custody, to receive him into his custody for a period not exceeding seven days.

Temporary reception in civil custody of persons under escort.

Avoidance of assignment of, or charge on, military pay, pensions, etc.

162.-(1) Every assignment of or charge on, and every agreement to assign or charge, any pay, award, grant, pension or allowance payable to any person in respect of his or any other person's service in the Force shall be void.

(2) Save as expressly provided by this Act, no order shall be made by any court the effect of which would be to restrain any person from receiving anything which by virtue of this section he is precluded from assigning and to direct payment thereof to another person.

(3) Nothing in this section shall prejudice any law providing for the payment of any sum to a bankrupt's trustee in bankruptcy for distribution among creditors.

Belize Defence Force Benevolent Fund.

163.-(1) There is hereby established a fund to be called the Belize Defence Force Benevolent Fund (hereinafter referred to as "the Fund") which shall consist of,

30 of 1990.

(a) contribution of one day's basic pay per annum by every officer or soldier who is a member of the regular Force, or who is a member of the volunteer element and opts to join the Fund; and

(b) the grants, donations and benefactions from any source.

33 of 2020.

(2) The overall responsibility for the management of the Fund shall vest in an Executive Committee consisting of the Chief Executive Officer to the Ministry responsible for defence (who shall be the Chairperson), Chief of Defence Staff or Finance Officer of the Ministry responsible for defence, the Commander of the Force and the Force Sergeant Major. The Executive Committee may delegate financial responsibility for the administration of the Fund, up to a maximum amount to be specified annually by the Belize Defence Board, to a Consultative Committee consisting of elected members of the Force representing all ranks.

(3) The Executive Committee may, in its discretion, sanction payments from the Fund for any of the following purposes—

- (a) assistance to the spouses or families of deceased members of the regular Force, or of such volunteers who were members of the Fund by virtue of subscription, or any such members who are discharged from the Force as medically unfit for further service;
- (b) assistance to serving members of the regular Force, or such volunteers who are members of the Fund by virtue of subscription, to enable them to obtain specialist medical treatment outside Belize when such treatment cannot be had through the Ministry of Health or the Ministry of Social Services;
- (c) any other purpose not specified in paragraphs (a) and
- (b) which the Executive Committee considers to be for the general welfare of the members of the Force.

(4) The Fund shall be audited by or on behalf of the Auditor General annually who shall cause a report to be prepared and sent to the Executive Committee.

(5) The money standing to the credit of the Fund may from time to time be invested in such manner as may from time to time be directed by the Executive Committee.

PART IX

Application of the Act and Supplementary Provisions

Person subject to
military law.

164.-(1) Subject to the provisions of the following section, the following persons are subject to military law,

- (a) officers and soldiers of the regular force;
- (b) officers and soldiers attached to the Force or any part thereof;
- (c) officers of the volunteer element;
- (d) soldiers of the volunteer element when called out on permanent service or temporary service or when undergoing or performing any training or other duty (whether in pursuance of an obligation or not) or when serving on the permanent staff of the volunteer element;
- (e) members of the reserve when called out on permanent service.

(2) This Act shall apply to persons subject thereto under the provisions of this section and in relation to the Force as well outside as within Belize.

33 of 2020.

165. *Repealed.*

Power to make
regulations.
2 of 1981.
33 of 2020.

166.-(1) Subject to the foregoing provisions of this Act, the Security Services Commission, after consultation with the Belize Defence Board, may make regulations for the better carrying out of the provisions of this Act and generally for the good government and organisation of the Force, and without prejudice to the generality of the foregoing, such regulations may make provisions with respect to all or any of the following matters—

- (a) the pay, allowances, pensions, and gratuities of members of the Force and of their dependents surviving them, and the deductions therefrom and the forfeiture thereof;
- (b) the description, supply, use and disposal of arms, accoutrements, clothing and other stores;
- (c) the calling out of members of the volunteer element,
 - (i) for training, including the manner in which notification of the places and times appointed for training is to be given;
 - (ii) on temporary service; and
 - (iii) on permanent service;
- (d) the calling out of members of the reserve on permanent service, including the manner of notification of the places for reporting on such call out.

167.-(1) The Governor-General may, after consultation with the Prime Minister, make regulations providing for the calling out of men for national service.

National service regulations.
2 of 1981.

(2) The regulations shall provide for,

- (a) the age and numbers of the persons to be called out;
- (b) the form of notice paper to be used;

- (c) the place at which the persons called out are to report; and
- (d) any other matters which may be considered necessary and desirable.

(3) Where a man has been called out for national service he shall be deemed to have been called out with effect from the date of his reporting, or the date specified in the notice paper requiring him to report, whichever is the earlier.

(4) A notice paper requiring a man to report may be served either by it being delivered to him personally, being left at his last known address or being sent by registered post addressed to him at his last known address.

(5) A man who has been called out shall be deemed to be subject to military law under the provisions of section 164 (1) (a), as from the date of reporting or the date on which he should have reported.

(6) If the period of service of a man called out under the provisions of the regulations made under this section expires during the time that members of the volunteer element have been called out on permanent service under the provisions of section 121, he shall be deemed to remain in the service until his services are no longer required.

(7) The provisions of section 126, shall apply *mutatis mutandis* to a man who fails to report in accordance with the instructions contained in the notice paper.

Execution of
orders,
instruments, etc.

168. Save as expressly provided by any regulations, any order, determination, direction or appointment required or authorised to be made under this Act by any military officer or authority may be signified under the hand of any officer authorised in that behalf, and any instrument signifying such an order, determination, direction or appointment and purporting to be signed by an officer stated therein to be so authorised shall,

unless the contrary is proved, be deemed to be signed by an officer so authorised.

169. *Repealed.*

33 of 2020.

SCHEDULE I

Form of Commission

[Section 11 (4)]

I,.....Governor-General of Belize acting under command of Her Majesty Queen Elizabeth the Second do give to..... Greetings and reposing especial trust in your loyalty, courage and good conduct, do by these presents constitute and appoint you to be an officer in

+

of the Belize Defence Force (for.....years)* from the..... day of.....20.....

You are therefore carefully and diligently to discharge your duty as such an officer in the rank of..... or in such other rank as you may from time to time hereafter be promoted or appointed and you are in such manner and on such occasions to exercise and well discipline in their duties, such officers and soldiers as may be placed under your orders from time to time and use your best endeavours to keep them in good order and discipline. I do hereby command, all such officers and soldiers to obey you as their superior officer, and you to observe and follow such orders and directions as from time to time you shall receive from me or any of your superior officers in pursuance of the trust hereby reposed in you.

GIVEN at.....

this.....day of. 20

*Insert “regular force”, “volunteer element”, “reserve” as appropriate.

* To be omitted in the case of a commission granted for an indefinite period.

Governor-General

SCHEDULE II

Enlistment Questions

[Section 16 (1)]

1.-(1) The following questions should be asked of a person offering to enlist in the regular Force.

1. What are your name and forenames?
2. What is your date of birth?
3. What is your place of birth?
4. What is your nationality?
5. Are you single, married, divorced or a widower?
6. Do you have any children dependent upon you?
7. What is your religious denomination?
8. Have you ever served in any force in the British Commonwealth?

(If the answer is yes state the unit to which you belonged.)

9. Have you ever been rejected for service in any British Commonwealth force?

10. Have you ever appeared or are you due to appear before any civil court?

(If the answer is yes give the dates of each appearance including future appearance, the name of the court and the particulars of the charge and the decision of the court and any sentence imposed by the court.)

11. Have you received a notice paper setting out the questions to be answered on attestation and the general conditions of enlistment to be entered into?
12. Have you answered all of the questions satisfactorily?
13. Do you understand the contents of the notice paper and do you wish to be enlisted?
14. Are you willing to serve in the Belize Defence Force provided your services are required for,
- (a) a term of 12 years regular service;
 - (b) a term of 3 years regular service and 9 years in the reserve;
 - (c) a term of 6 years regular service and 6 years in the reserve;
 - (d) a term of 9 years regular service and 3 years in the reserve?
15. Do you understand,
- (a) That you can within 1 year from before completing your term of regular service apply to re-engage for a further period or periods of regular service and service in the reserve?
 - (b) After you have completed 22 years service in the regular force, you can apply to continue to serve if your term of service in the regular force was unexpired but that you can in these circumstances claim your discharge at any time after giving 3 months notice?

(delete those not appropriate.)

- (c) If there is a state of war, insurrection or hostilities or public service, you may be retained in the regular force and your service prolonged?
- (d) That you will not be accepted as a member of the regular force unless you are found to be physically and mentally fit by a qualified medical officer?

16. Do you understand that under the provisions of sections 29 and 57 of the Defence Act if you have knowingly given a false answer to any of the questions contained in the attestation paper you render yourself liable to prosecution?

(2) The person offering to enlist shall make a solemn declaration in the following terms in the presence of a witness (preferably the recruiting officer) both of whom shall sign.

“I,do solemnly declare that the above answers made by me to the above questions are true and that I am willing to fulfill the engagement made”.

(3) The person offering to enlist having signed the declaration set out above shall take the oath of allegiance or make a solemn affirmation of allegiance in the following terms:

“I,.....(do sincerely promise and swear) (do solemnly and sincerely affirm and declare) that I will be faithful and bear true allegiance to Our Sovereign Lady the Queen and to Her constitutionally Elected Government in BELIZE and that I will faithfully serve Her Majesty in the Belize Defence Force until lawfully discharged, dismissed or removed, and that I will resist Her Majesty’s enemies and defend and protect all Her Majesty’s subjects and territory in BELIZE and cause Her Majesty’s peace to be kept and maintained and that I will in all matters appertaining to my service faithfully discharge my duties according to law.”

SCHEDULE III

Alternative Court Martial Offences

[Section 84 (6)]

<i>Offence Charged</i>	<i>Alternative Offence</i>
1. Communicating with or giving intelligence to the enemy.	Disclosing information without authority.
2. Striking a person within section 33 (b)	Using force against a person section 33 (b), within otherwise than by striking him.
3. Striking his superior officer	(a) Using violence to his superior officer otherwise than by striking him. (b) Offering violence to his superior officer.
4. Using violence to his superior officer otherwise than by striking him.	Offering violence to his superior officer.
5. Using threatening language to his superior officer.	Using insubordinate language to his superior officer.
6. Desertion.	Absence without leave.
7. Attempting to desert	Absence without leave.

8. Stealing any property	Fraudulently misapplying the property.
9. Any offence against section 50 (1).	Any offence against section 50 (2).
10. Any offence against section 51 involving violence.	The corresponding offence involving, (a) the use of violence other than striking; or (b) the offering of violence.
11. Any offence against section 51 involving the use of violence other than striking.	The corresponding offence involving the offering of violence.
12. An offence against section 61 (1) involving striking	The corresponding offence involving ill-treatment.
13. An offence against section 61 (2) involving striking	The corresponding offence involving ill-treatment.

SCHEDULE IV¹Summary Triable Offences
Without Consent of the Offender*[Section 73 (1)]*

<i>No.</i>	<i>Offences</i>	<i>Section of the Defence Act</i>
1.	Offences by or in relation to sentries, except striking a member of the Force.....	33
2.	Failure to attend for duty, neglect of duty, etc.....	34
3.	Looting, where the value of property does not exceed \$3000.00.....	35
4.	Disobedience to lawful orders.....	39
5.	Disobedience to standing orders.....	40
6.	Absence without leave.....	42
7.	Malingering.....	44
8.	Drunkenness.	45
9.	Disorderly Conduct.	46
10.	Offences relating to public or service property, etc., where the value of, or damage to, such property does not exceed \$3000.00.....	47

33 of 2020.

33 of 2020.

¹ This Schedule was inserted by Act No. 30 of 1990 and amended by Act 33 of 2020.

33 of 2020.	<p>11. Misapplication and waste of public or service property where the value of the property does not exceed \$3000.00.....48</p> <p>12. Offences relating to issues and decorations.....49</p> <p>13. Resistance to arrest, except involving violence.....51</p> <p>14. Escape from confinement.....52</p> <p>15. Obstruction of police officer.....55</p> <p>16. Making of false statement on enlistment.....57</p> <p>17. Making of false documents.....58</p> <p>18. Offences against morale.59</p> <p>19. Ill-treatment, except striking.61</p> <p>20. False accusations.63</p> <p>21. Attempt to commit any of the offences in this Schedule.....64</p> <p>22. Aiding and abetting, etc., of offences in this Schedule.....65</p> <p>23. Conduct to the prejudice of military discipline.....66</p> <p>24. Commission of any of the civil offences specified in the Second Schedule to the Summary Jurisdiction (Offences) Act, Chapter 98 of the Substantive Laws of Belize, 2000, if all or any of these civil offences are committed against the Force or Service personnel or property only.67</p>
-------------	---

SCHEDULE V²Summary Triable Offences
With The Consent of the Offender*[Section 73 (2)]*

<i>No.</i>	<i>Offences</i>	<i>Section of the Defence Act</i>
1.	Striking a member of the Force	33(b)
2.	Looting, where the value of property exceeds \$500.00 but does not exceed \$10,000.0.....	35 33 of 2020.
3.	Insubordinate behaviour, etc.....	38
4.	Desertion	41
5.	Failure to apprehend or report deserters or absentees.....	43
6.	Offences relating to public or service property, etc., where the value of, or damage to, such property, exceeds \$500.00 but does not exceed \$10,000.00.....	47 33 of 2020.
7.	Misapplication and waste of public or service property, where the value of such property exceeds \$500.00 but does not exceeds \$10,000.00.....	48 33 of 2020.
8.	Resistance to arrest involving violence.....	51
9.	Ill-treatment involving striking.....	61
10.	Disgraceful conduct.....	62

² This Schedule was inserted by Act No. 30 of 1990 and amended by Act 33 of 2020.

-
11. Attempt to commit any of the offences in this Schedule.....64
 12. Aiding and abetting, etc., of offences in this Schedule.....65
 13. Commission of any of the civil offences specified in the Third Schedule to the Summary Jurisdiction (Offences) Act, Chapter 98 of the Substantive Laws of Belize, 2000, if all or any of these civil offences are committed against the Force or Service personnel or property only.....67

SCHEDULE VI³Offences Triable By
Court Martial Only*[Section 73 (3)]*

<i>No.</i>	<i>Offences</i>	<i>Section of the Defence Act</i>
1.	Misconduct in Action.	30
2.	Assisting the enemy.	31
3.	Obstructing Operations	32
4.	Looting, where the value of property exceeds \$10,000.00.....	35
5.	Mutiny	36
6.	Failure to suppress mutiny	37
7.	Offences relating to public or service property, etc., where the value of, or damage to, such property exceeds \$5,000.00	47
8.	Misapplication and waste of public or service property where the value of such property exceeds \$5,000.00	48
9.	Permitting escape and unlawful release of prisoners.....	50
10.	Offences relating to courts martial.	53

33 of 2020.

³ This Schedule was inserted by Act No. 30 of 1990.

-
11. False evidence54
 12. Unauthorised disclosure of information56
 13. Scandalous conduct of officers.60
 14. Ill-treatment by officers.....61(a)
 15. Attempt to commit any of the offences in
this Schedule.....64
 16. Aiding and abetting, etc., of offences in
this Schedule.65
 17. Commission of any of the civil offences
triable on indictment in the Supreme Court,
except treason, murder, manslaughter (whether
by negligence or otherwise), treason-felony
and rape, if all or any of these civil offences are
committed against the Force or Service
personnel or property only.67