



BELIZE

CRIME CONTROL AND CRIMINAL JUSTICE ACT CHAPTER 102

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 Acts No. 19 of 2012, 19 of 2014, 6 of 2018, 17 of 2018 and No. 24 of 2020.



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CHAPTER 102

CRIME CONTROL AND CRIMINAL JUSTICE

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.

PART IA

Suppression of Criminal Gangs

2. Interpretation.
3. Gang membership.
- 3A. Possession of bulletproof vest or firearm in association with gang.
- 3B. Participation in criminal activity in association with gang.
- 3C. Harboursing or concealing gang members.
- 3D. Providing a benefit to or obtaining a benefit from a gang.
- 3E. Offence of concealing etc. proceeds of criminal activity of a gang.
- 3F. Recruiting gang members.
- 3G. Offence of preventing, etc. person from ceasing to be a part of or a participant in a gang.
- 3H. Offence of taking retaliatory action.
- 3I. Impersonating law enforcement officer.
- 3J. Offence of using signs, symbols, recordings, etc. to promote gang related activity.
4. Police powers of entry, search and arrest.
- 4A. Forfeiture of property.

5. Power of DPP to investigate gang-related activity.

PART IB

Injunctions: Gang-Related Violence

- 5A. Interpretation.
- 5B. Power to grant injunctions.
- 5C. Contents of injunctions.
- 5D. Contents of injunctions, supplemental.
- 5E. Applications for injunctions under section 5B.
- 5F. Consultation by applicants for injunctions.
- 5G. Applications without notice.
- 5H. Interim injunctions, adjournment on notice hearing.
- 5I. Interim injunctions, adjournment without notice hearing.
- 5J. Variation or discharge of injunctions.
- 5K. Arrest without warrant.
- 5L. Issue of warrant of arrest.
- 5M. Remand for medical examination and report.
- 5N. Regulations.
- 5O. Supplemental.

PART IC

Miscellaneous

- 5P. Trial procedure.
- 5Q. Bail.
- 5R. Amendment of Schedule.

PART ID

Prohibition against weapons in public places

6. Offences of having article with blade or point in public place.

PART II

Prevention of Crime and Disorder

7. Anti-social behaviour orders.
8. Sex offender orders.
9. Sex offender orders: supplemental.
10. Appeal against orders.

PART III

Crime Ridden Areas and Right of Bail

11. Interpretation in this Part.
12. Declaration of special areas.
13. Powers of Security Forces in a special area.
14. Protection of Security Forces.
15. Regulations.
16. Restrictions on admission to bail.
17. Evidence of identity.

PART IV

Corrective Training and Sentences

18. Corrective training.
19. Power to impose extended sentence.
20. Mandatory life sentence for serious crimes of violence.

PART V

Power to make Community Service Orders

21. Repealed.
22. Repealed.
23. Repealed.

24. Repealed.

PART VI

Crime Control Council

25. Establishment of Crime Control Council.
26. Functions of the Council.
27. Rules and Regulations.

SCHEDULE

CHAPTER 102

CRIME CONTROL AND CRIMINAL JUSTICE

26 of 1992.

[4th March 1993]

6 of 1994.

28 of 1994.

18 of 1998.

41 of 2001.

25 of 2003.

5 of 2008.

24 of 2010.

19 of 2012.

19 of 2014.

6 of 2018.

17 of 2018.

24 of 2020.

S.I. 32 of 1993.

S.I. 10 of 1994.

S.I. 48 of 1994.

S.I. 14 of 1995.

S.I. 81 of 1998.

PART I

Preliminary

1. This Act may be cited as the Crime Control and Criminal Justice Act.

Short title.
6 of 2018.

PART IA

Suppression of Criminal Gangs

2. In this Part and Part 1B, unless the context otherwise requires—

Interpretation.
6 of 2018.

“adult” means a person of the age of eighteen years or above;

CAP. 143.

“ammunition” has the meaning assigned to it in the Firearms Act;

“benefit” includes any money or other property, service or advantage;

“bullet-proof vest” means a vest or article of covering that is capable of providing or intended to provide protection from the penetration of bullets or similar projectiles;

“child” means a person under the age of eighteen years;

“Court” means a Magistrate’s Court or the Supreme Court;

“criminal activity” means the planned, on-going, continuous or repeated participation or involvement in any serious offence;

“document” means, in addition to a document in writing, anything in which information of any description is recorded;

CAP. 143.

“firearm” has the meaning assigned to it in the Firearms Act;

“gang” means an organization, association, combination or other arrangement consisting of three or more persons whether formally or informally organized, that commits, or has as one of its objects or purposes the commission or facilitating the commission of, a serious offence;

“gang leader” means a person who knowingly initiates, organizes, plans, finances, directs, manages or supervises a gang-related activity;

“gang member” means a person (including a gang leader) who belongs to a gang, or a person who knowingly acts in the capacity of an agent for or an accessory to, or voluntarily associates himself with any gang-related activity, whether in a preparatory, executory or concealment phase of any such activity, or a person who knowingly performs, aids, or abets any such activity;

“gang-related activity” means any criminal activity or any enterprise, pursuit or undertaking in relation to a serious offence, acquiesced in, or consented or agreed to, or directed, ordered, authorized, requested or ratified by any gang member;

“harbour” means giving refuge or shelter to another person and encouraging or supporting, whether tacitly or explicitly, that person in committing any gang-related activity;

“law enforcement authority” includes—

- (a) the Belize Police Department established under the Police Act; CAP. 138.
- (b) the Customs and Excise Department established under the Customs and Excise Duties Act; CAP. 48.
- (c) the Income Tax Department established under the Income and Business Tax Act; CAP. 55.
- (d) the Belize Defence Force established under the Defence Act; CAP. 135.
- (e) the Coast Guard established under the Coast Guard Act and; CAP. 131:01.

CAP. 138. (f) any other agency of the State in which investigative powers, similar to those exercisable by a police officer appointed under the Police Act, are lawfully vested; and

(g) any category of persons so prescribed by the Minister by order published in the Gazette;

“Minister” means the Minister responsible for the Belize Police Department;

“premises”, in relation to a school, includes–

(a) any building, playing field or other premises established or maintained for the benefit of the students of a school whether or not the building, playing field or other premises are within the grounds of the school; and

(b) any premises for the time being used for the keeping of a school;

“recruit” includes to counsel, procure, lure, solicit, incite, induce or coerce;

CAP. 36:01. “school” means an institution recognized by the Ministry responsible for education as providing schooling or education and training primarily for children; including an institution that provides pre-school, primary, secondary education, within the meaning of the Education and Training Act;

Schedule. “serious offence” means an offence specified in the Schedule.

3.-(1) A person who—

- (a) is a gang member; or
- (b) in order to gain an unlawful benefit, professes to be a gang member when in fact he is not, whether by telling anyone that he is a gang member or otherwise suggests to anyone that he is a gang member,

Gang membership.
6 of 2018.

commits an offence by virtue of being such a member or as the case may be, making such a profession, and is liable on summary conviction to imprisonment for a term not exceeding ten years and on any subsequent conviction on indictment to imprisonment for a term not exceeding twenty-five years.

(2) A person who is a gang leader commits an offence by virtue of being such a member and is liable on summary conviction to imprisonment for a term not exceeding twenty-five years and on any subsequent charge, to conviction on indictment and to imprisonment for a term not exceeding forty years.

6 of 2018.

(3) In determining whether a person has committed an offence under sub-section (1) or (2) the Court may take into account all factors that appear to it to be relevant as reasonably showing or demonstrating the existence of, or membership in, a gang, including—

6 of 2018.

- (a) whether the person has admitted that he is a gang leader or gang member;
- (b) evidence of the possession by that person of articles or documents of a kind that would give rise to a reasonable inference that the articles or documents were in his

possession or control for a purpose connected with an offence under this section;

- (c) evidence that the person is or has associated or been involved with a gang with the intent to facilitate the commission of a gang-related activity or to promote, further or assist in the gang-related activity;
- (d) evidence of criminal activity by the person that indicates a link or involvement with the gang;
- (e) evidence that the person knowingly assisted in or in any way facilitated the concealment, transportation or disposal of anything of evidentiary value relating to gang-related activity;
- (f) evidence that the person knowingly concealed or shared in the proceeds of gang-related activity;
- (g) whether the person knowingly received any benefit from the criminal activity of the gang;
- (h) any statement made or information given, distributed or communicated by that person on behalf of, or in the name of the gang;
- (i) any statement made by or on behalf of the person, whether oral or in writing, and published or otherwise distributed by him

or on his behalf, indicating involvement in the commission of a crime by the gang;

- (j) any document emanating or purporting to have emanated from the gang from which it can be ascertained or reasonably inferred that, when the offence was alleged to have been committed—
 - (i) the person knowingly gave direction, counsel, instruction or guidance to, or made a request of, any person involved in the gang, in furtherance of the criminal activity of the gang; or
 - (ii) any person involved in the gang sought direction, counsel, instruction or guidance from the person in furtherance of the criminal activity of the gang.

(4) For the purposes of this Part, it shall not be necessary for determining the existence of, or membership in, a gang to show that a particular grouping of persons possesses, acknowledges or is known by any common name, insignia, flag, means of recognition, secret signal or code, creed, belief, structure, leadership or command structure, method of operation or criminal enterprise, concentration or speciality, membership, age or other qualification, initiation rites, geographical or territorial sites, boundary or location, or other unifying mark, manner, protocol or method of expressing or indicating its membership when the gang's existence can be demonstrated by a preponderance of other admissible evidence, but any evidence reasonably tending to show or demonstrate the existence of or membership in a gang shall be admissible in any action or proceedings brought under this Part

6 of 2018.

including evidence of the factors specified in sub-section (3).

6 of 2018.

(5) Sub-section (3) (j) shall not apply to a person who counsels or gives instruction or guidance with the sole objective of encouraging participants in the activities of a gang to desist from engaging in any criminal activity.

6 of 2018.

(6) Where a person who commits an offence under subsection (1) is a police officer, prison officer, member of the Belize Defence Force, member of the Coast Guard, or otherwise involved in law enforcement, he is liable on summary conviction to imprisonment for a term not exceeding ten years and on any subsequent charge therefor to conviction on indictment and to imprisonment for a term not exceeding twenty-five years.

6 of 2018.

(7) A gang member who intentionally—

- (a) by any means whatsoever, wounds or causes grievous bodily harm to; or
- (b) shoots at with intent to do some grievous bodily harm, a police officer, prison officer, member of the Belize Defence Force, member of the Coast Guard, Income Tax officer, or a person who is an officer or employee of a law enforcement authority commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding thirty years.

Possession of
bulletproof vest
or firearm in
association with
gang.
6 of 2018.

3A. A person who has in his possession or under his care or control a bullet-proof vest, firearm or ammunition, whether lawfully obtained or not, which he intends to use or ought to know may be used for the benefit of or at the direction of a gang, or any gang member, commits an

offence and is liable on summary conviction to imprisonment for fifteen years.

3B.—(1) A person who, whether or not he is a gang member—

Participation in criminal activity in association with gang. 6 of 2018.

- (a) carries out a gang-related activity at the direction of any gang member;
- (b) knowingly assists, aids or abets any gang member to carry out a gang-related activity;
- (c) assists in the concealment of a gang-related activity by the gang; or
- (d) knowingly commits, assists, aids or abets in the carrying out of a gang-related activity at the direction of, or in concert with, or for the benefit of, the gang, or conceals or assists in the concealment of the same,

commits an offence and is liable on conviction on indictment to imprisonment for a term not exceeding twenty years.

(2) It is a defence for a person charged for an offence under subsection (1) (a) or (c) to prove that he did not know that any person under whose direction he acted, or whom he assisted, aided or abetted to carry out the offence, or for whom he concealed or assisted in the concealment of the offence, as the case may be, was, or might be, a gang member.

6 of 2018.

3C.—(1) A person who harbours a person whom he knows or ought to know is a gang member or is wanted by any law enforcement authority for any gang-related activity

Harbouring or concealing gang members. 6 of 2018.

commits an offence and is liable on summary conviction to imprisonment for a term not exceeding five years.

6 of 2018.

(2) Where in sub-section (1)–

- (a) the gang member or person wanted by any law enforcement authority for any gang-related activity is a child; and
- (b) the person convicted is the parent or is acting in *loco parentis* of the child,

the Court, in sentencing the person convicted, shall take into consideration mitigating factors such as any efforts made by the person convicted to reform or rehabilitate the child.

6 of 2018.

(3) A person who conceals a person whom he knows or ought to know is a gang member or is wanted by any law enforcement authority for any gang-related activity commits an offence and is liable on summary conviction to imprisonment for a term not exceeding ten years.

6 of 2018.

(4) For the purposes of sub-section (3), a person conceals another person if the person–

- (a) knows or ought to know that the other person is a gang member or is wanted by any law enforcement authority in connection with the investigation or for the commission of any gang-related activity; and
- (b) in response to an enquiry from a law enforcement authority or member thereof as to the whereabouts of the other person, does not reveal the whereabouts to the

enquirer, despite knowing where the other person is located.

(5) Any gang member or other person who knows, or ought to have known that a Warrant in the First Instance had been issued by a Magistrate for the arrest of the person in relation to any offence under this Part, and fails to present himself to the nearest police station within five days of such communication shall, in addition to any penalties prescribed under this Part for such first offence, be liable upon conviction of the first offence to additional imprisonment for a term not exceeding three years,

6 of 2018.

however, time against the person shall begin to run after six o'clock in the forenoon on which the police has publicly informed the person of the warrant, which communication shall be issued to the person by means of an official Press release, communicated at the instance of the police by way of national radio and television broadcast.

3D.—(1) A person shall not knowingly provide a benefit to a gang.

Providing a benefit to or obtaining a benefit from a gang.
6 of 2018.

(2) A person who contravenes sub-section (1) commits an offence and upon—

6 of 2018.

(a) summary conviction is liable to a fine not exceeding ten thousand dollars or, in the case of an individual to imprisonment for a term not exceeding fifteen years or to both the fine and imprisonment;

(b) conviction on indictment—

- (i) in the case of an individual, to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding twenty years;
- (ii) in the case of a body corporate, to a fine not exceeding five hundred thousand dollars.

6 of 2018.

(3) A person shall not knowingly obtain a benefit from a gang, or from any gang-related activity.

6 of 2018.

(4) A person who contravenes sub-section (3) commits an offence and upon summary conviction is liable—

- (a) in the case of an individual, to imprisonment for a term not exceeding fifteen years;
- (b) in the case of a body corporate, to a fine not exceeding five hundred thousand dollars.

6 of 2018.

(5) In determining whether a person has committed an offence under this section the Court may take into account all factors that appear to it to be relevant, including—

- (a) evidence of activity by the person that is consistent with his having financed in any manner or otherwise provided support to the gang or for any of its gang-related activity; and
- (b) evidence of the possession by that person of articles or documents of a kind that would give rise to a reasonable inference that the articles or documents were in his possession or control for a purpose

connected with the financing of or the provision of other support to the gang or for any of its gang-related activity.

3E.—(1) A person shall not knowingly conceal, dispose of or share in the proceeds of the gang-related activity of a gang or gang member.

Offence of
concealing, etc.
proceeds of
criminal activity
of a gang.
6 of 2018.

(2) A person who contravenes sub-section (1) commits an offence and is liable upon conviction on indictment

6 of 2018.

(a) in the case of an individual, to imprisonment for a term not exceeding twenty years;

(b) in the case of a body corporate, to a fine not exceeding five hundred thousand dollars.

(3) A person shall not, in order to hinder or prevent the investigation or prosecution of a gang member, incite or induce another person to—

6 of 2018.

(a) commit a serious offence; or

(b) engage in an act of violence or an act that serves to intimidate others.

(4) A person who contravenes sub-section (3) commits an offence and is liable upon conviction on indictment—

6 of 2018.

(a) in the case of an individual, to imprisonment for a term not exceeding twenty years;

- (b) in the case of a body corporate, to a fine not exceeding five hundred thousand dollars.

6 of 2018.

(5) A person shall not conceal, transport, dispose of or tamper with evidentiary material relating to the criminal activity of a gang or gang member.

6 of 2018.

(6) A person who contravenes sub-section (5) commits an offence and is liable upon conviction on indictment to imprisonment for a term not exceeding twenty years.

Recruiting gang
members.
6 of 2018.

3F.—(1) A person who recruits or attempts to recruit a person who is or who could be reasonably believed to be an adult to a gang or otherwise solicits or invites support for a gang commits an offence and is liable on conviction on indictment to imprisonment for ten years.

6 of 2018.

(2) A person who recruits to a gang a person whom he knows or ought reasonably to know is a child commits an offence and is liable on conviction on indictment to imprisonment for fifteen years.

6 of 2018.

(3) Notwithstanding sub-section (2), a person who within one hundred metres of a school, playground, place, place of rehabilitation or place of worship, recruits to a gang a person whom he knows or ought to know is a child commits an offence and is liable on conviction on indictment to imprisonment for twenty years.

Offence of
preventing, etc.
person from
ceasing to be a
part of or
participant in a
gang.
6 of 2018.

3G.—(1) A person shall not take any action to prevent, deter or obstruct a person from ceasing to—

- (a) be a part of or a participant in the activities of a gang; or

- (b) provide a benefit to a gang.

(2) A person who contravenes sub-section (1) commits an offence and is liable—

6 of 2018.

- (i) on summary conviction to imprisonment for a term not exceeding five years;
- (ii) on conviction on indictment to imprisonment for a term not exceeding twenty years.

3H.—(1) A person shall not take any retaliatory action against another person or any of that other person's immediate relatives or members of household, friends, business partners, employees or other business or employment associates or property, on account of that other person—

Offence of taking retaliatory action.
6 of 2018.

- (a) refusing to become a part of or a participant in a criminal activity of a gang;
- (b) ceasing to be a part of or a participant in a gang;
- (c) giving information to a law enforcement authority in relation to a gang;
- (d) assisting in an investigation of a gang or gang member; or
- (e) giving evidence in the prosecution of any participant in a gang-related activity.

(2) A person who contravenes sub-section (1) commits an offence and shall be liable upon—

6 of 2018.

- (a) summary conviction to a fine not exceeding ten thousand dollars or imprisonment for a term not exceeding ten

years or to both such fine and imprisonment;

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

Impersonating
law enforcement
officer.
6 of 2018.

3I.-(1) A person shall not, in the furtherance of gang-related activity—

- (a) put on or assume the dress, name, designation or description of an officer of a law enforcement authority; or
- (b) act or identify himself as, or impersonate, an officer of a law enforcement authority.

6 of 2018.

(2) A person who contravenes sub-section (1) commits an offence and is liable upon—

- (a) summary conviction, to a fine not exceeding fifteen thousand dollars or imprisonment for a term not less than five years but not exceeding ten years or to both such fine and imprisonment;
- (b) conviction on indictment, to a fine not exceeding twenty thousand dollars or imprisonment for a term not exceeding twenty years or to both such fine and imprisonment.

3J.-(1) A person shall not use a common name or identifying sign, symbol, tattoo or other physical marking, colour or style of dress or graffiti or produce, record, sell, perform in public, circulate or play a recording of a visual, audio or audio-visual communication that seeks to promote or facilitate gang-related activity.

Offence of using signs, symbols, recordings, etc., to promote gang-related activity.
6 of 2018.

(2) A person who contravenes sub-section (1) commits an offence and is liable upon—

6 of 2018.

(a) summary conviction, to a fine not exceeding twenty thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment;

(b) conviction on indictment to imprisonment for a term not exceeding twenty years.

4.-(1) A police officer may arrest without a warrant a person whom he has reasonable cause to believe to be a gang member or whom he has reasonable cause to believe has committed an offence under this Part.

Police powers of entry, search and arrest.
6 of 2018.

(2) A police officer may, with a warrant issued by a Magistrate or Justice of the Peace so enabling him to do, enter any dwelling house and search the same if he has reasonable cause to believe that a gang member may be found in that dwelling house.

6 of 2018.

(3) A police officer may enter without a warrant and search any place or premises not used as a dwelling house if he has reasonable cause to believe that a gang member may be found in such place or premises.

6 of 2018.

4A.-(1) Subject to sub-sections (2) and (3), the Court which convicts a person of an offence under this Part shall, in addition to any other penalty, order the forfeiture of any

Forfeiture of property.
6 of 2018.

property which, at the time of the offence, he had in his possession or under his control provided it is shown that he had such property for the use or benefit of a gang.

6 of 2018.

(2) Property subject to forfeiture under sub-section (1) shall include—

- (a) all profits, proceeds and instrumentalities relating to gang-related activity or the recruitment of gang members; and
- (b) all property used or intended or attempted to be used to facilitate gang-related activity or the recruitment of gang members.

6 of 2018.

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

6 of 2018.

(4) The Court may give directions as to the storage, investment and disposal of property forfeited by order under sub-section (1).

6 of 2018.

(5) Ten percent of the value of property forfeited under this section shall go to the Belize Police Department and be applied to the suppression of gang activities.

Power of DPP to investigate gang-related activity.
6 of 2018.

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

members, and authorising such a Committee to inquire into any of the matters mentioned in sub-section (2).

(2) A Committee appointed under this section may be authorised to investigate any of the following matters— 6 of 2018.

- (a) offences under the Misuse of Drugs Act; CAP. 105.
- (b) drug-related killings or other crimes of violence;
- (c) offences under the Firearms Act; CAP. 143.
- (d) kidnappings and blackmail;
- (e) conspiracy to commit robberies.

(3) A Committee appointed under this section shall hold its sitting *in camera*. 6 of 2018.

(4) The evidence taken by a Committee appointed under this section and the record of its proceedings shall not be admissible in any Court of law save and except on a charge or perjury or contempt of Court arising out of any sworn testimony given by any person before the Committee, 6 of 2018.

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

(5) No person giving evidence before a Committee of Inquiry appointed under this section shall be compelled to disclose any matter which would tend to incriminate him, unless he has been given a written guarantee of immunity from prosecution for any such thing said by him before the Committee. 6 of 2018.

6 of 2018.

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

6 of 2018.

(7) Regulations made under sub-section (6) shall be subject to negative resolution.

6 of 2018.

PART 1B

Injunctions: Gang-Related Violence

Interpretation.
6 of 2018.

5A.—(1) In this Part —

“application without notice” has the meaning provided by section 5G (2);

“consultation requirement” has the meaning provided by section 5F (2);

“Court” means the Supreme Court;

“relevant Judge” has the meaning provided by section 5J (7);

“respondent” means the person in respect of whom an application for an injunction is made or (as the context requires) the person against whom such an injunction is granted;

“review hearing” has the meaning provided by section 5F (5);

“specify”, in relation to an injunction, means specify in the injunction;

“violence” includes violence against property.

(2) Any reference in this Part to an injunction under this Part includes a reference to an interim injunction. 6 of 2018.

5B.—(1) The Court may grant an injunction under this section if two conditions are met. Power to grant injunctions. 6 of 2018.

(2) The first condition is that the Court is satisfied on the balance of probabilities that the respondent has engaged in, or has encouraged or assisted, gang-related violence. 6 of 2018.

(3) The second condition is that the Court considers it is necessary to grant the injunction for either or both of the following purposes— 6 of 2018.

(a) to prevent the respondent from engaging in, or encouraging or assisting, gang-related violence;

(b) to protect the respondent from gang-related violence.

(4) An injunction under this section may (for either or both of those purposes under sub-section (3)— 6 of 2018.

(a) prohibit the respondent from doing anything described in the injunction;

(b) require the respondent to do anything described in the injunction.

6 of 2018. (5) In this section “gang-related violence” means violence or a threat of violence that occurs in the course of, or is otherwise related to, the activities of a gang.

Contents of injunctions.
6 of 2018. **5C.-(1)** This section applies in relation to an injunction under section 5B.

6 of 2018. (2) The prohibitions included in the injunction may, in particular, have the effect of prohibiting the respondent from—

- (a) being in a particular place;
- (b) being with particular persons in a particular place;
- (c) being in charge of a particular species of animal in a particular place;
- (d) wearing particular descriptions of articles of clothing in a particular place;
- (e) using the internet to facilitate or encourage violence.

6 of 2018. (3) The requirements included in the injunction may, in particular, have the effect of requiring the respondent to—

- (a) notify the person who applied for the injunction of the respondent’s address and of any change to that address;
- (b) be at a particular place between particular times on particular days;
- (c) present himself or herself to a particular person at a place where he or she is

required to be between particular times on particular days;

(d) participate in particular activities between particular times on particular days.

(4) A requirement of the kind mentioned in sub-section (3)(b) may not be such as to require the respondent to be at a particular place for more than eight hours in any day. 6 of 2018.

(5) The prohibitions and requirements included in the injunction must, so far as practicable, be such as to avoid— 6 of 2018.

(a) any conflict with the respondent’s religious beliefs; and

(b) any interference with the times, if any, at which the respondent normally works or attends any educational establishment.

(6) Nothing in sub-section (2) or (3) affects the generality of section 5B (4). 6 of 2018.

(7) In sub-section (2) “place” includes an area. 6 of 2018.

5D.—(1) This section applies in relation to an injunction under section 5B. Contents of injunctions, supplemental. 6 of 2018.

(2) The injunction may not include a prohibition or requirement that has effect after the end of the period of two years beginning with the day on which the injunction is granted (“the injunction date”). 6 of 2018.

(3) The Court may order the applicant and the respondent to attend one or more review hearings on a specified date or dates. 6 of 2018.

6 of 2018. (4) If any prohibition or requirement in the injunction is to have effect after the end of the period of one year beginning with the injunction date, the Court shall order the applicant and the respondent to attend a review hearing on a specified date within the last four weeks of the one year period (whether or not the Court orders them to attend any other review hearings).

6 of 2018. (5) A review hearing is a hearing held for the purpose of considering whether the injunction should be varied or discharged.

6 of 2018. (6) The Court may attach a power of arrest in relation to—

(a) any prohibition in the injunction, or

(b) any requirement in the injunction, other than one which has the effect of requiring the respondent to participate in particular activities.

6 of 2018. (7) If the Court attaches a power of arrest, it may specify that the power is to have effect for a shorter period than the prohibition or requirement to which it relates.

Application for
injunction under
section 5B.
6 of 2018. **5E.** An application for an injunction under section 5B may be made by the Regional Commander for a police area or his deputy not being below the rank of Superintendent.

Consultation by
applicants for
injunctions.
6 of 2018. **5F.—(1)** Before applying for an injunction under section 5B, the applicant shall comply with the consultation requirement.

6 of 2018. (2) The consultation requirement is that the applicant shall consult—

(a) the Commissioner of Police; and

- (b) any other body or individual that the applicant considers it appropriate to consult.

5G.—(1) An application under section 5B may be made without the respondent being given notice.

Applications without notice.
6 of 2018.

(2) In this Part, such an application is referred to as an application without notice.

6 of 2018.

(3) Section 5F(1) does not apply in relation to an application without notice.

6 of 2018.

(4) If an application without notice is made, the Court shall either—

6 of 2018.

- (a) grant the application; or

- (b) adjourn the proceedings.

(5) If the Court acts under sub-section (4)(b), the applicant shall comply with the consultation requirement before the date of the first full hearing.

6 of 2018.

(6) In this section “full hearing” means a hearing of which notice has been given to the applicant and respondent in accordance with rules of court.

6 of 2018.

5H.—(1) This section applies if—

Interim injunctions, adjournment on notice hearing.
6 of 2018.

- (a) the Court adjourns the hearing of an application for an injunction under section 5B; and

- (b) the respondent was notified of the hearing in accordance with rules of court.

6 of 2018.

(2) The Court may grant an interim injunction if it considers that it is just and convenient to do so.

6 of 2018.

(3) An interim injunction under this section may include any provision which the Court has power to include in an injunction granted under section 5B (including a power of arrest).

Interim
injunctions,
adjournment
without notice
hearing.
6 of 2018.

5I.—(1) This section applies if—

- (a) an application without notice is made by virtue of section 5G; and
- (b) the proceedings are adjourned (otherwise than at a full hearing within the meaning of that section).

6 of 2018.

(2) The Court may grant an interim injunction if it considers that it is just and convenient to do so.

6 of 2018.

(3) An interim injunction under this section may not have the effect of requiring the respondent to participate in particular activities.

6 of 2018.

(4) Except as provided by sub-section (3), an interim injunction under this section may include any provision which the Court has power to include in an injunction granted under section 5B (including a power of arrest).

Variation or
discharge of
injunctions.
6 of 2018.

5J.—(1) The Court may vary or discharge an injunction under this Part if—

- (a) a review hearing is held; or
- (b) an application to vary or discharge the injunction is made.

(2) An application to vary or discharge the injunction may be made by— 6 of 2018.

- (a) the person who applied for the injunction;
- (b) the respondent.

(3) The power to vary an injunction includes power to— 6 of 2018.

- (a) include an additional prohibition or requirement in the injunction;
- (b) extend the period for which a prohibition or requirement in the injunction has effect (subject to section 5D(2));
- (c) attach a power of arrest or extend the period for which a power of arrest attached to the injunction has effect.

(4) Section 5D (4) does not apply where an injunction is varied to include a prohibition or requirement which is to have effect as mentioned in that provision but the variation is made within (or at any time after) the period of 4 weeks mentioned in it. 6 of 2018.

(5) Before applying for the variation or discharge of an injunction, a person mentioned in subsection (2) (a) shall notify the persons consulted under section 5F (1) or 5G (5). 6 of 2018.

5K.—(1) This section applies if a power of arrest is attached to a provision of an injunction under this Part. Arrest without warrant. 6 of 2018.

(2) A constable may arrest without warrant a person whom the constable has reasonable cause to suspect to be in breach of the provision. 6 of 2018.

- 6 of 2018. (3) If a constable arrests a person under sub-section (2), the constable shall inform the person who applied for the injunction.
- 6 of 2018. (4) A person arrested under sub-section (2) shall be brought before a relevant Judge within the period of 24 hours beginning with the time of the arrest.
- 6 of 2018. (5) If the matter is not disposed of when the person is brought before the Judge, the Judge may remand the person.
- 6 of 2018. (6) In calculating when the period of 24 hours mentioned in sub-section (4) ends, Christmas Day, Good Friday and any Sunday are to be disregarded.
- 6 of 2018. (7) In this Part “relevant Judge”, in relation to an injunction, means any Judge of the Supreme Court.
- Issue of warrant
of arrest.
6 of 2018. **5L.**—(1) This section applies in relation to an injunction under this Part.
- 6 of 2018. (2) If the person who applied for the injunction considers that the respondent is in breach of any of its provisions, the person may apply to a relevant Judge for the issue of a warrant for the arrest of the respondent.
- 6 of 2018. (3) A relevant Judge may not issue a warrant on an application under sub-section (2) unless the Judge has reasonable grounds for believing that the respondent is in breach of any provision of the injunction.
- 6 of 2018. (4) If a person is brought before a Court by virtue of a warrant under sub-section (3) but the matter is not disposed of, the Court may remand the person.

- 5M.**—(1) This section applies in relation to a person who is brought before the relevant Judge or the Court under section 5J or 5K. Remand for medical examination and report. 6 of 2018.
- (2) If the relevant Judge or the Court has reason to consider that a medical report will be required, the Judge or the Court may remand the person under section 5J (5) or (as the case may be) 5K (4) for the purpose of enabling a medical examination to take place and a report to be made. 6 of 2018.
- (3) If the person is remanded in custody for that purpose, the adjournment may not be for more than three weeks at a time. 6 of 2018.
- (4) If the person is remained on bail for that purpose, the adjournment may not be for more than four weeks at a time. 6 of 2018.
- (5) If the relevant Judge or the Court has reason to suspect that the person is suffering from a mental disorder within the meaning of the Unsoundness of Mind Act, the Judge or the Court has the same power to make an order under section 17 of that Act (remand for report on accused's medical condition) as the Court has under that section in the case of an accused person (within the meaning of that section). 6 of 2018.
- 5N.**—(1) The Minister may make regulations relating to injunctions under this Part. Regulations. 6 of 2018.
- (2) Before making regulations under this section the Minister shall consult the Chief Justice and such other persons as the Minister considers appropriate. 6 of 2018.
- (3) The Minister shall cause any such regulations to be tabled in each House of the National Assembly. 6 of 2018.
- (4) Each of the following must have regard to any regulations made under this section— 6 of 2018.

- (a) a Regional Commander for a police area;
or
- (b) deputy Regional Commander not below
the rank of Superintendent; and
- (c) the Commander Operations, Belize Police
Department.

Supplemental.
6 of 2018.

5O.—(1) Rules of Court may provide that any power conferred on the Court to grant, vary or discharge an injunction under this Part may be exercised by a Judge of that Court.

6 of 2018.

(2) Rules of Court may provide that an appeal from a decision of the Court to which this subsection applies may be made without notice being given to the respondent.

6 of 2018.

(3) Sub-section (2) applies to a decision to refuse to grant an interim injunction under section 5H.

6 of 2018.

PART 1C

Miscellaneous

Trial procedure.
6 of 2018.

5P.—(1) The jurisdiction of the Court to hear and determine indictable matter under Part IA, Part IB or this Part shall be exercised by a Judge sitting without a jury.

6 of 2018.

(2) In the interest of the administration of justice, public safety, public order or public morality, the Court hearing a case in the exercise of its jurisdiction under this Part may direct that—

- (a) the identity of any person, including a witness in the case, shall be protected in the manner specified by the Court;
- (b) in relation to any witness called or appearing before the Court, the name, identity, and address of the witness and such other particulars concerning the witness, as in the opinion of the Court shall be kept confidential, shall not be published; or
- (c) no particulars of the trial other than the name of the accused, the offence charged and the verdict and sentence shall be published without the prior written approval of the Court.

(3) A person shall not publish any information in contravention of a direction under sub-section (2). 6 of 2018.

(4) A person who contravenes sub-section (3) commits an offence and shall be liable— 6 of 2018.

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

5Q. In the interest of certainty, the Court shall afford bail to a person charged with an offence under Part 1B or 1C, in accordance with section 16 and 17. Bail.
6 of 2018.

Amendment of
Schedule.
6 of 2018.

5R. The Minister may by Order, subject to affirmative resolution, amend the Schedule.

6 of 2018.

PART 1D

Prohibition against Weapons in Public Places

Offences of
having article
with blade or
point in public
place.
6 of 2018.

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

- (a) between the hours of 8:00 pm and 5:00 am;
- (b) at any time in a gathering of people for political, social, sporting, cultural or other activities is guilty of an offence.

6 of 2018.

(2) This section applies to any article—

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

6 of 2018.

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

6 of 2018.

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

(5) In this section—

6 of 2018.

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

CAP. 143.

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

PART II

Prevention of Crime and Disorder

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

Anti-social
behaviour orders.

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

18 of 1998.

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

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

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

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

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

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

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

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

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

or to both such fine and term of imprisonment; or

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

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

Sex offender orders,
18 of 1998.

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

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

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

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

(5) A sex offender order shall have effect for a period (not less than five years) specified in the order or until replaced by a further order.

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

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

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

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

Sex offender orders.

9.-(1) In section 8 of this Act and this section “sex offender” means a person who—

- (a) has been convicted of rape, attempted rape, carnal knowledge, forcible abduction, unnatural offence, or indecent assault;

- (b) has been found not guilty of such an offence by reason of insanity, or found to be under a disability and to have done the act charged against him in respect of such an offence; or
- (c) has been punished under the law in force in a country or territory outside Belize for an act which—
 - (i) constituted a sexual offence under that law; and
 - (ii) would have constituted a sexual offence if it had been done in Belize.

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

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

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

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

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

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

Appeal against
orders.
18 of 1998.

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

(2) On such an appeal the Supreme Court—

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

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

PART III

Crime Ridden Areas and Right of Bail

11. In this Part, unless the context otherwise requires—

Interpretation in
this Part.

“Minister” means the Minister of National Security;

“Security Forces” means—

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

42 of 1999.

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

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

Declaration of
special areas.
28 of 1994,
19 of 2012.

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

sanctioned for the time being by resolution of the House of Representatives.

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

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

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

19 of 2012.

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

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

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

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

Protection of
Security Forces.
28 of 1994.

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

Regulations.
28 of 1994.

- (a) the custody or disposal of anything detained under section 13;
- (b) the operation of cordons;
- (c) the establishment of auxiliary forces with like functions, powers and immunities as those of the Belize Police Department and under the direction of the Commissioner of Police; and
- (d) anything authorised or required by this Part to be prescribed.

42 of 1999.

(2) Any regulations made under this Part may contain such incidental or supplementary provisions as appear to

the Minister to be necessary or expedient for the purpose of the regulations.

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

Restrictions on
admission to
bail.
CAP. 96.
26 of 1992.
6 of 1994.
28 of 1994.
25 of 2003.

16.-(1) Notwithstanding any other law or rule of practice to the contrary, no magistrate, justice of the peace or a police officer shall admit to bail any person charged with any of the offences set out in sub-section (2).

(2) The offences referred to in sub-section (1) are—

- (a) murder, attempted murder or conspiracy to murder;
- (b) robbery or attempted robbery while in possession of a firearm;
- (c) burglary or attempted burglary while in possession of a firearm;
- (d) aggravated assault with the use of a firearm;
- (e) kidnapping or attempted kidnapping;
- (f) a drug trafficking offence, under the Misuse of Drugs Act, where the quantity of the controlled drug involved is more than the quantities specified in paragraphs (i), (ii), (iii) and (iv) of the proviso to section 18(1) (a) of the Misuse of Drugs Act;
- (g) carnal knowledge of a girl under sixteen years of age;

CAP. 103.

CAP. 103.

5 of 2008.

- (h) incest; 5 of 2008.
- (i) an offence under the Firearms Act; CAP. 143.
5 of 2008.
- (j) an offence under section 2 of Part I of this Act relating to the suppression of criminal gangs; 5 of 2008.
- (k) an offence under Part IA, 1B, 1C or 1D of this Act (which Parts relate respectively to suppression of criminal gangs, injunctions for gang-related violence, restriction on certain publications and prohibition of weapons); 17 of 2018.
- (l) the offence of entering Belize elsewhere than at an approved port or place of entry under section 24 of the Immigration Act; 24 of 2020.
CAP. 156.
- (m) the offences under section 112 (2) (b) or (c) of the Customs Regulation Act. 24 of 2020.
CAP. 49.

(3) Where the bail is refused by the magistrate or justice of the peace under the foregoing provisions of this section, the person charged may apply to the supreme Court for bail and the Supreme Court may, for special reasons to be recorded in writing, but subject to sub-section (4), grant bail to such a person other than for the offence of murder, but in considering any such application the Court shall pay due regard to the following factors, namely—

- (a) the prevalence of the crime with which the accused person is charged;
- (b) the possibility of the accused person being a danger to the public or committing other offences or interfering with witnesses while on bail;

- (c) the public interest involved in assisting the security services to combat crime and violence; and
- (d) all other relevant factors and circumstances.

24 of 2010.

- (4) (a) Before hearing an application for bail, the court shall give the Director of Public Prosecution not less than ten working days notice of the date of hearing, together with a copy of all the documents filed by the applicant in support of the application,

19 of 2014.

provided that the requirements of giving ten working days' notice of the date of hearing to the Director of Public Prosecutions shall not apply in cases where the accused person is of good character and has no previous convictions for any of the offences listed in sub-section (2).

24 of 2010.

- (b) The court shall impose such of the following conditions as it considers appropriate in respect of an application for bail made pursuant to sub-section (3)–
 - (i) that the accused person provides one surety who possesses title to landed property or monetary value equivalent thereto;
 - (ii) that the accused person reports to the nearest police station on such day and at such time as is fixed by the court;

- (iii) that the accused person hands over all his or her travelling documents to the court;
- (iv) that the accused person remains within the premises, and during the hours, fixed by the court;
- (v) that the accused person does not directly or indirectly contact any witness or other person as the court shall direct;
- (vi) such other conditions as the court considers necessary.

(c) A police officer may, without a warrant, arrest and remand in custody any person who breaches the condition of his bail. 24 of 2010.

(5) Where bail is withheld under this section, the trial of the accused person shall, subject to sub-section (6) below, take place— 25 of 2003.

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

(6) Where for any reason the trial cannot be proceeded with within the time prescribed in subsection (5) above, the accused person may be admitted to bail in the discretion of the judge or magistrate, at any time following the last day upon which the trial should have been held under that sub-section. 25 of 2003.

Evidence of
identity.

28 of 1994.

17.-(1) A judge, magistrate, justice of the peace or a police officer, when considering an application for bail by or on behalf of an accused person may require such person to produce such evidence of identity as to ensure that the accused person has given to the court or the police his true name, address, date of birth and other particulars.

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

PART IV

Corrective Training and Sentences

Corrective
training.
28 of 1994.

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

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

CAP. 98.

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

(2) An offender qualifies for a sentence of corrective training within the meaning of sub-section (1) if—

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

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

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

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

CAP. 119.

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

Power to impose extended sentence.

(2) The extended term of imprisonment which may be imposed under this section for any offence may exceed the maximum term authorized for the offence apart from this

section if the maximum so authorised is less than ten years, but shall not exceed ten years if the maximum so authorised is less than ten years or exceed five years if the maximum so authorised is less than five years.

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

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

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

(2) Sub-section (1) shall apply whether a person is convicted of the same offence on the third or subsequent occasion or of any other offence specified in sub-section (4).

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

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

PART V

Power to make Community Service Orders

41 of 2001.

21. *Repealed.*

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| 22. | <i>Repealed.</i> | 41 of 2001. |
| 23. | <i>Repealed.</i> | 41 of 2001. |
| 24. | <i>Repealed.</i> | 41 of 2001. |

PART VI

Crime Control Council

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

Establishment of
Crime Control
Council.

- | | | |
|-----|---|-------------|
| (a) | the Minister responsible for national security or his representative; | 28 of 1994. |
| (b) | the Attorney General or his representative; | |
| (c) | a Justice of the Supreme Court; | |
| (d) | the Director of Public Prosecutions or his representative; | |
| (e) | the Chief Magistrate or his representative; | |
| (f) | the Commissioner of Police or his representative; | |
| (g) | a representative of the Ministry responsible for human development; | |
| (h) | a person nominated by the Belize Tourism Industry Association; | |
| (i) | a person nominated by the Belize Council of Churches; | |

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

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

Functions of the Council.
28 of 1994.

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

- (a) to monitor the crime situation in the country on a continuing basis;
- (b) to plan, develop and coordinate comprehensive crime prevention programmes and strategies;
- (c) to promote employability and job placement of unemployed youth;
- (d) to liaise with a broad spectrum of community-based and social-service organisations to develop a coordinated team-approach to reducing gang violence or the effects of substance abuse or other criminal activities;

- (e) to solicit contributions and donations from the business sector and other donor agencies to fund constructive programmes for reducing crime; and
- (f) to make recommendations to the Prime Minister for strengthening or reforming the law or the law enforcement agencies to better control and prevent the incidence of crime.

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

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

Rules and
Regulations.
28 of 1994.

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

SCHEDULE

*[section 2]***Gang-Related Activity**
Serious Offences

1. Possession of imitation firearms in pursuance of any criminal offence
2. Theft of a motor vehicle
3. Arson
4. Handling stolen goods
5. Gang membership
6. Coercing or encouraging gang membership
7. Preventing gang member from leaving gang
8. Participation in criminal activity in association with gang
9. Possession of bullet-proof vest, firearm or ammunition for benefit of gang
10. Harboursing or concealing gang members
11. Recruiting gang members
12. Threatening to publish with intent to extort
13. Demanding money with menaces
14. Murder
15. Shooting or wounding with intent to do harm, wounding, or grievous bodily harm
16. Robbery, robbery with a firearm
17. Aggravated assault with use of firearm
18. Possession and use of a firearm or ammunition with intent to endanger life
19. Possession of a firearm or ammunition without a licence
20. Possession of a Controlled Drug With Intent to Supply

21. Supplying a controlled drug
22. Rape
23. Kidnapping
24. Kidnapping for ransom
25. Knowingly negotiating to obtain a ransom
26. Aggravated Burglary
27. Aggravated Assault upon a law enforcement officer
28. An attempt to commit any offence listed in this Schedule