



BELIZE

**INFERIOR COURTS ACT
CHAPTER 94**

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

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

This edition contains a consolidation of the following laws-	Page
ARRANGEMENT OF SECTIONS	3
INFERIOR COURTS ACT	11
Amendments in force as at 31st December, 2000.	



BELIZE

**INFERIOR COURTS ACT
CHAPTER 94**

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

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

This edition contains a consolidation of the following laws-	Page
ARRANGEMENT OF SECTIONS	3
INFERIOR COURTS ACT	11
Amendments in force as at 31st December, 2000.	

CHAPTER 94

INFERIOR COURTS

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.

PART II

Constitution of the Courts

Judicial Districts

3. Division of Belize into judicial districts.
4. Special provisions as to port of entry.

The Courts and their Jurisdiction

5. Summary jurisdiction courts.
6. District courts.

PART III

*Officers of the Courts**Magistrates*

7. Appointment of magistrates.
8. More than one magistrate to a judicial district.
9. Travelling magistrates.
10. Presiding officer of the courts.
11. Residence of magistrate.
12. Salary of magistrate.
13. Transfer of magistrate from one judicial district to another.
14. Appointment of special magistrate in certain cases.
15. Temporary absence of magistrate.

Justices of the Peace

16. Appointment and removal of justices of the peace.
17. Magistrate a justice of the peace.
18. Publication of annual list of justices of the peace.
19. Powers of justices of the peace.
20. Apprehension by justice of the peace.
21. Extent of jurisdiction.

Clerks of the Courts

22. Appointment of clerk and assistant clerk.
23. Salaries.
24. Transfer from one court to another.
25. Control of clerk and assistant clerk.
26. Duties.
27. Accounts of clerk.
28. Duties of assistant clerk.

Bailiffs of the Courts

29. Appointment of bailiff.
30. Appointment of bailiff by the Belize City Council, etc.
31. Council bailiff.
32. Bailiffs of certain departments.
33. Powers and duties of certain bailiffs.
34. Bailiff to be special constable.
35. Salary and allowances.
36. Duties.

- 37. Accounting by Bailiff.
- 38. When damages against bailiff may be ordered.
- 39. Fining bailiff for misconduct or neglect of duty.
- 40. Assault on bailiff in execution of his duty.

PART IV

Sittings of the Courts

- 41. Sittings of the courts generally.
- 42. Sittings of the courts in the Belize Judicial District.
- 43. Adjournment of the court.
- 44. Adjournment over holiday.
- 45. Change of place of hearing.
- 46. Preservation of order at sittings of the courts.
- 47. Punishment of person guilty of misconduct before the court.

PART V

Practice and Procedure of the Courts

- 48. Summary procedure.
- 49. Procedure in preliminary inquiry.

- 50. Civil procedure.
- 51. Procedure in interpleader.
- 52. Completion by magistrate of process begun by his predecessor.
- 53. Process of magistrate valid throughout Belize.
- 54. Duty of police officers to obey magistrate.

PART VI

Miscellaneous Provisions

Return of Criminal Cases

- 55. Cases decided in summary jurisdiction courts.
- 56. A Judge may order case to be stated.
- 57. Bail to be granted pending decision of Supreme Court.

Legal Proceedings Against Officers

- 58. Proceedings by or against Officer of the courts.

Power to Administer Oaths, etc.

- 59. Administration of oaths.

Fees and Costs

- 60. Tables of fees and costs.
- 61. Mode of payment of fees and costs.
- 62. Fees on affidavits of service.
- 63. Prepayment of fees and costs.

Accounts

- 64. Magistrate and clerk to be under audit regulations.

Suitors' Moneys

- 65. Unclaimed suitors' moneys.

Rules of Practice and Procedure

- 66. Rules of court.

PART VII

*Alcalde Jurisdiction**Preliminary*

- 67. Interpretation.

Constitution and Jurisdiction of Court

- 68. Declaration of alcalde districts.

- 69. Establishment of Alcalde Courts.
- 70. Nature of the civil jurisdiction.
- 71. Common law principles.
- 72. Appeals.
- 73. Nature of the criminal jurisdiction.
- 74. Criminal procedure and practice.

Appointment of Alcalde and Deputy Alcalde

- 75. Appointment of alcalde and deputy alcalde.

General Provisions

- 76. Payment of judgment by instalments, etc.
- 77. Execution of civil judgments.
- 78. Imprisonment for debt where means proved.
- 79. Person imprisoned for debt to labour.
- 80. Discharge after satisfaction of debt.
- 81. Requiring attendance of witness.
- 82. Oath of witness.
- 83. Alcalde's minute book.

- 84. Accounting for fines, etc.
- 85. Treatment of serious offences.
- 86. Place of imprisonment.
- 87. Power to make rules.
- 88. Additional duties of alcalde.

SCHEDULE

CHAPTER 94

INFERIOR COURTS

[9th May, 1953]

Ch. 10,
R.L., 1958.
CAP. 77,
R.E. 1980-1990.
5 of 1961.
35 of 1963.
17 of 1964.
3 of 1966.
3 of 1967.
1 of 1968.
28 of 1968.
2 of 1980.
24 of 1985.
27 of 1985.
22 of 1987.
18 of 1998.
42 of 1999.
S.I. 16 of 1959.
S.I. 17 of 1964.
S.I. 44 of 1966.

PART I

Preliminary

1. This Act may be cited as the Inferior Courts Act.

Short title.

2. In this Act, unless the context otherwise requires:-

Interpretation.

“court” means a court established in a judicial district under and by virtue of this Act;

“criminal” includes quasi-criminal and, with reference to matters of jurisdiction, comprehends all those matters not falling within the jurisdiction of a district court;

“judge” means a judge of the Supreme Court and includes the Chief Justice;

35 of 1963.

“magistrate” means the person appointed under section 7;

“Minister” means the Attorney General.

PART II

*Constitution of the Courts**Judicial Districts*

Division of Belize
into judicial
districts.

3.-(1) Belize shall be subdivided into the following judicial districts-

- (a) the Belize Judicial District;
- (b) the Corozal Judicial District;
- (c) the Orange Walk District;
- (d) the Stann Creek Judicial District;
- (e) the Toledo Judicial District; and
- (f) the Cayo Judicial District.

S.I. 17 of 1964

(2) The boundaries of the judicial districts may from time to time be defined by Order of the Minister published in the *Gazette*.

S.I. 17 of 1964.

(3) The Minister may, by Order published in the *Gazette*, from time to time vary or alter the boundaries of the judicial districts, or any of them, and may subdivide, enlarge or re-arrange them and establish a new judicial district or districts in Belize.

(4) The Minister may, by Order published in the *Gazette*-

- (a) declare that all judicial districts or any of them shall be abolished and substitute other defined areas or an area as judicial districts or a judicial district *in lieu* thereof; and

- (b) distinguish the judicial districts by the names, letters or numbers he thinks proper.

(5) All Orders under this section shall take effect on their publication or on the day appointed therein.

4. For all purposes of the jurisdiction of a court, the waters of any port of entry, as for the time being defined by Act or otherwise, shall be deemed to be within the judicial district in which the port of entry is situate. Special provisions as to port of entry.

The Courts and their Jurisdictions

5.-(1) There shall be established in each judicial district a "Summary Jurisdiction Court" which shall have and exercise criminal jurisdiction in accordance with, and subject to- Summary jurisdiction courts.

- (a) the Summary Jurisdiction (Procedure) Act; CAP. 99.
- (b) the Summary Jurisdiction (Offences) Act; CAP. 98.
- (c) Part VIII of the Supreme Court of Judicature Act, and rules of court made thereunder; and CAP. 91.
- (d) any other Act or law conferring upon the court jurisdiction to hear and determine any complaint or information or authorising it to do or perform any act or function.

(2) Subject to this or any other Act, the summary jurisdiction court of each judicial district shall have full jurisdiction and power therein-

- (a) to hear and determine all complaints or informations for summary conviction offences, including complaints or informations for the recovery of fines, penalties or

forfeitures not specifically assigned by statute to the Supreme Court;

CAP. 96.

- (b) to receive and inquire into all charges of indictable offences and to make any orders in respect thereof under the Indictable Procedure Act; and
- (c) generally, to do all acts and things, required by any statute, law or usage now or hereafter in force, appertaining to a summary jurisdiction court in England.

(3) All offences and matters cognisable under any statute before a summary jurisdiction court committed or arising in or within the limits of any bay, creek or inlet of the sea, or on any river or creek, of or within Belize, may be heard and determined by the summary jurisdiction court in the judicial district bordering on that bay, creek or inlet of the sea or that river or creek.

(4) All offences and matters described in subsection (3), committed or arising on board any ship, vessel or boat, beyond the limits described in subsection (3), may be heard and determined by the summary jurisdiction court in the district off the shore of which, the ship, vessel or boat is at the time of the commission of the offences and matters, or by the summary jurisdiction court in the judicial district on or near to the shore of which the ship, vessel or boat first anchors or touches after the commission of the offences and matters arising aforesaid.

District courts.

6.-(1) There shall be established in each judicial district a “District Court” which shall have and exercise civil jurisdiction in accordance with, and subject to-

CAP. 97.

- (a) the District Courts (Procedure) Act;

- (b) rules of court made under this Act;
- (c) Part VIII of the Supreme Court of Judicature Act, and rules of court made thereunder; and CAP. 91.
- (d) any other Act or law conferring upon the court jurisdiction to hear and determine any cause or matter or authorising it to do or perform any act or function.

(2) Section 5 (3) shall, with the substitution of the expressions “causes of action” for “offences and matters” and “district court” for “summary jurisdiction court”, apply and have effect as regards the jurisdiction of a district court.

PART III

Officers of the Courts

Magistrates

7.-(1) The Public Services Commission may appoint a fit and proper person a magistrate in each judicial district. Appointment of magistrates.

(2) A magistrate shall be a barrister or a solicitor having in either case three years standing at least, provided, however, that the Public Services Commission may, for good and sufficient reason, appoint some fit and proper person not possessing either qualification a magistrate.

(3) Where the appointment of any magistrate has terminated during the hearing of any cause or matter and such magistrate has not completed the hearing of the cause or matter, it shall be lawful for the Public Services 13 of 1970.

Commission within one year to reappoint such magistrate to continue the hearing of the cause or matter and to determine the said cause or matter, and such reappointment shall operate as if the original appointment had never been terminated.

More than one
magistrate to a
judicial district.

8. The Public Services Commission may appoint more than one magistrate to any judicial district, or one magistrate to more than one judicial district, and may direct that any magistrate or magistrates shall try only specific cases or classes of cases, or shall try cases only in certain areas within the judicial district.

Travelling
magistrates.

9.-(1) The Public Services Commission may appoint fit and proper persons travelling magistrates, and shall direct in what judicial district, or in what part of any judicial district or districts, any travelling magistrate shall act.

(2) A travelling magistrate shall have all the powers and jurisdiction of a magistrate in the judicial district in which he is appointed to act, but he shall only exercise those powers and that jurisdiction when and for such period as he may be directed by the Public Services Commission to do so.

(3) Subject to subsection (1) and (2), all enactments relating to magistrates shall apply to travelling magistrates.

Presiding officer
of the courts.

10.-(1) Subject to sections 14 and 15, the magistrate of a judicial district shall be the president of the summary jurisdiction court and the district court in that judicial district, and shall exercise all the jurisdictions and powers of those courts.

S.I. 17 of 1964.

(2) The magistrate may, subject to the approval of the Minister, determine the distribution of the business of each court.

(3) Every magistrate, travelling magistrate, justice of the peace or other person authorised to exercise any jurisdiction or function in any inferior court shall take the judicial oath before entering upon his office.

-
11. Every magistrate shall, unless he is specially exempted by the Minister from so doing, reside in some convenient place in his judicial district approved by the Minister. Residence of magistrate. S.I. 17 of 1964.
12. Each magistrate shall receive the salary assigned to him by the Public Services Commission out of moneys provided by the National Assembly for that purpose. Salary of magistrate.
13. The Public Services Commission may at any time transfer a magistrate from one judicial district to another. Transfer of magistrate from one judicial district to another.
- 14.-(1) Where a magistrate is a party to any cause or matter, whether civil or criminal, or is unable from personal interest or for any other sufficient reason to adjudicate on any cause or matter, whether civil or criminal, the Public Services Commission may appoint a fit and proper person to act instead of that magistrate for the hearing and determination of the particular cause or matter, or may direct that the cause or matter shall be heard and determined in the court of any other judicial district. Appointment of special magistrate in certain cases.
- (2) Any person so appointed shall for that occasion have all the powers of the magistrate.
15. The duties of office of any magistrate temporarily unable, from illness or for any other reason, to perform them may, subject to any direction of the Public Services Commission to the contrary, be performed during the continuance of the inability by any other magistrate. Temporary absence of magistrate.

Justices of the Peace

- 16.-(1) The Minister may, by an instrument under his hand and the public seal, appoint any fit and proper person a justice of the peace for the whole of Belize or for such judicial district or portion thereof as he may think fit. Appointment and removal of justices of the peace.

- S.I. 17 of 1964. (2) The Minister may in like manner, for cause appearing to him sufficient, remove any justice of the peace from office.
- S.I. 17 of 1964. (3) A justice of the peace shall be removed on being adjudicated a bankrupt.
- (4) Every appointment and removal shall be notified in the *Gazette*.
- Magistrate a justice of the peace.
S.I. 17 of 1964.
S.I. 44 of 1966.
24 of 1985.
17. Every magistrate and Permanent Secretary and Clerk of Courts shall *ex officio* be a justice of the peace for Belize and, subject to this Act, have and possess all the powers of justices of the peace at common law in England.
- Publication of annual list of justices of the peace.
3 of 1966.
- 18.-(1) In the month of January in every year there shall be published in the *Gazette* a list of all justices of the peace for the time being holding office, and in the list there shall be stated the profession, occupation or calling, and the place of residence, of each justice of the peace.
- (2) Except in the case of a magistrate or other *ex officio* justice of the peace, no person whose name does not appear in the list for the time being in force, or in some additional list published in like manner, shall be qualified to act as a justice of the peace.
- Powers of justices of the peace.
19. Subject to this or any other Act, every justice of the peace shall have-
- (a) power to preserve the peace, to suppress riots and affrays and to disperse all disorderly and tumultuous assemblages, and for any of these purposes to call in the aid and assistance of all Belizean citizens, who shall be severally bound to obey all his lawful commands;

- (b) the same power as a magistrate-
 - (i) to receive complaints in respect of summary conviction or indictable offences;
 - (ii) to issue warrants for the apprehension and commitment for safe custody of persons charged with summary conviction or indictable offences;
 - (iii) to remand persons charged with offences, whether punishable on summary conviction or on indictment;
 - (iv) to issue search warrants in respect of indictable offences or in respect of any other offence in which a magistrate has power to issue a search warrant;
 - (v) to administer oaths in cases allowed by law.

20. Any justice of the peace in whose presence any indictable offence or breach of the peace is committed may either himself apprehend the offender or orally command any other person to do so, and that person may thereupon follow the offender if he flees, and carry into effect and execute the command, whether in or out of the view of the justice of the peace by whom it was given.

Apprehension by justice of the peace.

21. The jurisdiction of every justice of the peace shall extend throughout Belize or the judicial district or portion thereof for which he is appointed a justice of the peace.

Extent of jurisdiction.

Clerks of the Courts

- Appointment of clerk and assistant clerk. 22.-(1) The Public Services Commission may appoint a fit and proper person a clerk of the courts in each judicial district.
- (2) The Public Services Commission may appoint a fit and proper person assistant clerk of the courts in each judicial district whenever the state of business renders the appointment necessary, and in the case of the courts of the Belize Judicial District, may appoint more assistant clerks than one.
- Salaries. 23. Each clerk and assistant clerk shall receive the salary assigned to him by the Public Services Commission out of moneys provided by the National Assembly.
- Transfer from one court to another. 24. The Public Services Commission may at any time transfer any clerk or assistant clerk from one court to another, but that transfer shall not affect any security given by him for the faithful performance of the duties of his office.
- Control of clerk and assistant clerk. 25. The clerk, assistant clerk and other members of the staff of a magistrate's office shall be under the immediate direction and control of the magistrate.
- Duties. 26. The duties of the clerk shall be-
- (a) to attend at every sitting of the courts;
 - (b) to administer to every witness the oath or affirmation required by law to be taken or made by a witness prior to giving evidence before the courts;
 - (c) to prepare summonses, warrants, orders, convictions, commitments, recognisances, writs of execution and other documents, and submit them for the signature of

the magistrate, where necessary;

- (d) to record judgments, convictions and orders of the courts and to make copies of proceedings when required to do so by the magistrate;
- (e) to receive all fees, fines and penalties, and all other moneys paid in respect of proceedings in the courts, and keep accounts thereof; and
- (f) to perform any other duties connected with the courts assigned to him by the magistrate.

27. The accounts of the clerk shall at all times be fully written up, and shall be examined once at least in every month by the magistrate, and if, after examination, they are found correct, they shall be certified by the magistrate. Accounts of clerk.

28. The assistant clerk shall perform the duties connected with the courts assigned to him by the magistrate. Duties of assistant clerk.

Bailiffs of the Courts

29.-(1) The Public Services Commission may approve of the appointment of a fit and proper person to be the bailiff of the courts in each judicial district. Appointment of bailiff.

(2) If at any time it is made to appear to the satisfaction of the Public Services Commission that one bailiff is insufficient for the duties of the office in any judicial district, it may authorise the appointment, subject to his approval, of one or more assistant bailiffs for that district.

(3) In the case of emergency, a person may be appointed by the magistrate to act temporarily as bailiff.

(4) If no bailiff is appointed in any judicial district, the magistrate may, with the sanction of the Public Services Commission, appoint a police officer to perform the duties of a bailiff.

Appointment of
bailiff by the
Belize City
Council, etc.
CAP. 85.
CAP. 86.
CAP. 87.

30.-(1) The Belize City Council, the Belmopan City Council and any Town Council constituted and established under the Town Councils Act may appoint a fit and proper person to be a bailiff of the courts for the judicial district in which the city or town council is situated.

(2) Subject to section 31, a bailiff appointed under subsection (1) shall have all the powers, rights, privileges and duties of a bailiff appointed under section 29 whether such powers, rights, privileges and duties are conferred under this Act or any other Act.

Belize City
Council bailiff.
3 of 1967.
CAP. 85.
CAP. 86.
CAP. 87.

31.-(1) Sections 35 and 36 (1) (a) shall not apply to a bailiff appointed under section 30 (1).

(2) No summons, orders, writs or process shall be assigned by a magistrate to a bailiff appointed under section 30 other than summons, orders, writs or process arising out of or connected with proceedings in which the City or Town Council, as the case may be, by which such bailiff was appointed is the plaintiff or complainant.

28 of 1968.

Bailiffs of certain
departments.
1 of 1968.
28 of 1968.

32.-(1) The bailiffs of the Income Tax Department, the Medical Department and the Lands Department shall be bailiffs of the courts of every judicial district.

(2) Subject to section 33, every bailiff who is a bailiff of the courts by virtue of subsection (1) shall have all the powers, rights, privileges and duties of a bailiff appointed under section 29 whether such powers, rights, privileges and duties are conferred under this Act or any other Act.

(3) For the purpose of this section, a bailiff of any department named in subsection (1) shall be any person filling an established post of a

bailiff in the department and any other person appointed in writing by the head of the department concerned to be a bailiff or assistant bailiff of the department.

33.-(1) Sections 35 and 36 shall not apply to any person who is a bailiff of the courts by virtue of section 32.

Powers and duties of certain bailiffs.
1 of 1968.

(2) No summons, orders, writs or process shall be assigned by the magistrate under section 36 (1) (b) to any person who is a bailiff of the courts by virtue of section 32 (1) other than summons, orders, writs or process arising out of or connected with proceedings in which the department in which such person is bailiff is the plaintiff or complainant.

34. A bailiff shall be by virtue of his office a special constable under the Police Act, and he shall take the oaths prescribed for such constable.

Bailiff to be special constable.
CAP. 138.

35. Every bailiff shall receive the salary and allowances assigned to him by the Public Services Commission out of any moneys provided for that purpose by the National Assembly.

Salary and allowances.

36.-(1) The duties of the bailiff shall be—

Duties.

- (a) to attend every sitting of the court and act as crier thereof;
- (b) to serve all summonses and orders and execute all writs and other process assigned to him by the magistrate who may, with the sanction of the Minister, direct that the service or execution of any process be effected by any police officer or special constable or other person specially authorised by him; and
- (c) to obey the orders and directions of the magistrate.

3 of 1967.

(2) Where there are more bailiffs than one, the duties of the office shall be apportioned between them in the manner directed by the magistrate.

Accounting by
bailiff.

37.-(1) Every bailiff who receives money by virtue of his office shall forthwith pay it in to the clerk of the courts and once in every week, and oftener if required by the magistrate to do so, and shall give to the clerk of the courts a full, true and particular account of all moneys received by him since the last accounting.

(2) Any bailiff who fails to comply with subsection (1) is liable to a fine not exceeding one hundred dollars in addition to any other punishment to which he may be liable.

(3) The clerk of the courts shall pay out to the parties lawfully entitled thereto all the moneys received by him from the bailiff and shall file and keep all receipts and accounts relating thereto among the records of the courts.

When damages
against bailiff may
be ordered.

38.-(1) If any bailiff employed to levy any execution against personal property under any process of the courts, by neglect, connivance or omission loses the opportunity of levying the execution, the magistrate may, upon complaint of the party aggrieved by reason of the neglect, connivance or omission and proof of the same by evidence on oath, order the bailiff to pay the damages appearing to have been sustained by the complainant, not exceeding in any case the sum of money for which the execution issued, and the bailiff is liable therefor.

CAP. 97.

(2) Upon demand made on the bailiff and his refusal or neglect to pay and satisfy any damages so ordered, payment thereof may be enforced as if the magistrate's order was a judgment under the District Courts (Procedure) Act.

Fining bailiff for
misconduct or
neglect of duty.

39.-(1) The magistrate may, after hearing him in his defence, fine a bailiff a sum not exceeding fifty dollars for any misconduct or neglect of duty in

respect of his office.

(2) The fine shall be deducted from any salary accruing due to the bailiff in manner directed by the magistrate.

(3) An order made by a magistrate under this section shall be subject to appeal to the Public Services Commission and shall be made in writing within four days after the bailiff has been notified that the order has been made.

40. A person who-

- (a) assaults, obstructs or resists a bailiff in the execution of his duty; or
- (b) makes, or attempts to make, any rescue of any personal property taken in execution under the process of the court,

Assault on bailiff in execution of his duty.

is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months.

PART IV

Sittings of the Courts

41.-(1) Subject to section 42 the Minister may by Order, from time to time appoint the times and the place or places for the sittings in each judicial district of the courts.

Sittings of the courts generally. 5 of 1961.

(2) Every Order made under this section shall be published in the *Gazette*, and shall take effect on the publication or on the day appointed therein.

S.I. 17 of 1964.

(3) A copy of any Order made under this section shall be posted up in a conspicuous place in every courtroom of the judicial district to which it relates.

Sittings of the courts in the Belize Judicial District.
27 of 1985.
CAP. 289.

42.-(1) The sittings of the courts in the Belize Judicial District shall be held every day not being a Saturday, Sunday or a public or bank holiday as defined by the Holidays Act, and the Magistrate of the Belize Judicial District shall attend for the purpose from nine o'clock in the morning to five o'clock in the afternoon of each day from Monday to Thursday and four-thirty o'clock in the afternoon on Friday.

(2) Nothing in this section shall prevent the Magistrate from ceasing his attendance in court during any luncheon interval or before the closing hours mentioned in subsection (1) in the afternoon of any day if the business of the court has been disposed of before that time.

Adjournment of the court.

43.-(1) The magistrate may adjourn the court from day to day or to any convenient day.

(2) If the magistrate is not present at the time and place appointed for a sitting of any court, the clerk or the assistant clerk, or in the absence of both of them a bailiff, may by public oral notice adjourn the sitting to the time communicated to him by the magistrate.

(3) In the absence of any such communication, the court may be adjourned to such time as may be convenient, and all persons bound to be present at the sitting so adjourned shall be equally bound to be present at the time appointed by the notice.

S.I. 17 of 1964.

(4) In the absence of the notice and of any notification to the contrary, all such persons shall be bound to be present at the next succeeding time appointed by order in accordance with section 41 or otherwise for the sitting of the court in the same place.

44. When any day appointed for the sitting or adjourned sitting of any court falls on a public or bank holiday as defined by the Holidays Act, the magistrate shall at that case, if practicable, attend and transact the business appointed to be heard thereat on the day, not being a Saturday or such public or bank holiday, next after that day.

Adjournment over holiday. 27 of 1985. CAP. 289.

45. The courts shall be held at the places appointed by order for sitting thereof:

Change of place of hearing. 5 of 1961. S.I. 17 of 1964. 42 of 1999.

Provided that on the application of either party, or otherwise, the hearing of a case to be taken at any such place may, in the discretion of the magistrate, be transferred to another such place in the judicial district.

46. The Commissioner of Police shall cause a sufficient number of non-commissioned officers and constables of the Belize Police Department to attend every sitting of a court for the purpose of preserving order, keeping prisoners in custody at every sitting of a summary jurisdiction court and generally carrying out the orders and directions of a magistrate.

Preservation of order at sittings of the courts.

47.-(1) Every person who-

- (a) wilfully insults a magistrate; or
- (b) wilfully interrupts the proceedings of any court; or
- (c) otherwise misbehaves himself in any court,

Punishment of person guilty of misconduct before the court.

may, on an oral order of the magistrate, be removed, by force, if necessary, from the court and may further be detained in the nearest lock-up or place of detention for a time, not later than the rising of the court on the same day, as the magistrate may think fit.

(2) That person may, whether or not so removed and detained as aforesaid, be summarily ordered by the magistrate to pay, either forthwith or

within a specified time, a fine not exceeding two hundred dollars and, in default of payment, to be imprisoned for any term not exceeding two months, unless sooner discharged by the magistrate.

35 of 1963.

(3) A judge may, on an application made in a summary manner, order the total or partial remission, or the repayment, of any fine so inflicted, or the release of the person forthwith, or at any time before the expiration of his sentence, if he is satisfied that the applicant was not guilty of the alleged misconduct or that the punishment awarded for it was excessive.

PART V

Practice and Procedure of the Courts.

Summary
procedure.
CAP. 99.

48. The practice and procedure of a summary jurisdiction court shall be regulated by the Summary Jurisdiction (Procedure) Act, and by any other statute relating thereto.

Procedure in
preliminary
inquiry.
CAP. 96.

49. The practice and procedure in respect of the preliminary inquiry into any indictable offence shall be regulated by the Indictable Procedure Act, and by any other statute relating thereto.

Civil procedure.
CAP. 97.

50. The practice and procedure of a district court shall be regulated by the District Courts (Procedure) Act, and by any rules made under this Act.

Procedure in inter-
pleader.

51. If any claim is made to any personal property taken in execution under the process of a summary jurisdiction court, an action may be brought in respect thereof in a district court in accordance with the procedure applicable to such an action in that court.

Completion by
magistrate of
process begun by
his predecessor.

52. Where a magistrate has issued any summons or warrant, or otherwise taken or commenced any proceeding or matter, under any authority however conferred, and subsequently ceases to act as magistrate, the person in whose hands the summons or warrant is may execute or serve

it in the same manner as if the magistrate who issued it had not ceased so to act, and any successor of the magistrate, or any person acting for the magistrate, may hear, determine, execute, enforce and carry to completion, any proceeding or matter so commenced.

53.-(1) All summons, warrants, orders, judgments, writs of execution or other process or proceedings, issued out of any court, shall have full force and effect in, and may be executed or served at, any place within Belize by a bailiff of any court, by any police officer or other constable, or by any other person specifically authorised to execute or serve them.

Process of magistrate valid throughout Belize.

(2) All summons, warrants, orders, convictions and recognisances and all other process of any court, shall be issued or made under the hand of the magistrate.

54. All police officers shall obey the warrants, writs, commitments, orders and directions of the magistrate in the exercise of his jurisdiction in any court.

Duty of police officers to obey magistrate.

PART VI

Miscellaneous Provisions

Return of Criminal Cases

55.-(1) At the end of every month, every magistrate shall forward to the Registrar of the Supreme Court, in such form as the Chief Justice may direct, a return of all convictions and sentences recorded and passed by him during that month for consideration by a judge.

Cases decided in summary jurisdiction courts. 35 of 1963.

(2) The return shall show-

(a) the names of the complainant and the defendant;

- (b) the date of issue of the process or of arrest;
- (c) the offence for which the defendant was tried;
- (d) the provision of the law under which the defendant was charged;
- (e) the offence for which the conviction was made;
- (f) the date of the conviction;
- (g) the penalty imposed on the defendant; and
- (h) the previous character of the defendant.

A Judge may order case to be stated. 18 of 1998.

56. Every return under section 55 shall, unless a formal appeal against conviction is entered by the defendant, operate as an appeal on behalf of every convicted person whose name is included therein, and a judge may order a magistrate to state a case for the consideration of the Supreme Court, and thereupon the Supreme Court shall have the power to decide the case in all respects as if an appeal had been entered by the person convicted under the provisions of Part VIII of the Supreme Court of Judicature Act.

CAP. 91.

Bail to be granted pending decision of Supreme Court. 35 of 1963.

57. Pending the decision of the Supreme Court upon a case ordered to be stated for its opinion under section 56, a judge may order a person who has been convicted and imprisoned by a magistrate to be released on bail or on his own recognisance.

Legal Proceedings Against Officers

Proceedings by or against Officer of the courts.

58. Subject to section 14, any civil or criminal proceeding by or against any officer of a court for any offence or matter cognisable by that court may be brought in the court of any adjoining judicial district, and the last

mentioned court shall have full jurisdiction and power in the matter of the proceeding.

Power to Administer Oaths, etc.

59. Every magistrate and justice of the peace is authorised to administer all oaths required to be taken before him in the exercise of any of the jurisdiction and powers conferred upon him by this or any other statute, and those oaths may also be administered by the clerk of the courts under the direction and in the presence of the magistrate.

Administration of oaths.

Fees and Costs

60.-(1) The fees and costs set forth in the tables in the Schedule shall be demanded and received by the clerk of every court for and in respect of the several matters therein mentioned and in the absence of the clerk, or if there is no clerk, they shall be demanded and received by the magistrate.

Tables of fees and costs. Schedule.

(2) The fees and costs, or any of them, including amounts for service of process, may from time to time be annulled or altered by an Order of the Minister, and other fees and costs and amounts may in like manner be fixed and imposed.

S.I. 17 of 1964.

(3) Every Order made under subsection (2) shall be published in the *Gazette*, and shall take effect on the publication or on the day appointed therein.

61. All fees and costs payable under this Act or under any Order pursuant to section 60 (2) shall be collected in the manner and form directed by the Minister.

Mode of payment of fees and costs. S.I. 17 of 1964.

62. In the case of an affidavit of service of process, no fee shall be payable on the execution thereof, but the fee shall be payable as and when the affidavit is tendered in evidence.

Fees on affidavits of service.

Prepayment of
fees and costs.

63.-(1) All fees and costs payable under or by virtue of this Act shall in the first instance be paid by the party applying for the summons, warrant or other process or document, in respect whereof they are payable, but they shall be costs in the cause or matter in which they are paid:

Provided that-

- (a) no fees shall be payable in any case in which the magistrate or justice of the peace indorses on the plaint, information or complaint, that the case is proper to be brought by the public body or officer prosecuting as concerning the public interest, or that it is a fit case for the remission of fees on account of the poverty of the party; and
- (b) in that case the fees and costs shall, in the discretion of the magistrate, be recoverable from the other party if the decision is given against him.

Schedule.
S.I. 17 of 1964.

(2) No court fees, nor fees payable to any officer of the court, shall be taken under the Schedule or any Order of the Minister made under section 60, where they are payable by any Government department, but they shall, nevertheless, be taken as paid for the purpose of assessing any costs which the court directs to be paid.

Accounts

Magistrate and
clerk to be under
audit regulations.

64.-(1) Every magistrate and every clerk of a court shall be subject to the laws, regulations and orders for keeping, and auditing the public accounts of Belize and for the guidance and control of public officers in charge of or dealing with public moneys now in force or which may hereafter come into force.

(2) The magistrate shall examine all books of account kept by the clerk and check all moneys in the clerk’s possession, as often as he may be required to do so by any rules made under this Act, and shall satisfy himself that all moneys received by the clerk have been duly paid over to the Accountant General or the person entitled thereto, and if after examination the magistrate finds that the accounts are correct and that all moneys have been duly accounted for, he shall so certify in the books of account and in default of making the examination, the magistrate shall be responsible for all moneys not duly accounted for by the clerk, or not duly paid over by him to the Accountant General or other person entitled thereto.

Suitors’ Money

65. All moneys belonging to suitors in any court remaining undrawn for six months after their receipt shall then be paid over by the magistrate to the Accountant General, who shall carry them to an account to be styled “Inferior Courts’ Suitors’ Moneys”, and any sum of money appearing in that account shall then be payable only on the written order of a magistrate.

Unclaimed
suitors’ moneys.

Rules of Practice and Procedure

66.-(1) The Minister may appoint a committee consisting of three magistrates, one of whom shall be the Chief Magistrate, for the purpose of making rules, including forms, for regulating the practice and procedure of the courts in matters not provided for by this or any other Act and for carrying this Act, into effect.

Rules of court.
S.I. 17 of 1964.

(2) The Chief Magistrate shall be Chairman of the committee.

(3) The rules shall be subject to the approval of the Minister, who may add to, alter or amend them.

S.I. 17 of 1964.

PART VII

*Alcalde Jurisdiction**Preliminary*

Interpretation.

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

“court” means an Alcalde Jurisdiction Court established under this Part;

“defendant” means any person against whom a complaint is made for a criminal offence or against whom proceedings are taken to recover any debt or damages;

“district” means an alcalde jurisdiction district declared under this Part;

“plaintiff” means any person taking proceedings in respect of a claim for debt or damages.

*Constitution and Jurisdiction of Court*Declaration of
alcalde districts.
S.I. 17 of 1964.68.-(1) The Minister may, from time to time by Order published in the *Gazette*, declare any area within Belize an alcalde jurisdiction district.

(2) As many such districts may be declared as the Minister thinks fit.

S.I. 17 of 1964.

(3) Until the Minister declares districts under this section, the alcalde districts in existence immediately before the commencement of this Act shall be deemed districts declared pursuant to this section.

Establishment of
Alcalde Courts.

69. There shall be established in each district an “Alcalde Jurisdiction Court” which shall have and exercise both civil and criminal jurisdiction in accordance with, and subject to, this Part of this Act.

70.-(1) Subject to subsection (2), the civil jurisdiction which the court has, and is capable of exercising, is to hear and determine- Nature of the civil jurisdiction.

- (a) all disputes in which the debt or damages claimed, whether on balance of account or otherwise, or the value of the chattel claimed or involved, does not exceed twenty-five dollars;
- (b) with the consent in writing of both plaintiff and defendant, all disputes in which the debt or damages claimed, whether on balance of account or otherwise, or the value of the chattel claimed or involved, exceeds twenty-five dollars but does not exceed one hundred dollars.

(2) The court shall have no power to hear and determine-

- (a) any action relating to possession of land or in which the title to any corporeal or incorporeal hereditament is in question; or
- (b) any action for libel, slander, malicious prosecution, seduction or breach of promise of marriage.

71. The civil jurisdiction of the court shall be exercised in accordance with the common law of Belize, but all causes and matters in the court shall be heard and determined in a summary manner without pleading. Common law principles.

72.-(1) Except as provided in subsection (2), no appeal shall lie from a judgment of an alcalde court in the exercise of its civil jurisdiction. Appeals.

(2) With respect to a judgment pronounced in proceedings taken under section 70 (1) (b), any party aggrieved by the decision of a court may require the court to transmit to the Chief Justice all papers and documents connected with those proceedings together with the reasons for the decision

therein, and the Chief Justice shall make such order as the justice of the case requires.

Nature of the criminal jurisdiction.

73.-(1) The criminal jurisdiction which the court has, and is capable of exercising, is to hear and determine the following criminal offences-

- (a) riotous and disorderly conduct and breaches of the peace;
- (b) common assaults;
- (c) trespass and malicious injury to property, the damage resulting from which does not exceed twenty-five dollars;
- (d) larceny and praedial larceny where the value of the goods or articles does not exceed twenty-five dollars;
- (e) threatening and abusive language;
- (f) fraudulent evasion or attempted evasion of customs duties where the value of the goods or articles does not exceed twenty-five dollars;
- (g) the commission of any wanton or mischievous act causing damage or annoyance to any person.

17 of 1964.

(2) Every person convicted before a court of any offence shall be liable to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding two months.

(3) In default of the payment of any fine imposed under this section the person convicted may be ordered to be imprisoned for a term not exceeding two months.

74. The criminal jurisdiction of the court shall be exercised in accordance with the criminal law and practice of Belize, but all causes and matters in the court shall be heard and determined in a summary manner.

Criminal procedure and practice.

Appointment of Alcalde and Deputy Alcalde

75.-(1) The Attorney General may, by Order published in the *Gazette*, appoint a fit and proper person an alcalde in each district.

Appointment of alcalde and deputy alcalde.

(2) The Attorney General may also appoint a fit and proper person in each district a deputy alcalde whose duty it shall be to act for, and perform the duties of, the alcalde in case of his illness or absence from any cause.

(3) In case of the death of the alcalde, his office, powers and duties shall devolve upon the deputy alcalde, unless the Attorney General otherwise directs.

(4) The Attorney General may at any time remove an alcalde or deputy alcalde from office and appoint another fit and proper person in the place of either of them.

(5) An alcalde or deputy alcalde when functioning shall be the president of the court and shall have and exercise all the jurisdictions, powers and authorities of the court in the district in which he is appointed.

(6) The alcalde and the deputy alcalde shall receive such remuneration as the Attorney General, with the approval of the National Assembly, determines.

General Provisions

76. When judgment has been given in a civil cause for the recovery of any debt or damages, the alcalde may order that the amount and the costs,

Payment of judgments by instalments, etc.

be paid at such time or times and by such instalments as he may think fit, however, the whole time allowed by the alcalde shall not exceed six months.

Execution of civil judgments.

77.-(1) Where the alcalde has given a judgment for the payment of money, the amount, in case of default or failure of payment, shall be recoverable forthwith, or at the time or times and in the manner thereby directed under the judgment, by a warrant of execution signed by the alcalde for the seizure and sale of the goods and chattels of the defendant.

(2) The warrant of execution may be executed by any person authorised in writing by the alcalde, and that person shall seize and sell the goods and chattels of the defendant, wherever they may be found within the district of the court, however, no sale shall be had until after the expiration of seven days from the time when the seizure was made, unless the goods are of a perishable nature or the plaintiff requires a stay of the sale.

(3) The alcalde shall pay to the plaintiff out of the proceeds of the sale, so far as it is sufficient, the amount of the judgment and costs, including the costs of execution which shall not exceed two dollars, to which he is entitled.

Imprisonment for debt where means proved.

78. If it appears to the court upon the oath of any credible witness that the defendant has no goods or chattels, but has, or has had since the judgment sought to be recovered, the means to satisfy the judgment and costs, the court may order that the defendant be imprisoned for any term not exceeding twenty-one days for his default.

Person imprisoned for debt to labour.

79. Every person imprisoned under this Part shall, except when prevented by illness, be compelled to labour, and part of the wages derived from such labour shall be applied in defraying the expenses of the maintenance of such person whilst in prison, and the surplus shall go in satisfaction or reduction, as the case may be, of the debt, damages or penalty, for the non-payment whereof such person is so imprisoned.

80. Every person imprisoned under the authority of this Part who pays the amount of the debt, damages or penalty, for the non-payment whereof he was so imprisoned, or whose wages payable in respect of his labour may have satisfied the debt, damages or penalty, and the costs of his maintenance whilst in prison, shall, and he is hereby declared to be entitled to, be discharged therefrom.

Discharge after satisfaction of debt.

81.-(1) The alcalde may require the attendance of witnesses, and the production of books, papers or documents in the possession, power and custody of any person.

Requiring attendance of witness.

(2) If any person, after being required by an alcalde to attend as a witness or to produce any books, papers or other documents in his possession, power or custody, refuses or neglects without lawful or reasonable excuse to comply with such requirement, he shall be liable to a fine not exceeding fifty dollars and in default of payment to undergo imprisonment for a term not exceeding two months.

(3) The fine may be inflicted by the court upon the refusal or neglect, upon proof that the requirement of the alcalde was conveyed to, or brought to the knowledge of, that person.

82. All witnesses shall be sworn before the alcalde, and examined orally in open court, and any person giving false evidence in the court is guilty of perjury, and is liable on conviction on indictment, to imprisonment for two years.

Oath of witness.

83.-(1) A book shall be kept by the alcalde, wherein shall be entered the particulars of the cases which have come before him, and the amount of any penalties which may have been inflicted on any defendant.

Alcalde's minute book.

(2) A copy of the said book shall be transmitted to the Chief Justice every six months, or oftener, if required by him.

- | | |
|---|---|
| Accounting for fines, etc. | 84. The alcalde shall, as soon as possible after the receipt by him, transmit the amount of any fine which may have been inflicted by him to the nearest magistrates court which shall place such amounts in the Consolidated Revenue Fund. |
| Treatment of serious offences. | 85. If anyone commits an offence which is considered by an alcalde to be of a more serious nature than those set out in section 73, or any indictable offence, he shall be conveyed on an order of the alcalde to the nearest summary jurisdiction court and the offender shall be dealt with according to law. |
| Place of imprisonment.
S.I. 17 of 1964. | 86. The alcalde may, with the approval of the Minister first had and obtained, use as a prison for the purposes of this Part any fit and proper place within the district of his court, and exercise such lawful means of securing any prisoner, as may be necessary for his safe detention during the term of his imprisonment, or he may deliver that prisoner, or cause him to be delivered, to the Superintendent of Prisons, with a warrant of commitment and the Superintendent of Prisons shall imprison him in a convenient prison in terms of the warrant. |
| Power to make rules. | 87. The Chief Justice may make rules for regulating the exercise of the civil and criminal jurisdictions of the court under this Part. |
| Additional duties of alcalde.
S.I. 17 of 1964. | 88. The Minister may, by Order published in the <i>Gazette</i> , prescribe administrative duties which an alcalde shall perform with respect to his district and may make regulations necessary for securing the performance of those duties. |

SCHEDULE

[Section 60]

TABLES OF FEES AND COSTS

TABLE A

Fees and Costs payable in respect of Proceedings in a Summary Jurisdiction Court

	\$	¢	
1. Upon filing every complaint (and for issuing the summons or warrant therein, taking declaration of service and making an order or conviction therein)	1.00		
2. Upon issuing every summons to a witness (and for taking declaration of service thereof)25		
3. For every distress warrant50		
4. For certified copies of, or extracts from, any proceedings or record, for each folio10		
5. For every recognisance to keep the peace or be of good behaviour50		
6. For services of the Interpreter, <i>per diem</i>	7.50		S.I. 2 of 1980.

Witnesses' Expenses

- 7. From 75 cents to \$3.00 *per diem* as may be allowed by the magistrate.

- S.I. 16 of 1959. 8. Travelling expenses, the sum reasonably paid, but not more than 25 cents a mile both ways.

TABLE B

Fees and Costs payable in respect of Proceedings in a District Court

	\$	¢
1. Upon filing a plaint (and for issuing the summons therein, declaration of service, hearing, entry of judgment and taxation of costs)-		
(a) when the amount claimed does not exceed \$10...	1.00	
S.I. 16 of 1959. (b) when the amount exceeds \$10	1.75	
2. Upon issuing every summons to a witness (and for taking declaration of service)25	
3. For every writ of execution or commitment	1.00	
4. For certified copies of, or extracts from, any proceeding or record, for each <i>folio</i>10	
5. Poundage, 3 <i>per centum</i> on the amount realised on any sale and paid into court.		
6. Mileage to be paid as a personal fee to the person serving or executing any process, in respect of every mile actually and properly travelled in order to effect such service or execution, one way only as follows:		

- (a) to a bailiff, for every mile beyond the first mile from the Court House of the judicial district in which process is served or executed25
 - (b) to a police constable, for every mile beyond the first mile from the police station at which the police constable is, for the time being, stationed... .25
 - (c) to a person other than a bailiff or police constable, specially authorised, such sum as with the approval of the magistrate may be agreed upon between such person and the person at whose instance such process is served or executed, not exceeding25
7. All incidental expenses of executing process, including keeping possession and sale.
8. For services of the Interpreter, *per diem* ... 7.50

S.I. 2 of 1980.

Solicitors' Fees

- When the claim exceeds \$10- \$ ¢
- 9. On commencing an action ... 3.00
 - 10. On attending court and taking judgment when action is not contested, at the discretion of the magistrate .. 5.00
 - 11. On attending court and conducting the plaintiff's or defendant's case when action is contested, at the discretion of the magistrate ... \$5.00 to 15.00

Witnesses' Expenses

Printed by the Government Printer,
 No. 1 Power Lane,
 Belmopan, by the authority of
 the Government of Belize.

12. From 75 cents to \$3.00 *per diem* as may be allowed by the magistrate.
13. Travelling expenses, the sum reasonably paid, but not more than 25 cents a mile both ways.

Payment of Money into Court

14. On payment of money into court-
- (a) where the money so paid does not exceed \$50.0025
- (b) where the money so paid exceeds \$50.0050
- (c) where such money is paid into a court other than that in which the proceedings originated, a further fee shall be payable as follows:
- (i) where the money so paid does not exceed \$50.0025
- (ii) where the money so paid exceeds \$50.0050
15. Where money is paid by instalments, a separate fee shall be payable in respect of each instalment.