



BELIZE

**JUVENILE OFFENDERS ACT
CHAPTER 119**

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JUVENILE OFFENDERS

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CHAPTER 119

JUVENILE OFFENDERS

Ch. 26,
R.L., 1958.
CAP. 94,
R.E. 1980-1990.
40 of 1963.
20 of 1978.
22 of 1987.
24 of 1988
28 of 1994.
42 of 1999.
41 of 2001.
S.I. 17 of 1964.

[18th January, 1936]

PART I

Short title

1. This Act may be cited as the Juvenile Offenders Act.

Short title.

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

Interpretation.

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

“guardian” in relation to a child or young person, includes any person who, in the opinion of the court having cognisance of any case in relation to the child or young person or in which the child or young person is concerned, has for the time being the charge of or control over the child or young person;

41 of 2001.

“probation officer” means a person appointed under the Probation of Offenders Act, Cap. 120, to be a probation officer;

“young person” means a person who is sixteen years of age or upwards and under the age of eighteen years.

41 of 2001.

PART II

Proceedings, etc., in Juvenile Court.

Juvenile courts.

3.-(1) A court established under Part II of the Family Courts Act, Cap. 93, when hearing charges against children or young persons shall, unless the child or young person is charged jointly with any other person not being a child or young person, sit either in a different building or room from that in which the ordinary sittings of the court are held, or on different days or at different times from those at which the ordinary sittings are held, and a court so sitting is in this Act referred to as a juvenile court.

41 of 2001.

(2) Where in the course of any proceedings in a juvenile court it appears to the court that the person charged or to whom the proceedings relate is under the age of eighteen years, or where in the course of any proceedings in any court other than a juvenile court it appears that the person charged or to whom the proceedings relate is under the age of eighteen years, nothing in this section shall be construed as preventing the court, if it thinks it undesirable to adjourn the case, from proceeding with the hearing and determination of the case.

41 of 2001.

(3) Provision shall be made for preventing persons apparently under the age of eighteen years whilst being conveyed to or from court, or whilst waiting before or after their attendance in court, from association with adults charged with or convicted of any offence other than an offence with which the person apparently under the age of eighteen years is jointly charged or convicted.

41 of 2001.

(4) Subject to subsection (5) of this section, in a juvenile court no person other than the members and officers of the court and the parties to the case, their solicitors and counsel, and other persons directly concerned in the case, shall, except by leave of the court, be allowed to attend.

(5) *Bona fide* representatives of a newspaper or news agency shall not be excluded, except by special order of the court.

(6) No person shall publish the name, address, school, photograph or anything likely to lead to the identification of the child or young person before the juvenile court, except with the permission of the court or in so far as required by the provisions of this Act, and every person who acts in contravention of this subsection shall be liable to a fine not exceeding one hundred dollars.

(7) No person shall publish the name, address, school, photograph or anything likely to lead to the identification of a child or young person involved as an accused person or a witness in the commission of an offence, and every person who acts in contravention of this subsection commits an offence and is liable on summary conviction to a fine not exceeding one hundred dollars.

4. Where a person apparently under the age of eighteen years is apprehended with or without warrant and cannot be brought forthwith before a court, the senior member of the police department present shall inquire into the case, and may in any case,

Bail of children and young persons arrested.
42 of 1999.
41 of 2001.

- (a) unless the charge is one of homicide or other grave crime;
- (b) unless it is necessary in the interest of such person to remove him from association with any undesirable person; or
- (c) unless the officer has reason to believe that the release of such person would defeat the ends of justice,

release such person on a recognisance, with or without sureties, for such amount as will, in the opinion of the officer, secure the attendance of such person upon the hearing of the charge, being entered into by him or by his parent or guardian, or other responsible person.

5. Where a person apparently under the age of eighteen years has been apprehended and is not released as provided in section 4 of this Act, the senior member of the police department present shall cause him to be detained in a place of detention provided under this Act until he can be brought before a court unless after the officer certifies,

Custody of children and young persons not discharged on bail after arrest.
42 of 1999.
41 of 2001.

- (a) that it is impracticable to do so; or
- (b) that he is of so unruly or depraved a character that he cannot be safely so detained; or
- (c) that by reason of his state of health or of his mental or bodily condition it is inadvisable so to detain him,

and the certificate shall be produced to the court before which the person is brought

Association with adults during detention, in police stations.

6. It shall be the duty of the senior member of the police department present to make arrangements for preventing, so far as practicable, a child or young person, while being detained, from associating with an adult, other than a relative, charged with an offence.

Remand or committal to custody in place of detention.

7.-(1) A court, on remanding or committing for trial a child or young person who is not released on bail, shall, instead of committing him to prison, commit him to custody in a place of detention provided under this Act and named in the commitment, to be there detained for the period for which he is remanded or until he is thence delivered in due course of law, however in the case of a young person it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot be safely so committed, or that he is of so depraved a character that he is not a fit person to be so detained.

(2) A commitment under this section may be varied or, in the case of a young person who proves to be of so unruly a character that he cannot be safely detained in such custody or who proves to be of so depraved a character that he is not a fit person to be so detained, revoked by any court acting in or for the place in or for which the court which made the order acted, and if it is revoked the young person may be committed to prison.

Procedure in juvenile court.

8.-(1) Where a child or young person is brought before a juvenile court for any offence, it shall be the duty of the court as soon as possible to explain to him in simple language the substance of the alleged offence.

(2) Where a child is brought before a juvenile court for any offence other than homicide, the case shall be finally disposed of in such court, and it shall not be necessary to ask the parent whether he consents that the child shall be dealt with in the juvenile court.

(3) Where a young person is brought before a juvenile court for an indictable offence other than homicide and the court becomes satisfied at any time during the hearing of the case that it is expedient to deal with it summarily, the court shall put to the young person the following or a similar question, telling him that he may consult his parent, guardian or attorney before replying:

“Do you wish to be tried by this court or by a jury?” and the court shall explain to the young person and to his parent, guardian or attorney the meaning of being so tried and the place where the trial would be held.

(4) After explaining the substance of the alleged offence, the court shall ask the child or the young person (except in cases where the young person does not wish to be tried in the juvenile court) whether he admits the offence.

(5) If the child or young person does not admit the offence, the court shall then hear the evidence of the witnesses in support thereof, and at the close of the evidence in chief of each such witness, the magistrate shall ask the child or young person, or, if he sees fit, the child’s parent, guardian or attorney, whether he wishes to put any questions to the witness.

(6) If the child or young person instead of asking questions wishes to make a statement he shall be allowed to do so, and it shall be the duty of the court to put to the witnesses such questions as appear to be necessary.

(7) The court may put to the child or young person such questions as may be necessary to explain anything in the statement of the child or young person.

(8) If it appears to the court that a *prima facie* case is made out, the evidence of any witnesses for the defence shall be heard, and the child or young person shall be allowed to give evidence or to make any statement.

(9) If the child or young person admits the offence or the court is satisfied that it is proved, he shall then be asked if he desires to say anything in extenuation or mitigation of the penalty or otherwise.

(10) Before deciding how to deal with him, the court shall obtain such information as to his general conduct, home surroundings, school record and medical history, as may enable it to deal with the case in the best interests of the child or young person, and may put to him any question arising out of such information.

(11) For the purpose of obtaining such information or for special medical examination or observation, the court may from time to time remand the child or young person on bail or to a place of detention.

(12) If the child or young person admits the offence or the court is satisfied that it is proved, and the court decides that a remand is necessary for purposes of enquiry or observation, the court may cause an entry to be made in the court register that the charge is proved and that the child or young person has been remanded.

(13) The court before which a child or young person so remanded is brought may without further proof of the commission of the offence make any order in respect of the child or young person which could have been made by the court which so remanded the child or young person.

9.-(1) Where a child or young person is charged with any offence, the court may in its discretion require the attendance of his parent or guardian and may make such orders as are necessary for the purpose.

(2) Where a child or young person is arrested, the police officer by whom he is arrested or the officer in charge of the police station to which he is brought shall, if the parent or guardian lives within a reasonable distance and can be found, cause him to be warned to attend at the court before which the child or young person will be brought.

Attendance at court of parent of child or young person charged with an offence, etc.

PART III

Orders, Punishments, etc., by Juvenile Courts

10.—(1) Where a child or young person is charged before any court with any offence for the commission of which a fine, damages or costs may be imposed, and the court is of opinion that the case would be best met by the imposition of a fine, damages or costs, whether with or without any other punishment, the court may in any case, and shall if the offender is a child, order that the fine, damages or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conducted to the commission of the offence by neglecting to exercise due care of the child or young person.

Power to order parent to pay fine, etc., instead of child or young person.

(2) Where a child or young person is charged with any offence, the court may order his parent or guardian to give security for his good behaviour.

(3) Where a court thinks that a charge against a child or young person is proved, the court may make an order on the parent or guardian under this section for the payment of damages or costs or requiring him to give security for good behaviour, without proceeding to the conviction of the child or young person.

(4) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, except as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(5) Any sums imposed and ordered to be paid by a parent or guardian under this section, or on forfeiture of any such security as aforesaid, may be recovered from him by distress or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child or young person was charged.

(6) A parent or guardian may appeal against an order under this section.

Restrictions on punishment of children and young persons. 20 of 1978.

11.—(1) Subject to section 12 of this Act, no child shall be sentenced to imprisonment.

(2) No young person shall be sentenced to imprisonment if he can be suitably dealt with in any other way whether by probation, fine, committal to a place of detention, certified institution or otherwise.

(3) A young person sentenced to imprisonment shall not be allowed to associate with adult prisoners.

(4) In this section, the word “imprisonment” shall be read and construed as a custodial sentence in a place of detention referred to in section 13 of this Act.

41 of 2001.

12.—(1) Notwithstanding anything in this Act to the contrary,

Detention in the case of certain crimes committed by children or young persons. 28 of 1994.

(a) where a child of not less than ten years of age or a young person is convicted of any of the offences specified in subsection (2) of this section; or

(b) in any other case, the court is satisfied that he qualifies for a custodial sentence as mentioned in subsection (3) of this section,

the court may sentence the offender to imprisonment, and where such a sentence is passed, the child or young person shall, notwithstanding anything in the other provisions of this Act, be kept in prison or in such other secure place as the Minister responsible for juvenile offenders may direct, and whilst so detained shall be deemed to be in lawful custody.

(2) The offences referred to in subsection (1) of this section are attempted murder, manslaughter, maim, dangerous or grievous harm, robbery, attempted robbery, assault with intent to rob, burglary or aggravated burglary, an offence under the Firearms Act, Cap. 143, or a drug trafficking offence.

(3) An offender qualifies for a custodial sentence within the meaning of subsection (1) of this section if,

- (a) he has a history of failure to respond to non-custodial penalties and is unable or unwilling to respond to them;
- (b) only a custodial sentence would be adequate to protect the public from serious harm or damage from him; or
- (c) the nature, gravity or prevalence of the offence of which he has been convicted or found guilty was such that a non-custodial sentence would not be appropriate.

(4) The provisions of this Act shall be without prejudice to any other law which requires the imposition of mandatory minimum custodial or other sentences for certain offences.

(5) In this section, the word “imprisonment” shall be read and construed as a custodial sentence in a place of detention referred to in section 13 of this Act.

13. Where a child or young person is convicted of an offence punishable, in the case of an adult, with imprisonment, or would, if he were an adult, be liable to be imprisoned in default of payment of any fine, damage or costs, and the court considers that none of the other methods in which the case may legally be dealt with is suitable, the court may order that he be committed to custody in a place of detention for a period not exceeding six months.

Committing child or young person to place of detention.

14.-(1) Any person may bring before a juvenile court any person apparently under the age of eighteen years who,

Children liable to be committed to care of relative, etc.
41 of 2001.

- (a) is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale or otherwise), or being in any street, premises or place for the purpose of so begging or receiving alms;

- (b) is found wandering and not having any home or settled place of abode or visible means of subsistence, or is found wandering and having no parent or guardian, or a parent or guardian who does not exercise proper guardianship;
- (c) is found destitute, not being an orphan and having both parents or his surviving parent, or in the case of an illegitimate child his mother, undergoing imprisonment;
- (d) is under the care of a parent or guardian who, by reason of criminal or drunken habits, is unfit to have the care of the child;
- (e) is the daughter, whether legitimate or illegitimate, of a father who has been convicted of an offence involving gross indecency; or
- (f) frequents the company of any reputed thief, or common or reputed prostitute; or
- (g) is lodging or residing in a house or the part of a house used by any prostitute for the purpose of prostitution, or is otherwise living in circumstances calculated to cause, encourage or favour the seduction or prostitution of the child,

and the court before which a person is brought as coming within one of those descriptions, if satisfied on enquiry of that fact, may order the child to be taken out of the custody, charge or care of any person, and to be committed to the care of a relative of the child or some other fit person or institution named by the court (such relative or other person or institution being willing to undertake such care), until the child attains the age of eighteen years, or for any shorter period, and may in addition to such order make an order that the child be placed under the supervision of a probation officer, and the court may of its own motion, or on the application of any person, from time to time, by order renew, vary or revoke any such order.

(2) A child shall not be treated as coming within the description contained in paragraph (f) if the only common or reputed prostitute whose company the child frequents is the mother of the child, and she exercised proper guardianship and due care to protect the child from contamination.

(3) Every order made under this section shall be in writing, and any such order may be made by the court in the absence of the child, and the consent of any person or institution to undertake the care of the child in pursuance of any such order shall be proved in such manner as the court may think sufficient to bind that person or institution.

(4) Any person or institution to whose care a child is committed under this section shall, whilst the order is in force, have the like control over the child as the parent and shall be responsible for his maintenance, and the child shall continue in the care of such person or institution, notwithstanding that he is claimed by his parent or any other person, and if any person,

- (a) knowingly assists or induces, directly or indirectly, a child to escape from the person or institution to whose care he is so committed; or
- (b) knowingly harbours, conceals or prevents from returning to such person or institution a child who has so escaped or knowingly assists in so doing,

he shall be liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months.

(5) Any court having power so to commit a child shall have power to make orders on the parent or other person liable to maintain the child to contribute to his maintenance during such period as aforesaid such sums as the court shall think fit, and may from time to time vary such orders.

(6) Any such order may be made on the complaint or application of the person or institution to whose care the child is for the time being committed, and either at the time when the order for the committal of the

child to his care is made, or subsequently, and the sums contributed by the parent or such other person shall be paid to such person or institution as the court may name, and be applied for the maintenance of the child.

(7) Where any parent or other person has been ordered under this section to contribute to the maintenance of a child, he shall give notice of any change of address to the senior police officer of the district in which he resides, and if he fails to do so without reasonable excuse, he shall be liable to a fine not exceeding one hundred dollars.

S.I. 17 of 1964.

(8) The Minister may at any time in his discretion discharge a child from the care of any person or institution to whose care he is committed in pursuance of this section, either absolutely or on such conditions as the Minister approves, and may, if he thinks fit, make rules in relation to children so committed to the care of any person or institution, and to the duties and remuneration of such persons or institutions with respect to such children.

PART IV

Miscellaneous

Methods of dealing with children and young persons charged with offences.

15.—(1) Where a child or young person charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under this or any other Act or other law enabling the court to deal with the case, the case should be dealt with,

- (a) by dismissing the charge;
- (b) by discharging the offender on his entering into a recognisance;
- (c) by releasing the offender on probation;
- (d) by committing the offender to the care of a relative or other fit person;
- (e) by sending the offender to a certified institution;

20 of 1978.

- (f) by ordering the offender to pay a fine, damages or costs;
- (g) by ordering the parent or guardian of the offender to pay a fine, damages or costs;
- (h) by ordering the parent or guardian of the offender to give security for his good behaviour;
- (i) by committing the offender to custody in a place of detention provided under this Act;
- (j) by sentencing the offender to do community service work; or
- (k) by dealing with the case in any other manner in which it may be legally dealt with.

(2) Nothing in this section shall be construed as authorising the court to deal with any case in any manner in which it could not deal with the case apart from this section.

16.—(1) Places of detention shall be provided for each judicial district as may be required for the purposes of this Act, but nothing shall prevent the same place of detention being provided for two or more judicial districts.

Provisions of places of detention.

(2) If more than one place of detention is provided for in any judicial district the Minister may determine that any such place shall be used for only some of the purposes for which places of detention are required to be provided and another place for the other purposes.

40 of 1963.

(3) The authority or persons responsible for the management of any institution other than a prison whether supported out of public funds or by voluntary contributions, but subject in the case of an institution supported out of public funds to the consent of the Minister, may agree with the Commissioner of Police for the use of the institution or any part thereof as a place of detention on such terms as may be agreed upon between them and the Commissioner of Police.

(4) In selecting the place of detention to which a child or young person is to be committed the court or police officer shall have regard to whether the place is suitable for the reception of convicted or of unconvicted persons, or of persons charged with serious offences or minor offences, as the case may be, and also, where practicable, to the religious persuasion of the child or young person.

Provisions as to custody of children and young persons in places of detention.

17.—(1) The order or judgment in pursuance of which a child or young person is committed to custody in a place of detention provided under this Act shall be delivered with the child or young person to the person in charge of the place of detention and shall be a sufficient authority for his detention in that place in accordance with the tenor thereof.

(2) A child or young person whilst so detained and whilst being conveyed to and from the place of detention shall be deemed to be in legal custody and if he escapes may be apprehended without warrant and brought back to the place of detention in which he was detained.

40 of 1963.

(3) The Minister shall cause places of detention provided under this Act to be inspected, and may make rules as to the places to be used as places of detention, and as to their inspection, and as to the classification, treatment, employment and control of children and young persons detained in custody in a place of detention provided under this Act, and for the children and young persons whilst so detained being visited from time to time by persons appointed in accordance with those rules.

Expenses of maintenance of child or young person.

18. The expenses incurred by the Commissioner of Police in respect of any place of detention provided by the authority, including the expenses of the maintenance of any child or young person detained therein, whether detained on apprehension or committed to custody on remand or commitment for trial or in lieu of imprisonment or in default of payment of a fine, damages or costs, shall be defrayed out of the Consolidated Revenue Fund.

Presumption and determination of age.

19.—(1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence and it appears to the court that he is a child or young person, the court shall make due inquiry as to the age of that person, and for that

purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person.

(2) Where it appears to the court that the person so brought before it is of the age of eighteen years or upwards, that person shall for the purposes of this Act be deemed not to be a child or young person.

41 of 2001.

20. The Minister, with the consent of the National Assembly, may by order make rules for carrying this Act into effect.

Power to make rules.
40 of 1963.

21. Except in so far as other provision is expressly made in the Act, nothing in this Act shall be deemed to affect any other law relating to children or young persons.

Saving.