



BELIZE

**DOMESTIC VIOLENCE ACT
CHAPTER 178**

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

DOMESTIC VIOLENCE ACT

7

Amendments in force as at 31st December, 2000.



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ARRANGEMENT OF SECTIONS	3
DOMESTIC VIOLENCE ACT	7
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CHAPTER 178

DOMESTIC VIOLENCE

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.

PART II

*Protection Orders
and Rehabilitation Orders*

3. Parties who may apply for protection orders.
4. Protection order or undertaking.
5. Restrictions in order.
6. Matters to be taken into account.
7. Ouster order.
8. Form of application.
9. Proceedings in respect of applications.
10. Date of hearing.

11. Service.
12. Affidavit evidence.
13. Application in respect of child or dependant.
14. Adjournment.
15. Procedure in the absence of respondent.
16. Procedure in the absence of applicant.
17. Interim orders.
18. Explaining of proposed order or undertaking.
19. Duration of order.
20. Variation and revocation of order or undertaking.
21. Breach of protection order or undertaking.
22. Rehabilitation orders.

PART III

Occupation Orders

23. Application for a grant of occupation order.
24. *Ex parte* application for occupation order.
25. Effect of occupation order.
26. Variation or discharge of occupation order.

- 27. Procedure relating to occupation orders.
- 28. Power of Court to make ancillary order in respect of furniture.
- 29. Interim orders.

PART IV

Bail

- 30. Criteria for bail.
- 31. Conditions of bail.

PART V

Miscellaneous

- 32. Issue of warrant.
- 33. Arrest.
- 34. Criminal proceedings may be concurrent.
- 35. Form and service of order.
- 36. Service other than personal service.
- 37. Jurisdiction.
- 38. Appeals.
- 39. Rules of Court.
- 40. Assistance to victims of domestic violence.

41. Preparation of reports.
42. Role of Ministry in alleviating domestic violence and abuse.
43. Restriction on publication of reports of proceedings.
44. Ownership of property.
45. Regulations.
46. Amendment of Schedules.
47. Commencement.
48. Savings in respect of other offences.

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

FIFTH SCHEDULE

SIXTH SCHEDULE

CHAPTER 178

DOMESTIC VIOLENCE

[23rd December, 1992]

28 of 1992.
42 of 1999.
Commencement
[1. 3. 1993]
S. I. 26 of 1993.

PART I

Preliminary

- 1. This Act may be cited as the Domestic Violence Act. Short title.
- 2. In this Act, unless the context otherwise requires: - Interpretation.

“applicant” means any person who applies or on whose behalf application is made, pursuant to this Act, for an occupation order;

“child” includes -

- (a) a child of both parties to a marriage;
- (b) a child (whether or not a child of either party to a marriage) who is or has been living in the household residence as a member of the family;
- (c) a child of a man and a woman who, although not married to each other are, or have lived together in the same household;
- (d) a child (whether or not a child of the man and woman referred to in paragraph (c) above or either of them)-
 - (i) who is or has been a member of their household; or
 - (ii) who resides in that household on a regular basis; or

- (iii) of whom either the man or woman is a guardian;
- (e) an adopted child;
- (f) a stepchild;

“clerk” means the clerk of the Court;

“conduct of an offensive or harassing nature” in relation to a respondent, includes -

- (a) the persistent intimidation of a person by the use of abusive and threatening language;
- (b) the damaging of the property of a person;
- (c) the persistent following of a person from place to place;
- (d) depriving a person of the use of his personal property;
- (e) the watching or besetting of the house or other place where a person resides, works, carries on business or happens to be, or the watching or besetting of the premises that are the place of education of a person;
- (f) the willful or reckless neglect of a child or dependent person; and
- (g) making persistent unwelcome telephone calls to a person;

CAP. 93. “Court” means the Family Court established under the Family Courts Act;

“dependant” in relation to a person, includes a person -

- (a) over the age of eighteen years;
- (b) who normally resides with the first- mentioned person; and
- (c) who, by reason of physical or mental disability, is reliant on that first-mentioned person for his welfare;

“domestic violence offence” means a prescribed offence committed by a person against -

- (a) a spouse of the person;
- (b) a child or dependant of the person or of a spouse of the person; or
- (c) a parent;

“prescribed offence” includes

- (a) murder, or attempted murder;
- (b) manslaughter or attempted manslaughter;
- (c) rape or attempted rape;
- (d) cruelty to children; or
- (e) the use or threatened use of any other violence or physical or mental injury to a prescribed person;

“drug” means a substance or product for the time being specified in Part I, II, or III of the Second Schedule of the Misuse of Drugs Act;

CAP. 103.

“guardian” in relation to a child, includes a person who has custodianship of that child;

“harassment” means a course of conduct which may include words, gestures and actions which tend to annoy, alarm or abuse another person and which causes emotional distress to another person and includes -

- (a) the intimidation of a person by -
 - (i) persistent verbal abuse;
 - (ii) threats of physical violence;
 - (iii) the malicious damage of the property of a person; or
 - (iv) any other means;
- (b) the persistent following about of a person from place to place;
- (c) the hiding of any clothes or other property owned and used by a person; or
- (d) the watching or besetting of the house or other place where a person resides, works, carries on business or happens to be, or the watching or besetting of a person’s place of education;

“household residence” means -

- (a) in relation to both spouses, the dwellinghouse that is used habitually by both either of them as the only or principal family residence together with any buildings or improvements appurtenant thereto and wholly or mainly used for the purposes of the household;
- (b) in relation to a man or a woman who are no longer spouses, the dwellinghouse that was last used habitually by either of them, before or after they ceased to be spouses, as the only or principal family residence, together with any land, buildings,

or improvements appurtenant thereto and used wholly or mainly for the purposes of the household;

“interim protection order” means an order made under section 17;

“Minister” means the Minister for the time being responsible for Social Development;

“occupation order” means an order made under section 23 of this Act;

“parent” means a person who is a parent or grandparent in relation to a child, dependant, spouse or respondent, as the case may be by -

- (a) blood;
- (b) marriage; or
- (c) adoption,

and includes a guardian or any person who has actual custody of a child;

“police officer” means a member of the Belize Police Department;

42 of 1999.

“prescribed person” means the spouse of the respondent (or for the purposes of Part IV, the spouse of the defendant), a parent, or a child or dependant, as the case may be;

“protection order” means an order made under section 4 of this Act;

“respondent” means a person against whom an application is made;

“spouse” includes a former spouse, *de facto* spouse, and former *de facto* spouse;

“*de facto* spouse” in relation to a person, means a person of the opposite sex

to the first-mentioned person who is living with the first-mentioned person as the person's husband or wife, although not legally married to the first-mentioned person, or if not living with that person, is a parent, but not a grandparent, of a child of that person.

PART II

Protection Orders and Rehabilitation Orders

Parties who may apply for protection orders.

3.-(1) An application for a protection order may be made by any of the following:

- (a) the spouse of the person, being the spouse in respect of whom the alleged conduct has been, or is likely to be, engaged in by that person;
- (b) where the alleged conduct involves a child or dependant-
 - (i) a person with whom the child or dependant normally resides or resides on a regular basis;
 - (ii) a parent or guardian of the child or dependant;
 - (iii) where the dependant is not mentally disabled - the dependant;
 - (iv) an experienced or qualified person in social welfare, being a public officer and approved by the Minister in writing;
 - (v) a police officer; or
 - (vi) a person holding the office or performing the duties of a probation officer or medical social worker;

- (c) a police officer;
- (d) a parent of a spouse or of a respondent, or a parent against whom the alleged conduct has been, or is likely to be, engaged in.

(2) Where the applicant is a person referred to in subsection (1) (b) (iv), (v) or (vi), the parent or guardian in respect of whose child the alleged conduct has been engaged in and with whom the child normally resides or resides on a regular basis has a right to be a party to the proceedings.

(3) Where the application is made by a police officer in respect of a prescribed person who is an adult, that person shall be a party to the proceedings.

(4) Nothing in this Act shall preclude a person from applying for both a protection order and an occupation order at one and the same time.

4.-(1) Where, on an application made in accordance with this Act, the Court is satisfied on the balance of probabilities, that -

Protection order or undertaking.

- (a) the respondent has engaged in conduct that constitutes a domestic violence offence and, unless the respondent is restrained, the respondent is likely to engage in further conduct that would constitute that or another domestic violence offence;
- (b) the respondent has threatened to engage in conduct that would constitute a domestic violence offence and, unless the respondent is restrained, the respondent is likely to engage in conduct that would constitute that or another domestic violence offence; or
- (c) the respondent has induced or forced a prescribed person, without that person’s consent, to be drugged with a substance or any other means that alters the will of the person, or to

become intoxicated with alcoholic beverages, or has reduced a prescribed person's capacity to resist, by means of hypnosis, depressants, stimulants or by similar means or substances;

- (d) the respondent has engaged in conduct of an offensive or harassing nature, or conduct which amounts to psychological abuse, intimidation or persecution in respect of a spouse of the respondent, a parent, or a child or dependant of the spouse or of the respondent, to the extent that the spouse or the parent is fearful of injury, physical or mental, to herself or himself or to a child or dependant of spouse or of the respondent,

the Court shall, subject to this section, make a protection order restraining the respondent from engaging in such conduct or in any other conduct referred to in this section.

(2) The Court, when making a protection order, may impose one or more of the prohibitions or conditions specified in section 5 below.

(3) Where the Court is satisfied

- (a) that a previous protection order has not been made against, and no undertaking has been given by, the respondent; and
- (b) that no allegation is made against the respondent of conduct referred to in subsection (1) (a),

the Court may, at any time before a protection order is made, accept from the respondent a signed undertaking that he shall refrain from engaging in conduct of the nature specified in the application and in conduct that would constitute any domestic violence offence.

(4) An undertaking given under this section may deal with such other matters that may be dealt with in a protection order as the Court sees fit, having regard to the matters referred to in section 6.

(5) An undertaking given under this section and any matters dealt with in that undertaking shall remain in force for the period stated in the undertaking, but shall not exceed twelve months.

(6) Sections 18, 20 and 21 apply, with such modification as may be necessary, in relation to an undertaking as they do to a protection order.

(7) The Court is not precluded from making a protection order by reason of an undertaking being in force under a previous application.

(8) For the purposes of this section: -

“intimidation” means and includes any act or expression which, when used repeatedly, has the effect of exerting moral pressure on a person who, for fear of suffering emotional or physical injury to himself or his property, is forced to perform an act against his will;

“persecution” means and includes the keeping of a person under constant or frequent surveillance in places such as the person’s home, school, workplace or other places which the person frequents and which surveillance is expected to cause fear or dread in a reasonable and prudent person;

“psychological abuse” means and includes a constant pattern of conduct which is performed to the dishonour, discredit or scorn of personal worth of a person; unreasonable limitation to access and handling of common property; blackmail, constant vigilance, isolation, deprivation of access to adequate food or rest, threats of deprivation of custody of sons or daughters, or destruction of objects held in esteem by the person, except those that privately belong to the respondent.

5.-(1) Subject to this Act, a protection order may-

Restrictions in order.

(a) prohibit the respondent from being on premises in which a prescribed person resides or works;

- (b) prohibit the respondent from being on premises that are the place of education of a prescribed person;
- (c) prohibit the respondent from being on premises specified in the order, being premises frequented by a prescribed person;
- (d) prohibit the respondent from being in a locality specified in the order;
- (e) prohibit the respondent from engaging in conduct of an offensive or harassing nature towards a prescribed person;
- (f) prohibit the respondent from speaking or sending unwelcome messages to a prescribed person;
- (g) where the order contains a prohibition of the kind referred to in paragraph (e) relating to conduct of an offensive or harassing nature that amounts to willful or reckless neglect of a child or dependent person, direct the respondent to ensure that reasonable care is provided in respect of that child or dependent person;
- (h) prohibit the respondent from taking possession of specified personal property, being property that is reasonably used by a prescribed person specified in the application;
- (i) direct the respondent to return specified personal property that is in his possession or under his control which belongs to the applicant or a prescribed person;
- (j) prohibit the respondent from causing another person to engage in the conduct referred to in paragraph (e), (f) or (h) above;
- (k) specify conditions subject to which the respondent may be on premises or in a locality specified in the order;

(l) direct the respondent to do or to refrain from doing any other act or acts which the Court in the circumstances of the case considers relevant.

(2) A protection order may provide that the parties to the order, or any child in respect of whom an order was made: -

(a) attend the Family Services Division in the Ministry responsible for social development for appropriate counselling; or

(b) attend counselling services offered by the Court; or

(c) seek appropriate counselling or therapy from a person or agency approved by the Minister.

(3) The Court may make an order that includes a prohibition of the kind referred to subsection (1) (a) or (h) above notwithstanding any legal or equitable interests the respondent might have in the property comprising the premises or in the property to which the prohibition of the kind referred to in subsection (1) (h) above relates.

6.-(1) In determining whether to impose one or more of the prohibitions or conditions specified under section 5, the Court shall have regard to the following:

Matters to be taken into account.

(a) the need to ensure that a prescribed person is protected from violence or harassment;

(b) the welfare of a child of the spouse or of the respondent;

(c) the accommodation needs of a prescribed person;

(d) any hardship that may be caused to the respondent or to any other person as a result of the making of the order;

(e) the income, assets and financial obligations of the respondent

and of the spouse of the respondent, a parent or dependent person;

- (f) the need to preserve and protect the institution of marriage and to give protection and assistance to the family as a natural and fundamental unit of society; and
- (g) any other matter that, in the circumstances of the case, the Court considers relevant.

(2) In having regard to the matters referred to in subsection (1) above, the Court shall consider the matter referred to in subsection (1) (a) and (b) above as being of primary importance.

Ouster order.

7.-(1) Where an agreement, including a mortgage or a lease of premises provides that, if the respondent ceases to reside in his or her place of residence, a person may take action that would be prejudicial to the interests of the respondent or a member of the respondent's family, the person is not entitled to take that action if the respondent ceases to reside in the place of residence in compliance with a protection order.

(2) Where the Court is satisfied on evidence before it that an agreement referred to in subsection (1) above exists in relation to the respondent, the Court shall, at the time of making an order, direct that a copy of the order be sent to the person referred to in subsection (1) above by the clerk of the Court.

Form of application.
First Schedule.

8. An application for a protection order or an interim protection order shall be made in accordance with the First Schedule and shall be filed with the clerk.

Proceedings in respect of applications.

9.-(1) Proceedings in respect of an application shall be heard *in camera*, unless the Court otherwise directs.

(2) Except as otherwise provided by this Act, the Summary

- Jurisdiction (Procedure) Act applies *mutatis mutandis* in respect of proceedings on an application. CAP. 99.
10. The clerk shall fix a date for the hearing of an application for a protection order, which date shall be not more than five days after the date on which the application is filed. Date of hearing.
11. Where an application has been filed with the clerk, a copy of the application together with notice of proceedings in accordance with the Second Schedule, shall, as soon as practicable, be served personally on the respondent. Service. Second Schedule.
- 12.-(1) Evidence on an application for a protection order may be given on affidavit. Affidavit evidence.
- (2) Unless a party to the proceedings or the Court so requires, it is not necessary to call a person who made an affidavit pursuant to subsection (1) to give evidence.
- 13.-(1) Where an application filed is in respect of a child or dependant, a copy of the application, together with notice of the date on which, and time and place at which, the application is to be heard shall, as soon as practicable, be served personally on: Application in respect of child or dependant.
- (a) the parent or guardian with whom the child or dependant normally resides or resides on a regular basis; or
- (b) where the child or dependant does not normally reside or does not reside on a regular basis with the parent or guardian, the person with whom the child or dependant normally resides on a regular basis.
- (2) A notice of the proceedings which is issued and served under this Part is deemed to be a summons that is duly issued and served under the Summary Jurisdiction (Procedure) Act, and the respondent shall appear in Court to answer the application as if it were a complaint to which that Act applies. CAP. 99.

- Third Schedule. (3) Any notice of proceedings issued under this Part may be served by the applicant or his agent, and the Court may, at its discretion, receive proof of such service by affidavit in accordance with the Third Schedule.
- Adjournment. 14. Where the hearing of an application is adjourned by reason of the fact that the application and the notice of proceedings have not been served on the respondent, the date, time and place fixed by the Court for the adjourned hearing shall be the date, time and place stated in the notice of adjourned proceedings.
- Procedure in absence of respondent. 15. Where notice of the proceedings has been served on the respondent in accordance with section 11 and the respondent fails to appear in person at the Court at the time fixed for the hearing of the application of the protection order, the Court may-
- (a) proceed to hear and determine the matter in the respondent's absence; or
 - (b) where the Court is satisfied having regard to the material before it, that it is appropriate to do so, adjourn the matter and issue a warrant for the respondent to be apprehended and brought before the Court.
- Procedure in absence of applicant. 16. Where, on the date of the hearing of the application, the respondent appears in Court, but neither the applicant nor the person on whose behalf the application is made appears either in person or by his attorney-at-law, the Court may -
- (a) dismiss the application;
 - (b) having received a reasonable excuse for the non-appearance of either party, adjourn the hearing of the application upon such terms as the Court may think just; or
 - (c) where the Court is satisfied having regard to the material before

it, that it is appropriate for evidence to be given by affidavit, the Court may so direct, but the Court shall, on the application of any other party, order the attendance for cross examination of the person making any such affidavit.

17.-(1) Where an application for a protection order has been made and the Court is satisfied on evidence that it is necessary, in order to ensure the safety of a prescribed person, pending the hearing and determination of the application, to make an interim protection order, the Court may make such order whether or not the application has been served on the respondent.

Interim orders.

- (2) An interim protection order -
 - (a) shall restrain the respondent from engaging in the conduct on which the application is based;
 - (b) may prohibit the respondent from being on premises on which a prescribed person resides; and
 - (c) shall not contain any other prohibition or condition specified in section 5 unless the Court is satisfied by reason of the circumstances of the case that it is necessary to do so to ensure the safety of a prescribed person.

18. Where the Court proposes to make a protection order or an interim protection order and the respondent is before the Court, the Court shall, before making the order, explain to the respondent -

Explaining of proposed order or undertaking.

- (a) the purpose, terms and effect of the proposed order;
- (b) the consequences that may follow if the respondent fails to comply with the terms of the proposed order; and
- (c) the means by which the proposed order may be varied or revoked.

Duration of order. 19.-(1) A protection order remains in force for such period not exceeding twelve months, as the Court specifies in the order.

(2) Where a protection order contains a prohibition of the kind specified in section 5, the Court may specify different periods, being periods none of which exceeds the period referred to in subsection (1) above, as the period for which each prohibition or condition is to remain in force.

(3) Subject to this section, an interim protection order remains in force for such period, not exceeding fourteen days, as the Court specifies in the order.

(4) Where the Court adjourns the hearing of an application for a protection order and an interim protection order is in force in respect of the respondent, the Court may extend the period for which an interim order is to remain in force until the date fixed for the further hearing of the application.

(5) An interim protection order ceases to be in force -

(a) when a protection order is made on that application and the respondent is present at the time the protection order is made;

(b) when a protection order is made on that application but the respondent is not present at the time the protection order is made, when the protection order is served on the respondent; or

(c) when the application is dismissed.

Variation and revocation of order or undertaking.
Fourth Schedule.

20.-(1) Where a protection order or an interim protection order is in force, a party to the proceedings in which the order was made may apply to the Court in accordance with the Fourth Schedule for an order varying or revoking the order.

(2) On an application under subsection (1) above, the Court may by order, vary or revoke the protection order or interim protection order.

(3) A copy of an application under this section shall be served personally on each person who was a party to the proceedings in which the original order was made.

(4) In determining whether to vary or revoke a protection order, the Court shall have regard to the matters specified in section 6.

21. Where -

(a) a protection order or an interim protection order is made; and -

(i) the respondent was present at the time the protection order or interim protection order was made; or

(ii) where the respondent was not present at the time the protection order or interim protection order was made but the order has been served personally on the respondent; and

(b) the respondent contravenes the order in any respect,

the respondent commits an offence and is liable on summary conviction to a fine not exceeding five thousand or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

22.-(1) Where a person is convicted of an offence under this Act, the Court may, *in lieu* of imposing a sentence as provided in section 21 above, make an order (hereinafter referred to as a rehabilitation order) requiring the convicted person to undergo probation in a reeducation or rehabilitation program for persons in a similar situation.

Breach of protection order or undertaking.

Rehabilitation orders.

(2) A rehabilitation order shall only be made in the following circumstances: -

- (a) where the person is a first time offender under this Act and has no previous convictions for such offences;
- (b) where the convicted person has not previously breached a protection order made pursuant to this Act;
- (c) where a suitable program of education and training is available for such persons.

(3) Before making a rehabilitation order under this section, the Court shall have regard to any submission and representations by the prosecution and the defence.

(4) A rehabilitation order may be made subject to such conditions as the Court may think fit to impose.

(5) Where the person in respect of whom a rehabilitation order is made fails to comply with the conditions thereof, the Court may, after holding an inquiry, terminate the rehabilitation order or proceed to pass sentence in accordance with section 21 above.

PART III

Occupation Orders

Application for
a grant of
occupation order.

23.-(1) An application may be made to the Court for an occupation order granting the prescribed person named in the order the right to live in the household residence.

(2) Subject to subsection (3) of this section, the Court may, on an application under subsection (1) above, make an occupation order granting to the applicant, for such period or periods and on such terms and subject to

such conditions as the Court thinks fit, the right to occupy the household residence or any other premises forming part of the household residence.

(3) The Court may make an order under subsection (2) above only if the Court is satisfied that such an order -

- (a) is necessary for the protection of a prescribed person; or
- (b) is in the best interests of a child.

(4) A copy of an order made under this section shall be served on the police officer in charge of the police station nearest the prescribed person to whom the order relates.

(5) Where the Court makes an occupation order under this Part and the household residence in respect of which the order is made is being rented by the respondent, the Court may order the respondent to continue paying the rent so long as the occupation order remains in force, and where the respondent fails to comply with the order of the Court he commits an offence and shall be liable on summary conviction to the penalty prescribed in section 21 above.

24.-(1) An occupation order may be made on an *ex parte* application if the Court is satisfied that -

- (a) the respondent has used violence against or caused physical or mental injury to a prescribed person; and
- (b) the delay that would be caused by proceeding on notice could or might expose the prescribed person to physical injury.

(2) Any occupation order made on *ex parte* application shall be an interim order.

(3) Where the Court grants an occupation order on an *ex parte* application, the Court shall, at the same time, make an interim protection order

Ex parte
application for
occupation
order.

unless it considers that there are special reasons why such an order should not be made.

(4) An occupation order which is made on an *ex parte* application while the prescribed person concerned and the respondent are living together in the same household residence shall expire -

- (a) on the discharge of the order by the Court;
- (b) on the discharge of an interim protection order made pursuant to subsection (3) above,
- (c) in any other case, at the expiration of a period of seven days after the date on which the occupation order was made.

(5) Where an occupation order is made on an *ex parte* application, the respondent may apply immediately for variation or discharge of that order.

Effect of occupation order.

25. Where an occupation order is made, the prescribed person to whom it relates shall be entitled, to the exclusion of the respondent, personally to occupy the household residence to which that order relates.

Variation or discharge of occupation order.

26. The Court may, if it thinks fit, on the application of either party, make an order -

- (a) extending or reducing any period specified by the Court pursuant to subsection (2) of section 23; or
- (b) varying or discharging any terms and conditions imposed by the Court pursuant to that subsection.

Procedure relating to occupation orders.

27.-(1) Before making any occupation order (other than an interim occupation order), the Court shall direct that notice be given to any person having an interest in the property which would be affected by the order.

(2) The person referred to in subsection (1) shall, upon being notified pursuant to that subsection, be entitled to appear and to be heard in the matter of the application for the occupation order as a party to that application.

28.-(1) On or after making an occupation order the Court may, subject to subsection (2) of this section, make an order granting to the applicant the use, for such period and on such terms and subject to such conditions as the Court thinks fit, of all or any of the following, namely: -

Power of Court to make ancillary order in respect of furniture.

- (a) furniture;
- (b) household appliances; and
- (c) household effects,

in the household residence or other premises to which the occupation order relates.

(2) Notwithstanding subsection (1), an order made under that subsection shall continue in force for a period of three months beginning on the date on which the order is made, unless the Court otherwise directs, but, in any event, shall expire if the occupation order made in relation to the household residence expires or is discharged.

29.-(1) Every interim order made under this Part on an *ex parte* application shall specify a date (which shall be as soon as reasonably practicable thereafter) for a hearing on whether an order should be made in substitution for the interim order.

Interim orders.

(2) The copy of any such interim order which is served on the respondent shall notify the respondent that unless the respondent attends on the specified date to show cause why an order should not be made in substitution for the interim order, the Court may discharge the interim order and make an order in substitution therefor.

(3) At the hearing referred to in subsection (1) above, the Court may -

- (a) discharge the interim order; or
- (b) discharge the interim order and make an order in substitution therefor; or
- (c) on good cause being shown, adjourn the hearing to such date and place as the Court may specify.

(4) Where a hearing is adjourned under subsection (3) (c), the Court shall, at the adjourned hearing, exercise either the power conferred by paragraph (a) or by paragraph (b) of that subsection.

(5) In this section: -

“*ex parte* application” means an application made without notice to the respondent;

“interim order” means an interim occupation order; and

“order” means an occupation order.

PART IV

Bail

Criteria for bail.

30.-(1) Where the Court is required to determine whether to grant bail in respect of an offence under section 21, the Court shall take into account, *inter alia*: -

- (a) the need to ensure that a prescribed person is protected from violence or harassment;

- (b) the welfare of a child, where the defendant or the victim of the alleged offence has custody of that child;
- (c) any hardships that may be caused to the defendant or to members of the family if bail is not granted;
- (d) the defendant’s record with regard to the commission of violent acts and whether there is evidence in the record of physical or emotional abuse to children; and
- (e) any other matters which may be relevant to the case in question.

(2) Where bail has been granted to a defendant, the Court may direct that the defendant report at such times as are specified, at a specified police station.

31.-(1) Where the defendant is charged with an offence under section 21, the Court, in granting bail, may also order that the recognisance be subject to such of the following further conditions as the Court considers appropriate:

Conditions of bail.

- (a) that the defendant does not harass or molest, or cause another person to harass or molest, a specified prescribed person;
- (b) that the defendant should not be on the premises in which a specified prescribed person resides or works; and
- (c) that the defendant should not be in a locality in which are situated the premises in which a specified prescribed person resides or works.

(2) Where a police officer believes on reasonable grounds that a person who has been admitted to bail subject to one or more of the conditions set out in subsection (1) has failed to comply with a condition of the recognisance, the police officer may apprehend the person without a warrant.

(3) Where -

- (a) bail has been granted to a person upon a condition imposed under subsection (1); and
- (b) the person contravenes or fails to comply with the condition,

the bail shall be forfeited and the accused shall be liable to be re-arrested.

PART V

Miscellaneous

- Issue of warrant. 32. Where a Magistrate is satisfied, by information on oath, that -
- (a) there are reasonable grounds to suspect that a person on premises has suffered or is in imminent danger of physical injury at the hands of another person and needs assistance to prevent or deal with the injury; and
 - (b) a police officer has been refused permission to enter the premises for the purpose of giving assistance to the first-mentioned person,
- the Magistrate may issue a warrant in writing authorising a police officer: -
- (c) to enter the premises specified in the warrant at any time within twenty-four hours after the issue of the warrant; and
 - (d) subject to any conditions specified in the warrant, to take such action as is necessary to prevent the commission or repetition of the offence or a breach of the peace or to protect life or property.
- Arrest. 33. Where a police officer believes on reasonable grounds that a person has committed or is committing an offence under section 21 of this Act, he

shall make an arrest without a warrant.

34. Where a person has been charged with a domestic violence offence and an application for a protection order is before the Court, the Court may exercise its power to grant the order, notwithstanding that the offence for which the person has been charged and the application for the protection order arise out of the same conduct.

Criminal proceedings may be concurrent.

35.-(1) Where a protection order or an interim protection order is made or varied by the Court, the clerk shall arrange for an order in the prescribed form to be formally drawn up and filed in the Court.

Form and service of order.

(2) A copy of an order made under subsection (1) shall be served -

- (a) personally on the respondent;
- (b) on any other person who was a party to the proceedings;
- (c) on a police officer not below the rank of Sergeant in the district of the Court in which the order was made; and
- (d) on the police officer in charge of the police station nearest the prescribed person to whom the order relates,

by the applicant or his agent.

(3) In subsection (1), a reference to an order in the prescribed form means -

- (a) in the case of the making of a protection order or an interim protection order, an order in accordance with the Fifth Schedule; and
- (b) in the case of the varying of a protection order or an interim protection order, an order in accordance with the Sixth Schedule.

Fifth Schedule.

Sixth Schedule.

- Service other than personal service. 36. Where it appears to the Court that it is not reasonably practicable to serve a copy of an application or an order personally, the Court may -
- (a) order that the copy of the application for the protection order or the copy of the protection order itself, be served by such other means as the Court thinks just; or
- (b) make an order for substituted service.
- Jurisdiction. 37. Nothing in this Act shall be regarded as removing any jurisdiction which the Supreme Court may have in respect of the matters referred to under this Act.
- Appeals. 38. An appeal shall lie to the Supreme Court from any order or judgment of the Court made or given under this Act and the procedure in respect of such an appeal shall be as is laid down in the Supreme Court of Judicature Act and the rules made thereunder.
- CAP. 91.
- Rules of Court. 39. Rules of Court may be made for the purpose of regulating the practice and procedure of the Court in proceedings under this Act providing for such matters as are necessary for giving full effect to the provisions of this Act and for the due administration thereof.
- Assistance to victims of domestic violence. 40. Whenever a police officer intervenes in a case of domestic violence or abuse, the police officer shall, as soon as possible, take all reasonable measures within his power to prevent the victim of domestic violence from being abused again and shall also take the following steps:
- (a) where a victim indicates that he has suffered injuries, though not visible, which require medical assistance, the police officer shall assist the victim to obtain medical treatment as soon as possible;
- (b) where a victim of domestic violence expresses concern for his safety, the police officer shall assist the victim in getting to a

place of safety;

- (c) where a victim of domestic violence requests it, a police officer shall protect a victim by accompanying the victim when he takes his personal belongings from a place where the respondent may reside;
- (d) advise the victim of domestic violence on the importance of preserving the evidence;
- (e) inform the victim as to his rights and of services which may be available to assist him, be they government or private services.

41.-(1) Where a police officer intervenes in an incident of domestic violence, he shall prepare a written report of same which shall contain the allegations of the persons involved and the witnesses, the type of investigation conducted and how the incident was resolved.

Preparation of reports.

(2) The police officer in charge of every police station shall ensure that all records of domestic violence cases are properly compiled so as to facilitate easy reference to data.

(3) The police officer in charge of every police station shall ensure that confidentiality is maintained with respect to the identity of persons involved in all cases of domestic violence.

42. The Ministry responsible for social development shall be responsible for -

Role of Ministry in alleviating domestic violence and abuse.

- (a) promoting and developing educational programs for the prevention of domestic violence;
- (b) studying, investigating and publishing reports on the domestic violence problem in Belize, its manifestations and scope; the consequences and the options for confronting and eradicating

42 of 1999.

it, in conjunction with the Belize Police Department;

- (c) identifying groups and sectors in society in which domestic abuse is manifested and educating these groups and sectors making them aware of the skills required to combat domestic violence;
- (d) creating an awareness among society with regard to the needs of victims of domestic violence and their families;
- (e) developing strategies to encourage changes in the policies and procedures in government agencies in order to improve their response to the needs of the victims of domestic violence;
- (f) the establishing of programmes on information support and counselling services for victims of domestic violence;
- (g) encouraging the establishment of shelters for victims of domestic violence;
- (h) encouraging programmes of services for boys and girls who come from homes where there is abuse and violence;
- (i) providing training and orientation services for persons who assist in the treatment and counselling of victims of domestic violence and abuse;
- (j) analyzing and carrying out studies on the need for education and retraining for persons who engage in conduct that constitutes domestic violence and abuse and for their rehabilitation.

Restriction on publication of reports of proceedings.

43.-(1) Subject to subsection (4) of this section, no person shall publish any report of proceedings under this Act (other than criminal proceedings), except with the leave of the Court which heard the proceedings.

(2) Every person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars.

(3) Nothing in this section limits -

(a) the provisions of any other enactment relating to the prohibition or regulation of the publication of reports or particulars relating to judicial proceedings; or

(b) the power of the Court to punish any contempt of Court.

(4) This section shall not apply to the publication of any report in any publication that -

(a) is of a *bona fide* professional or technical nature; or

(b) is intended for circulation among members of the legal or medical professions, officers of the Public Service, psychologists, marriage counsellors or social welfare workers.

44. Nothing in this Act shall be deemed to have altered any right which a spouse may have to ownership of property. Ownership of property.

45. The Minister may make regulations for the better carrying out of the provisions of this Act and for prescribing anything that needs to be prescribed. Regulations.

46. The Minister may from time to time, by Order published in the *Gazette*, amend any of the Schedules to this Act. Amendment of Schedules.

47. This Act shall come into force on a day to be appointed by the Minister by Order published in the *Gazette*. Commencement.

48. Where an act or omission which constitutes a domestic violence offence under this Act is also an offence under any other law, nothing in this Act shall affect the operation of such other law and the accused person may be charged Savings in respect of other offences.

and tried under such other law notwithstanding the provisions of this Act, so, however, that the victim of such offence shall be entitled to all the protections and remedies granted by this Act.

BELIZE:

FIRST SCHEDULE

DOMESTIC VIOLENCE ACT

[Sections 8, 17]

APPLICATION FOR PROTECTION ORDER/INTERIM

PROTECTION ORDER

In the district of.....

I

(Name of applicant)

of

(Address)

hereby apply under section 8/section 17 of the Domestic Violence Act, Chapter 178, for a Protection Order/Interim Protection Order to be made by the Magistrate of the district against.....

(Name of respondent)

who is

(Specify relationship to the named respondent)

and who resides at

(Specify address of respondent)

in respect of the following conduct.

Specify details of alleged conduct.

APPLICANT

DATED, 20

BELIZE:

SECOND SCHEDULE

DOMESTIC VIOLENCE ACT

[Section 11]

NOTICE OF PROCEEDINGS

In the district of

Between

AB

Applicant

vs

CD

Respondent

TO THE RESPONDENT

An application under section 8/section 17 of the Domestic Violence Act, Chapter 178, for a Protection Order/Interim Protection Order has been made by..... against you. A copy of the application is attached. The application has been set down for hearing on, 20 at (time) at (place)

IF YOU DO NOT APPEAR IN PERSON at the hearing of the application, the Court may-

- (a) deal with the application in your absence; or
(b) issue a warrant for your arrest to be brought before the Court.

.....
Clerk of the
Court for the district

DATED, 20

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

BELIZE:

THIRD SCHEDULE

DOMESTIC VIOLENCE ACT

[Section 13]

AFFIDAVIT FOR USE IN PROVING SERVICE OF PROCESS

No

Return of Service of process in respect of domestic violence offence for the Court.

Name of Applicant	Name of Respondent	Document served	Date of service	Plan of service	Mode of service

I do Swear that the above Return of Service is true and in accordance with the facts of such Service.

(Signed)
(Deponent)

Sworn before me by the above-named Deponent this.....
day of, 20

.....
Magistrate or Judge
(as the case may be)

BELIZE:

FOURTH SCHEDULE

DOMESTIC VIOLENCE ACT

[Section 20]

APPLICATION FOR VARIATION OR REVOCATION OF PROTECTION ORDER OR INTERIM PROTECTION ORDER

In the district of

.....

Between

AB Applicant

Vs

CD Respondent

I.....

(Name of applicant)

hereby apply for a variation/revocation of the Order made against

.....

(Name of person against whom the Order was made)

onby the Court

(a copy of which is attached to the said application) in respect of certain conduct or threatened conduct towards

.....

(Name of person who is protected by Order)

There has been no previous proceedings in any Court in respect of the said Order and I now ask for a revocation or variation of that Order to be made.

Specify details of variation

.....

Applicant

DATED, 20

BELIZE:

FIFTH SCHEDULE

DOMESTIC VIOLENCE ACT

[Section 35]

PROTECTION ORDER OR INTERIM PROTECTION ORDER

In the district of
The Court having heard an application made by

.....
(Name of applicant)
towards
(Name of person to be protected)

Now the Court this day orders that, for (period):

- 1. (Name of respondent) not engage in the following conduct.
- 2. (Name of respondent) not engage in conduct that constitutes a domestic violence offence.
- 3. (Name of respondent) comply with the following prohibitions and conditions.

(Specify prohibitions and conditions and any period or periods for which they may be imposed.)

.....
Clerk of the Court of the district

DATED, 20

BELIZE:

SIXTH SCHEDULE

DOMESTIC VIOLENCE ACT

[Section 35]

ORDER VARYING PROTECTION ORDER OR
INTERIM PROTECTION ORDER

In the district of.....
The Court, having heard an application made under section 3 of the
Domestic Violence Act, Chapter 178, by.....
(Name of applicant)
in respect of the conduct or threatened conduct of
.....
(name of respondent)

towardsand having on
(name of person to be protected)
..... ordered that for (period):
(Date of original order)

- 1. (Name of respondent) not engage in the following conduct.
- 2. (Name of respondent) not engage in conduct that constitutes a domestic violence offence.
- 3. (Name of respondent) comply with the following prohibitions and conditions.

(Specify prohibitions and conditions and any other period or periods for which they are imposed).

Now the Court on the application of (Name of applicant) this day orders that the Protection Order or (Interim Protection Order) be varied as follows:

(Specify details of variation)

.....

Clerk of the Court of the district

DATED 20
