



BELIZE

**CRIMINAL CODE
CHAPTER 101**

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-

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ARRANGEMENT OF SECTIONS

3

CRIMINAL CODE

28

Amendments in force as at 31st December, 2000.



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CHAPTER 101

CRIMINAL CODE

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CHAPTER 101**CRIMINAL CODE**

[1st October, 1981]

PART I*General Provisions***TITLE I***Preliminary*

- Short title. 1. This Act may be cited as the Criminal Code, and is in the body hereof referred to as "this Code".
- Commencement of Code. 2.-(1) This Code shall come into operation on a day to be appointed by the Minister by Order published in the *Gazette*.
- Ch. 21, R.L., 1958. (2) The Criminal Code, Chapter 21 of the Revised Laws 1958 is repealed with effect from the day on which this Code comes into operation.
- General rules of construction. 3. The following general rules shall be observed in the interpretation of this Code, namely-
- (a) All the provisions of Part I shall be applied to and be deemed to form part of every provision of Part II, in so far as they are applicable to the matter of that provision, and are not expressly or by necessary implication excluded, limited or modified, with respect to that matter.
- (b) This Code shall not be construed strictly, either as

against Her Majesty or as against a person accused of any offence, but shall be construed amply and beneficially for giving effect to the purposes thereof.

- (c) In the interpretation of this Code, a court shall not be bound by any judicial decision or opinion on the construction of any other statute or of the common law as to the definition of any crime or of any element of any crime.
- (d) All the provisions of Part I shall be applied to all crimes punishable under any other statute, in so far as they are not expressly, or by necessary implication, excluded, limited or modified with respect to such crimes.

TITLE II

Interpretation and General Explanations

4.-(1) In this Code-

Miscellaneous definitions.

“act” means any act or any omission, or any series of acts or any series of omissions, or any combination of acts or any combination of acts and omissions;

“administer”, when used with reference to administering any substance to a person, means causing the substance to be taken or introduced into any part of a person's body, whether with or without his knowledge or consent;

“corporation” does not include a corporation sole;

“court” includes any court whether consisting of one or of several judges, magistrates or arbitrators, and “the court” means the court before whom an accused person is tried, or which has jurisdiction for the purposes of the

provision in which the expression is used;

“crime” includes an offence punishable under this Code or under any other statute;

“dangerous” means likely or calculated to cause dangerous harm;

“deadly” means likely to cause death or which causes death;

“deliver” includes causing a person to receive a thing and permitting a person to take a thing, whether directly or by any other person;

“document” includes-

- (a) any writing which, whether alone or in conjunction with any other writing or matter, creates or assures or is evidence of any right, obligation, liability, acquittance or authority; or
- (b) any writing made or issued by any public officer in pursuance of any duty or authority as such officer; or
- (c) any writing verified on oath or attested by a witness; or
- (d) any writing which by the law for the time being in force requires a stamp, whether or not such writing is in fact stamped according to law;

“document of title to goods” includes any bill of lading, India warrant, dock warrant, warehouse-keeper's certificate, warrant or order for the delivery or transfer of any goods or valuable thing, bought or sold note, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise, either by endorsement or by delivery, the possessor of such document to transfer or

receive any goods thereby represented or therein mentioned or referred to;

“gaoler” includes the keeper of any prison;

“judicial proceeding” includes any civil or criminal trial, and any inquiry or investigation held by a judicial officer in pursuance of any duty or authority;

“jury” includes a judge in cases where a judge tries a case without a jury;

“magistrate” includes a justice of the peace;

“night” means the time between the hour of eight in the evening of any day and the hour of six in the following morning;

“property” includes any description of real and personal property, money, debts and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods, and also includes not only such property as has been originally in the possession or under the control of any person, but also any property into or for which the same has been converted or exchanged, and any thing acquired by such conversion or exchange, whether immediately or otherwise;

“send” includes causing, or attempting in any manner to cause, a thing to be received by a person;

“trustee” means a trustee on some express trust created by some deed, will or instrument in writing, and includes the heir or personal representative of any such trustee, and any other person upon or to whom the duty of such trust has devolved or come, and also an executor and administrator, and an official receiver, assignee, liquidator or other like officer acting under any present or future Act or other law relating to limited liability companies or bankruptcy;

“valuable security” includes any writing entitling, or evidencing the title of, any

person to any share or interest in any public stock, annuity, fund or debt of any country or in any stock, annuity, fund or debt of any body corporate, company or society, whether within or without the Commonwealth, or to any deposit in any bank, and also includes any scrip, debenture, bill, note, warrant, order or other security for the payment of money, or any authority or request for the payment of money or for the delivery or transfer of goods or chattels or any accountable receipt, release or discharge or any receipt or other instrument evidencing the payment of money, or the delivery of any chattel personal;

“will”, when used with respect to a document, means any testamentary document, whether the same is formal or informal, complete or incomplete.

(2) Any definition or explanation of a word shall be applied to the derivatives or different grammatical forms of that word so far as it is applicable thereto, and shall also be applied in construing any provision of this Code to the matter of which that definition or explanation is relevant, although neither that word nor any of its derivatives or different grammatical forms occur in such provision.

Standard Tests for Questions of Criminal Liability

Establishment of standard tests for certain questions relating to criminal liability.

5.-(1) A court or jury in determining whether a person has committed an offence which employs one of the words specified in sections 6, 7 and 8 shall use the standard tests under sections 6, 7 and 8 for which that key word is appropriate when answering any question relating to him specified in subsection (2), unless the provision creating the offence decides that the test is not to be used.

- (2) The questions mentioned in subsection (1) are-
- (a) the question of intention;
 - (b) the question of knowledge;

- (c) the question of recklessness as to result; and
- (d) the question of recklessness as to circumstances.

(3) In relation to any person-

“the question of intention” means the question whether he intended a particular result of his conduct;

“the question of knowledge” means the question whether he knew of any relevant circumstances;

“the question of recklessness as to result” means the question whether he was reckless as to whether his conduct would have any particular result; and

“the question of recklessness as to circumstances” means the question whether he was reckless as to whether any relevant circumstances existed.

(4) The standard tests for the questions specified in subsection (2) are respectively specified in sections 6, 7, 8 (1) and 8 (2).

The Standard Tests and the Keywords

6.-(1) The standard test of intention is-

Intention.

Did the person whose conduct is in issue either intend to produce the result or have no substantial doubt that his conduct would produce it?

(2) The appropriate key words are-

- (a) the verb "to intend" in any of its forms; and
- (b) “intent”, “intention”, “intentional” and “intentionally”.

Knowledge. 7.-(1) The standard test of knowledge is-

Did the person whose conduct is in issue know of the relevant circumstances or have no substantial doubt of their existence?

(2) The appropriate key words are-

- (a) the verb "to know" in any of its forms;
- (b) "knowledge" and "knowingly"; and
- (c) any of the words mentioned in section 6 (2) above, if used so as to imply that the person whose conduct is in issue cannot intend to produce a particular result unless he knows some particular fact or facts.

Recklessness. 8.-(1) The standard test of recklessness as to result is-

Did the person whose conduct is in issue foresee that his conduct might produce the result and, if so, was it unreasonable for him to take the risk of producing it?

(2) The standard test of recklessness as to circumstances is-

Did the person whose conduct is in issue realise that the circumstances might exist and, if so, was it unreasonable for him to take the risk of their existence?

(3) The appropriate key words are "reckless", "recklessness" and "recklessly".

(4) The question whether it was unreasonable for the person to take the risk is to be answered by an objective assessment of his conduct in

the light of all relevant factors, but on the assumption that any judgment he may have formed of the degree of risk was correct.

Proof of Intention, etc.

9. A court or jury, in determining whether a person has committed an offence-

Proof of intention, knowledge, recklessness and foresight.

- (a) shall not be bound in law to infer that any question specified in the first column of the Table below is to be answered in the affirmative by reason only of the existence of the factor specified in the second column as appropriate to that question, but
- (b) shall treat that factor as relevant to that question, and decide the question by reference to all the evidence, drawing such inferences from the evidence as appear proper in the circumstances.

TABLE

Questions

Appropriate factors

- | | |
|--|---|
| <p>1. Whether the person charged with the offence-</p> <p>(a) intended to produce a particular result by his conduct;</p> <p>(b) was reckless as to whether his conduct would produce a particular result;</p> <p>(c) foresaw that his conduct might</p> | <p>1. The fact that the result was a natural and probable result of such conduct.</p> |
|--|---|

produce a particular result.

- | | |
|--|--|
| 2. Whether he knew a particular fact. | 2. The presence of circumstances leading to the inference that a reasonable man in his situation would have known the fact. |
| 3. Whether he was reckless as to whether particular circumstances existed. | 3. The presence of circumstances leading to the inference that a reasonable man in his situation would have realised that the circumstances might exist. |

Negligence. 10. A person causes an event negligently, if he fails to a grave degree to observe the standard of care which he ought reasonably to observe in all the circumstances of the case.

Causing an event. 11.-(1) If a person intentionally or negligently causes any involuntary agent to cause an event, that person shall be deemed to have caused the event.

(2) “Involuntary agent” means any animal or other thing, and also any person who is exempted from liability to punishment for causing the event by reason of infancy, or insanity or otherwise, under the provisions of Title V.

(3) If an event is caused by the acts of several persons acting either jointly or independently, each of those persons who has intentionally or negligently contributed to cause the event shall, subject to subsection (4), and to the provisions of Title IV with respect to abetment, be deemed to have caused the event, but any matter of exemption, justification, extenuation or aggravation which exists in the case of any one of those persons shall have effect in his case whether it exists or not in the case of

any of the other persons.

(4) A person shall not be convicted of having intentionally or negligently caused an event, if, notwithstanding his act and the acts of any person acting jointly with him, the event would not have happened but for the existence of some state of facts or the intervention of some other event or of some other person, the probability of the existence or intervention of which other event or person the accused person did not take into consideration, and had no reason to take into consideration.

(5) Subsection (4) shall not apply where a person is charged with having caused an event by an omission to perform a duty for averting the event.

(6) If a person beyond the jurisdiction of the courts causes any involuntary agent to cause an event within the jurisdiction, he shall be deemed to have caused the event within the jurisdiction.

(7) Subject to the provisions of this section, and to the special provisions of any particular Title of this Code, it is a question of fact whether an event is fairly and reasonably to be ascribed to a person's act as having been caused thereby.

(8) A person shall not, by reason of anything in this section, be relieved from any liability in respect of-

- (a) an attempt to cause an event;
- (b) negligent conduct, if such negligent conduct is punishable under this Code irrespectively of whether it actually causes any event.

(9) If a person intending to cause an event with respect to one or some of several persons or things, or to such indeterminate person or things

as may happen to be affected by his act, cause such event with respect to any such person or thing, he shall be liable in the same manner as if he had intended to cause the event with respect to that person or thing.

(10) If a person does an act with intent to assault, harm, kill or cause any other event to a particular person and his act happen to take effect, whether completely or incompletely, against a different person, he shall be liable to be tried and punished as if his intent had been directed against that different person, but any ground of defence or extenuation shall be admissible on behalf of the accused person which would have been admissible if his act had taken effect against the person or in respect of the thing against whom or in respect of which he intended it to take effect.

Consent.

12. In construing any provision of this Code by which it is required for a criminal act or criminal intent that an act should be done or intended to be done without a person's consent, or by which it is required for a matter of justification or exemption that an act should be done with a person's consent, the following rules should be observed, namely-

- (a) A consent shall be void if the person giving it be under nine years of age, or be by reason of insanity or of immaturity, or any other permanent or temporary incapacity, whether from intoxication or any other cause, unable to understand the nature or consequence of the act to which he consents.
- (b) In the case of an indecent assault upon a female a consent shall be void if the person giving it be under fourteen years of age without prejudice to any other grounds set out in this section.
- (c) A consent shall be void if it be obtained by means of deceit or of duress.

- (d) A consent shall be void if it be obtained by the undue exercise of any official, parental or other authority, and any such authority which is exercised otherwise than in good faith for the purposes for which it is allowed by law shall be deemed to be unduly exercised.
- (e) A consent given on behalf of a person by his parent, guardian, or any other person authorised by law to give or refuse consent on his behalf shall be void if it be given otherwise than in good faith for the benefit of the person on whose behalf it is given.
- (f) A consent shall be of no effect if it be given by reason of a mistake of fact.
- (g) A consent shall be deemed to have been obtained by means of deceit or of duress or of the undue exercise of authority, or to have been given by reason of a mistake of fact, if it would have been refused but for such deceit, exercise of authority or mistake, as the case may be.
- (h) For the purposes of this section, exercise of authority is not limited to exercise of authority by way of command, but includes influence or advice purporting to be used or given by virtue of an authority:

Provided that no person shall be prejudiced by the invalidity of any consent if he did not know and could not by the exercise of reasonable diligence have known of such invalidity.

13. For the purposes of any provision of this Code by which any forgery, Fraud. falsification or other unlawful act is punishable if used or done with intent to defraud, an intent to defraud means an intent to cause, by means of such forgery, falsification or other unlawful act, any gain capable of being

measured in money, or the possibility of any such gain, to any person at the expense or to the loss of any other person.

Threats.

14.-(1) In this Code "threat" means-

- (a) any threat of criminal force or harm; or
- (b) any threat of criminal injury to property; or
- (c) any threat of libel or of slander, or
- (d) any threat that a person shall be prosecuted on a charge of having committed any crime or offence, whether such alleged crime or offence is punishable under this Code or under any other law, and whether it has or has not been committed.

(2) Any expression in this Code referring to a threat shall also be deemed to include any offer to abstain from doing, or so procure any other person to abstain from doing, anything the threat of which is a threat of any of the kinds in this section beforementioned.

(3) It is immaterial whether a threat be that the matter thereof shall be executed by the person using the threat, or against or in relation to the person to whom the threat is used, or by or against or in relation to any other person.

(4) It is immaterial whether a threat or offer be conveyed to any person by words or by writing, or in any other manner, and whether it be conveyed directly or through any other person or in any other manner.

Duress.

15. "Duress" means any force, harm, constraint or threat, used with intent to cause a person against his will to do or to abstain from doing any act.

16. "Person" includes a company or corporation, and any number or association of persons, and for the purposes of any provision of this Code relating to defrauding a person or to committing any crime against the property of any person, the Government of Belize or of any other place or State shall be deemed to be a person.

Definition of "person".

17. Where in this Code or any other law, provision is made for the imposition of imprisonment for any offence, such imprisonment may be imposed with or without labour at the discretion of the court.

Imprisonment with or without labour.
36 of 1999.

TITLE III

Attempts to Commit Crimes

18.-(1) A person who attempts to commit a crime by any means shall not be acquitted on the ground that by reason of the imperfection or other condition of the means, or by reason of any circumstances under which they are used, or by reason of any circumstances effecting the person against whom or the thing in respect of which the crime is intended to be committed, or by reason of the absence of such person or thing, the crime could not be committed according to his intent.

Attempts.

(2) Every person who attempts to commit a crime shall, if the attempt be frustrated by reason only of accident or of circumstances or events independent of his will, be deemed guilty of an attempt in the first degree, and shall (except as in this Code otherwise expressly provided) be punishable in the same manner as if the crime had been completed.

(3) Every person who is guilty of an attempt other than an attempt in the first degree shall (except as in this Code otherwise expressly provided) be liable to any kind of punishment to which he would have been liable if the crime had been completed, but the court shall mitigate the punishment according to the circumstances of the case.

(4) Where any act amounts to a complete crime, as defined by any provision of this Code, and is also an attempt to commit some other crime, a person who is guilty of it shall be liable to be convicted and punished either under such provision or under this section.

(5) Any provision of this Code with respect to intent, exemption, justification or extenuation, or any other matter in the case of any act, shall apply, with the necessary modifications, to the case of an attempt to do that act.

(6) Every person who attempts to commit a crime shall be punishable on indictment or summary conviction, according as he would be punishable for committing that crime.

Preparation for
crime.

19. Every person who prepares or supplies, or has in his possession, custody or control, or in the possession, custody or control of any other person on his behalf, any instruments, materials or means, with a purpose that such instruments, materials or means may be used by him or by any other person in committing any crime by which life is likely to be endangered, or any forgery, or any crime relating to coin, or any felony punishable with imprisonment for ten years or upwards, shall be liable to punishment in like manner as if he had attempted to commit that crime, and any such instruments, materials or means shall be forfeited and applied as the law directs.

TITLE IV

Abetment and Conspiracy

Abetment of
crimes.

20.-(1) Every person who-

(a) directly or indirectly instigates, commands, counsels, procures, solicits or in any manner purposely aids, facilitates, encourages or promotes the commission of

any crime, whether by his act, presence or otherwise; or

- (b) does any act for the purpose of aiding, facilitating, encouraging or promoting the commission of a crime by any other person, whether known or unknown, certain or uncertain,

shall be guilty of abetting that crime and of abetting the other person in respect of that crime.

(2) Every person who abets a crime shall, if the crime be actually committed in pursuance or during the continuance of the abetment, be deemed guilty of that crime.

(3) Every person who abets a crime shall, if the crime be not actually committed, be punishable as follows, that is to say-

- (a) If the commission of the crime be prevented by reason only of accident, or of circumstances or events independent of the will of the abettor, the abettor shall, where the crime abetted was murder, be liable to imprisonment for life, or shall where the crime abetted was any crime other than murder, be punishable in the same manner as if the crime had been actually committed in pursuance of the abetment.

- (b) In any other case the abettor shall, if the crime which he abetted was a felony, be deemed guilty of a felony, or shall, if such a crime was a misdemeanour, be deemed guilty of a misdemeanour.

(4) Every person who abets a crime shall be punishable on indictment or summary conviction, according as he would be punishable for committing that crime.

(5) An abettor may be tried before, with or after a person abetted, and although the person abetted be dead, or be otherwise not amenable to justice.

(6) An abettor may be tried before, with or after any other abettor, whether he and such other abettor abetted each other in respect of the crime or not, and whether they abetted the same or different parts of the crime.

(7) An abettor shall have the benefit of any matter of exemption, justification, or extenuation to which he is entitled under this Code, notwithstanding that the person abetted or any other abettor is not entitled to the like benefit.

(8) Every person who within the jurisdiction of the court abets the doing beyond the jurisdiction of an act which if done within the jurisdiction would be a crime, shall be punishable as if he had abetted that crime.

One crime abetted, another committed.

21.-(1) Where a person abets a particular crime, or abets a crime against or in respect of a particular person or thing, and the person abetted actually commits a different crime, or commits the crime against or in respect of a different person or thing, or in a manner different from that which was intended by the abettor, the following provisions shall have effect, namely-

(a) If it appears that the crime actually committed was not a probable consequence of the endeavour to commit, nor was substantially the same as the crime which the abettor intended to abet, nor within the scope of the abetment, the abettor shall be punishable for his abetment of the crime which he intended to abet in the manner provided by this Title for the punishment of crimes which are not actually committed.

(b) In any other case the abettor shall be deemed to have abetted the crime which was actually committed, and shall be liable to punishment accordingly.

(2) If a person abets a riot, or unlawful assembly with the knowledge that unlawful violence is intended, or is likely to be used, he is guilty of abetting violence of any kind or degree which is committed by any other person in executing the purposes of the riot or assembly, although he did not expressly intend to abet violence of that kind or degree.

22. Every person who, knowing that a person designs to commit or is committing a felony, fails to use all reasonable means to prevent the commission or completion thereof, is guilty of a misdemeanour. Duty to prevent felony.

23.-(1) If two or more persons agree to commit or abet a crime, or act together with a common purpose in committing or abetting a crime, whether with or without any previous concert or deliberation, each of them is guilty of conspiracy to commit or abet that crime, as the case may be. Conspiracy.

(2) If a person abets the commission of a crime by another person, and such other person in any manner assent to the abetment, each of them is guilty of conspiracy to commit such crime, although it be not a part of the design of either of them that the person abetting the other should take any part in or towards the preparing for or committing such crime.

(3) A person within the jurisdiction of the courts can be guilty of conspiracy by agreeing with another person who is beyond the jurisdiction for the commission or abetment of any crime to be committed by them or either of them, or any other person, either within or beyond the jurisdiction, and for the purposes of this subsection as to a crime to be committed beyond the jurisdiction, "crime" means any act which if done within the jurisdiction would be a crime under this Code or under any other law.

(4) A person shall not be guilty of conspiracy to commit or abet

any crime if he is an intended victim of that crime.

(5) A person shall not be guilty of conspiracy to commit or abet any crime or crimes if the only other person or persons with whom he agrees are (both initially and at all times during the currency of the agreement) persons of any one or more of the following descriptions, that is to say-

- (a) his spouse,
- (b) a person exempted from criminal liability under section 25 (1),
- (c) an intended victim of that crime or each of those crimes.

Punishment for conspiracy.

24.-(1) If two or more persons are guilty of conspiracy for the commission or abetment of any crime, each of them shall in case the crime be committed, be punished as for that crime according to the provisions of this Code, or shall in case the crime be not committed, be punished as if he had abetted that crime.

(2) Any court having jurisdiction to try a person for a crime shall have jurisdiction to try a person or persons charged with conspiracy to commit or abet that crime.

TITLE V

General Exemption From Criminal Liability

Infancy.
36 of 1999.

25.-(1) Nothing is a crime which is done by a person under nine years of age.

36 of 1999.

(2) Nothing is a crime which is done by a person of nine and

under twelve years of age who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct in the matter in respect of which he is accused.

26. A person accused of crime shall be deemed to have been insane at the time he committed the act in respect of which he is accused- Insanity.

- (a) if he was prevented by reason of idiocy, imbecility or any mental derangement or disease affecting the mind, from knowing the nature or consequences of the act in respect of which he is accused;
- (b) if he did the act in respect of which he is accused under the influence of a delusion of such a nature as to render him, in the opinion of the jury, an unfit subject for punishment of any kind in respect of such act.

27.-(1) Except as provided in this section, intoxication shall not constitute a defence to any criminal charge. Intoxication.

(2) (a) Intoxication shall be a defence to any criminal charge, if the person charged was by reason of intoxication, insane as defined in section 26, at the time he committed the act in respect of which he is accused.

(b) Where the defence under subparagraph (a) is established, the provisions of sections 127 and 128 of the Indictable Procedure Act shall apply, unless the state of intoxication rendering the person insane was caused without his consent by the malicious or negligent act of another person, in which case the accused person shall be discharged with a verdict of acquittal. CAP. 96.

(3) Intoxication shall be taken into account for the purpose of determining whether the person charged had formed any intention, specific or otherwise, in the absence of which he would not be guilty of the offence, provided the state of intoxication was caused without his consent by the

malicious or negligent act of another person.

(4) Voluntary intoxication shall be taken into account for the purpose of determining whether the person charged had formed any specific intention in cases where a specific intent is an essential element in the offence charged.

(5) For the purposes of this section "intoxication" shall be deemed to include a state produced by narcotics or drugs.

Ignorance or mistake of fact or of law.

28.-(1) A person shall not be punished for an act which by reason of ignorance or mistake of fact in good faith he believes to be lawful.

(2) A person shall not, except as in this Code otherwise expressly provided, be exempt from liability to punishment for any act on the ground of ignorance that such act is prohibited by law.

Abolition of presumption of marital coercion.

29. Any presumption of law that a crime committed by a wife in the presence of her husband is committed under the coercion of the husband is hereby abolished.

TITLE VI

Justifiable Force and Harm

Justification for force or harm.

30.-(1) For the purposes of this Code, force or harm is justifiable and shall constitute a defence to any criminal charge when such force or harm is used or caused in pursuance of such matter of justification, and within such limits as hereinafter in this Title mentioned.

(2) Throughout the remainder of this Title expressions applying to the use of force apply also to the causing of harm, although force only be expressly mentioned.

31. Force may be justified in the cases and manner, and subject to the conditions hereinafter in this Title mentioned, on the ground of either of the following matters, namely-

Grounds on which force or harm may be justified.

- (a) express authority given by a statute;
- (b) authority to execute the lawful sentence or order of a court;
- (c) the authority of an officer to keep the peace, or of a court to preserve order;
- (d) authority to arrest and detain for felony;
- (e) authority to arrest, search or detain a person otherwise than for felony;
- (f) necessity for prevention of or defence against crime;
- (g) necessity for defence of property or possession, or for overcoming obstruction to the exercise of lawful rights;
- (h) necessity for preserving order on board a vessel;
- (i) authority to correct a child, servant or other similar person, for misconduct;
- (j) the consent of the person against whom the force is used.

32. Notwithstanding the existence of any matter of justification for force, force cannot be justified as having been used in pursuance of that matter-

General limits of justifiable force or harm.

- (a) which is in excess of the limits hereafter prescribed in the

section of this Title relating to that matter; or

- (b) which in any case extends beyond the amount and kind of force reasonably necessary for the purpose for which force is permitted to be used.

Authority by statute.

33. Every person who is authorised by the provisions of statute “to use force” may justify the use of necessary force according to the terms and conditions of his authority.

Execution of a sentence or order of a court.

34. Every person who is authorised to execute any lawful sentence or order of a court "may justify the force" mentioned in the sentence or order.

Authority to keep the peace or to preserve order.

35. Every person who is authorised as a peace officer, or in any judicial or official capacity, to keep the peace or preserve order at any place, or to remove or exclude a person from any place, or to use force for any similar purpose, may justify the execution of his authority by any necessary force, not extending to a blow, wound or grievous harm.

Prevention of or defence against crime.

36.-(1) For the prevention of or for the defence of himself or of any other person against crime, a person may justify the use of necessary force not extending to a blow, wound or grievous harm.

(2) For the prevention of or for the defence of himself or of any other person against any criminal force or harm, a person may justify the use of necessary force not extending to a wound or grievous harm.

(3) For the prevention of or for the defence of himself or of any other person against any felony, a person may justify the use of necessary force not extending to dangerous harm.

(4) For the prevention of or for the defence of himself or of any other person against any of the following crimes, a person may justify the use of necessary force or harm, extending in case of extreme necessity even

to killing, namely

- (a) Treason
- (b) Piracy
- (c) Murder
- (d) Manslaughter, except manslaughter by negligence
- (e) Robbery
- (f) Burglary
- (g) Aggravated burglary
- (h) Arson of a dwelling-house or vessel
- (i) Rape
- (j) Forcible unnatural crime
- (k) Dangerous or grievous harm.

(5) For the suppression or dispersion of a riotous or unlawful assembly, force may be justified in the cases and subject to the conditions specified in this Code with respect to such assemblies.

(6) No force used in an unlawful fight can be justified under any provision of this Code, and every fight is an unlawful fight in which a person engages, or which he maintains, otherwise than solely in pursuance of some of the matters of justification specified in this Title.

- 28 of 1994. (7) Where a person is alleged to have killed another person and the accused person claims that he did so for the prevention of or for the defence of himself or of any other person against any of the crimes specified in subsection (4) of this section, no charge shall be laid or prosecution commenced against such person for the offence of murder except with the leave of the Director of Public Prosecutions given in writing.
- 28 of 1994. (8) In considering whether or not to grant leave for the purpose of subsection (7) above, the Director of Public Prosecutions shall have regard to all the relevant circumstances including the prevalence of the crime in respect of which the force was allegedly used and the danger apprehended by the person using the force.
- Defence of property, possession or overcoming obstruction of legal right. 37. A person may justify the use of force for the defence of property or possession, or for overcoming an obstruction to the exercise of any legal right, as follows-
- (a) A person in actual possession of a vessel, house, land or goods, or his servant, or any other person authorised by him may use such force, not extending to a wound or grievous harm, as is necessary for repelling a person who attempts forcibly and unlawfully to enter such vessel, house or land, or to take possession of such goods.
- (b) A person in actual possession of a house, land or vessel, or his servant, or any other person authorised by him, may use such force, not extending to a blow, wound or grievous harm, as is necessary for removing a person who being in or on such house, or land or vessel, and having been lawfully required to depart therefrom, refuses to depart.
- (c) If a person wrongfully takes possession of or detains

goods, any other person who as against him has a present right to the possession of them may, upon his refusal to deliver up the goods on demand, use such force, by himself or by any other person, not extending to a blow, wound or grievous harm, as is necessary for recovering possession of the goods.

- (d) A person may use such force not amounting to a blow, wound or grievous harm, as is necessary for overcoming any obstruction or resistance to the exercise by him of any legal right.

38. The master of a vessel, or any person acting by his order, may justify the use of any such force against any person on board the vessel as is necessary for suppressing any mutiny or disorder on board the vessel, whether among officers, seamen or passengers, whereby the safety of the vessel, or of any person therein or about to enter or quitting the same, is likely to be endangered, or the master is threatened to be subjected to the commands of any other person, and may kill any person who is guilty of or abets such mutiny or disorder, if the safety of the vessel or the preservation of any person as aforesaid cannot by any means be otherwise secured.

Preserving order
on board vessel.

39.-(1) A blow or other force not in any case extending to a wound or grievous harm may be justified for the purpose of correction, as follows-

Authority to
correct child, or
other similar
person.

- (a) A parent may correct his child being under sixteen years of age, or any guardian or person acting as a guardian may correct his ward being under sixteen years of age, for misconduct, or for disobedience to any lawful command.
- (b) A parent or guardian, or person acting as a guardian may delegate to any person whom he entrusts permanently or temporarily with the governance or custody of his child or ward all his own authority for

correction, including the power to determine in what cases correction ought to be inflicted, and such delegation shall be presumed, except in so far as it is expressly withheld, in the case of a schoolmaster or person acting as a schoolmaster in respect of a child or ward.

(2) A person who is authorised to inflict correction as in this section mentioned may, in any particular case, delegate to any fit person the infliction of such correction.

(3) No correction can be justified which is unreasonable in kind or in degree regard being had to the age and physical and mental condition of the person on whom it is inflicted, and no correction can be justified in the case of a person who, by reason of tender years or otherwise, is incapable of understanding the purpose for which it is inflicted.

Consent to the use of force.

40. The use of force against a person may be justified on the ground of his consent, subject as follows-

- (a) The killing of a person cannot be justified on the ground of consent.
- (b) A wound or grievous harm cannot be justified on the ground of consent, unless the consent is given and the wound or harm is caused in good faith for the purposes or in the course of medical or surgical treatment.
- (c) A party to a fight, whether lawful or unlawful, cannot justify on the ground of the consent of another party any force which he uses with intent to cause harm to the other party.
- (d) A person may revoke any consent which he has given

to the use of force against him, and his consent when so revoked shall have no effect for justifying force.

- (e) Consent to the use of force for the purposes of medical or surgical treatment does not extend to any improper or negligent treatment.
- (f) Consent to the use of force against a person for purposes of medical or surgical treatment, or otherwise for his benefit, may be given against his will by his father or guardian, or a person acting as his guardian, if he is under eighteen years of age, or by any person lawfully having the custody of him if he is insane, or is a prisoner in any prison or reformatory, and when so given on his behalf cannot be revoked by him.
- (g) If a person is intoxicated or insensible, or is from any cause unable to give or withhold consent, any force is justifiable which is used in good faith and without negligence for the purpose of medical or surgical treatment, or otherwise for his benefit, unless some person authorised by him or by law to give or refuse consent on his behalf dissents from the use of such force.

41. Every person who, in justifiably using force against a person, is obstructed or resisted by a third person, may in any case use such force against the third person not extending to a blow, wound or grievous harm, as is necessary for overcoming the obstruction or resistance, and may, if the obstruction or resistance amounts to a crime or to abetment of a crime, use force in accordance with the provisions of this Title with respect to the use of force in case of necessity for preventing crime.

Interference by third persons.

42. Every person who is authorised to use force of a particular kind against a person may further use such additional force, not extending to a

Additional force and harm.

blow, wound or grievous harm, as is necessary for the execution of his authority.

Aid of other persons.

43. Every person who aids another person in a justifiable use of force is justified to the same extent and under the same conditions as the other person.

PART II

Particular Crimes

TITLE VII

Criminal Force to the Person

1. Assaults

Common assault.

44. Every person who unlawfully commits a common assault upon any other person shall be guilty of a misdemeanour.

Aggravated assault.

45. Every person who commits an unlawful assault of any of the following kinds, namely-

- (a) assault upon a person acting as a judicial officer or as a peace officer; or
- (b) assault upon a minister of religion acting in the execution of the duties of his office; or
- (c) assault upon a person in any court of justice, or assault upon a person in order to prevent him from doing, or on account of his doing or having done, anything as a party, agent, counsel, or witness, in any judicial proceeding; or

- (d) assault with a purpose to commit, or in committing or attempting to commit, any other crime; or
- (e) assault with any deadly or dangerous instrument or means; or
- (f) indecent assault on any person, whether male or female; or
- (g) assault upon any male child or any female of such a nature that it cannot in the opinion of the court be adequately punished under section 44,

shall be guilty of an aggravated assault and, on conviction thereof, be liable to imprisonment for two years:

Provided that in respect of an indecent assault upon a female or an aggravated assault upon any male child or any female, a person convicted under this section shall be liable to imprisonment for three years instead of two years.

2. Rape and Like Crimes

46. Every person who commits rape or marital rape shall on conviction on indictment be imprisoned for a term which shall not be less than eight years but which may extend to imprisonment for life.

Rape.
36 of 1999.

47.-(1) Every person who carnally knows a female child under the age of fourteen years, with or without her consent, shall on conviction on indictment be imprisoned for a term which shall not be less than twelve years but which may extend to imprisonment for life.

Carnal
knowledge of
child, girl under
sixteen years and
female idiot, etc.
36 of 1999.

(2) Every person who-

- (a) unlawfully and carnally knows any girl who is of or above the age of fourteen years but under the age of sixteen years; or
- (b) unlawfully and carnally knows any female idiot or imbecile woman or girl, under circumstances which do not amount to rape, but which prove that the offender knew at the time of the commission of the crime that the woman or girl was an idiot or imbecile,

36 of 1999. shall be guilty of an offence and on conviction thereof be imprisoned for a term which shall not be less than five years nor more than ten years:

Provided that with regard to paragraph (a) of this subsection-

- 36 of 1999. (i) in the case of an accused person charged with a crime under that paragraph who is under the age of eighteen years, the presence of reasonable cause to believe that the girl was over the age of sixteen years shall be a valid defence on the first occasion on which such accused person is charged with a crime under that paragraph;
- 36 of 1999. (ii) in the case of an accused person charged with a crime under that paragraph who is of the age of eighteen years or over, the presence of reasonable cause to believe that the girl was over the age of sixteen years shall be a mitigating circumstance for the purpose of sentence on the first occasion on which such accused person is charged with a crime under that paragraph, and in any such case the mandatory minimum sentence of five years

prescribed above shall not apply.

- (iii) no prosecution shall be commenced more than twelve months after the commission of the crime.

(3) Where a marriage is void in consequence of one of the parties thereto being under the age of fourteen years, a person charged with a crime under this section, or with indecent assault upon a girl with whom he went through the ceremony of marriage, may exonerate himself if he proves that, at the time when the crime is alleged to have been committed, he had reasonable cause to believe that the girl in respect of whom it is alleged to have been committed was his wife.

*48. If, after the commencement of this Act, a person is found guilty of the offence of rape, or of the offence of carnal knowledge of a female child under the age of fourteen years, or of the said offences combined together, *on more than two occasions*, he shall, notwithstanding anything contained in this Code or any law to the contrary, be sentenced to a *mandatory* term of life imprisonment.

Mandatory life sentence for habitual sex offenders. 36 of 1999.

49. Every person who procures or attempts to procure-

Procuration.

- (a) any female under eighteen years of age, not being a common prostitute or of known immoral character, to have unlawful carnal knowledge either within or without Belize with any other person or persons; or
- (b) any female to become, either within or without Belize, a common prostitute; or

* Section 48 was added by Act 36 of 1999 and came into force on 24th September, 1999.

- (c) any female to leave Belize, with intent that she may become an inmate of or frequent a brothel; or
- (d) either within or without Belize, any female to leave her usual place of abode in Belize (such place not being a brothel), with intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel either within or without Belize,

shall be liable to imprisonment for five years.

Procuring defilement of female by threats or fraud or administration of drugs.

50. Every person who-

- (a) by threats or intimidation or any other method of compulsion, procures or attempts to procure any female to have any unlawful carnal knowledge, either within or without Belize; or
- (b) by false pretence or false representation, procures any female, not being a common prostitute or of known immoral character, to have any unlawful carnal knowledge, either within or without Belize; or
- (c) applies, administers to, or causes to be taken by, any female any drug, matter or thing, with intent to stupefy or overpower her so as thereby to enable any person to have unlawful carnal knowledge with such female,

shall be liable to imprisonment for three years.

Householder permitting defilement of young females on his premises.

51. Every person who, being the owner or occupier of any premises, or having, or acting in, or assisting in, the management or control thereof, induces or knowingly suffers any female of such age as is in this section mentioned to resort to be in or upon such premises for the purpose of being

unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally, shall-

- (a) if such female is under the age of twelve years, be guilty of felony, and being convicted thereof be liable to imprisonment for life; and
- (b) if such female is of or above the age of twelve and under the age of sixteen years, be liable to imprisonment for two years.

52. Nothing in sections 47 to 51 shall exempt a person from any liability to punishment for rape or for attempt to commit rape. Saving as to rape.

53. Every person who has carnal intercourse against the order of nature with any person or animal shall be liable to imprisonment for ten years. Unnatural crime.

3. Kidnapping, Abduction, Forced Marriage, Abandonment and Incest

54. Every person who kidnaps any person shall on conviction on indictment be imprisoned for a term which shall not be less than ten years but which may extend to imprisonment for life. Kidnapping. 4 of 1987.

55. Every person who steals any person under twelve years of age, whether with or without his consent, shall be liable to imprisonment for ten years. Child stealing.

56. Every person who is guilty of an abduction of an unmarried female under eighteen years of age shall be liable to imprisonment for two years. Abduction.

57. Every person who takes away or detains against her will a female of any age with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, shall be liable to imprisonment for thirteen years. Forcible abduction.

- Compulsion of marriage. 58. Every person who by force or duress causes any person to marry against his will shall be liable to imprisonment for two years.
- Special provision as to abetment. 59. Every person who, knowing that any of the crimes mentioned in sections 54 to 58 has been committed in the case of any person, abets the unlawful detention of such person, or otherwise abets the execution of the intent with which that crime was committed, shall be deemed guilty of that crime.
- Abandonment of infant. 60. Every person who, being bound by law or by virtue of any agreement or employment to keep charge of or maintain any child under five years of age, or being unlawfully in possession of any such child, abandons such child by leaving it at a hospital or workhouse, or at the house of any person, or in any other manner, shall be liable to imprisonment for two years.
- Test of relationship when incest charged. 61. The expressions “brother” and “sister” in sections 62 and 63, respectively, include half-brother and half-sister, and sections 62 to 64 shall apply, whether the relationship between the person charged with an offence is alleged to have been committed is or is not traced through lawful wedlock.
- Incest by males. 62.-(1) Any male who carnally knows a female, who is to his knowledge his granddaughter, daughter, sister or mother, shall on conviction thereof be liable to imprisonment for seven years:

Provided that if, on an information for that offence, it is alleged in the information and proved that the female is under the age of twelve years, the same punishment may be imposed as may be imposed under section 47 for carnally knowing a female under twelve years of age.

(2) It is immaterial that the carnal knowledge was had with the consent of the female.

(3) If any male attempts to commit the offence as aforesaid, he shall be guilty of a misdemeanour and on conviction thereof be liable to imprisonment for two years.

(4) On the conviction before any court of any male of an offence under this section against any female under eighteen years of age, the court may divest the offender of all authority over that female, and if the offender is her guardian, remove him from the guardianship and appoint any person or persons to be her guardian or guardians during her minority or any less period:

Provided that the court may at any time vary or rescind the order by the appointment of any other person as the guardian or in any other respect.

63. Any female of or above the age of sixteen years who with consent permits her grandfather, father, brother or son to have carnal knowledge of her (knowing him to be her grandfather, father, brother or son, as the case may be) shall on conviction thereof be liable to imprisonment for seven years.

Incest by females of or over sixteen.

64.-(1) All proceedings under sections 62 and 63 are to be held *in camera* if the court so orders.

Prosecutions for incest.

(2) No prosecution for any offence under sections 62 and 63 shall be commenced without the written authority of the Director of Public Prosecutions.

65.-(1) Where a person is convicted on more than one occasion of a sexual offence as defined in subsection (2) below, the court shall, in addition to the penalties prescribed for such offence, order that such person -

Special provisions for treatment and reporting of sex offenders. 36 of 1999.

(a) undergo mandatory counselling and receive such medical or psychiatric treatment as the court may consider appropriate having regard to the facts of the case; and

(b) shall not change his residence without prior notification to the Commissioner of Police and to the Director of Human Development in the Ministry responsible for Human Development, Women and Youth, and shall comply with such other requirements as the Commissioner of Police may specify for the protection of the public.

(2) In this section, “sexual offence” means rape, attempted rape, marital rape, carnal knowledge, forcible abduction, unnatural offence, incest or indecent assault.

(3) Every person who contravenes or fails to comply with an order made under subsection (1) above shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding one thousand dollars, or to both such fine and imprisonment.

(4) It shall be the duty of the Superintendent of Prisons to notify the Commissioner of Police and the Director of Human Development as soon as the person referred to in subsection (1) above is released from the Prison after serving sentence for a sexual offence.

Definitions and Special Provisions Relating to the Matter of this Title

1. Assault and battery, imprisonment

Kinds of assault. 66.-(1) “Assault” includes-

- (a) assault and battery;
- (b) assault without actual battery;
- (c) imprisonment.

(2) Every assault is unlawful unless it is justified on one of the grounds mentioned in Title VI.

67.-(1) A person makes an assault and battery upon another person if, without the other person's consent, and with the intention of causing harm, pain, fear or annoyance to the other person, or of exciting him to anger, he forcibly touch the other person, or cause any person, animal or matter, to forcibly touch him.

Definition of assault.

(2) This definition is subject to the following provisions-

- (a) Where the consent of the other person to be forcibly touched has been obtained by deceit, it suffices with respect to intention that the touch is intended to be such as to cause harm or pain, or is intended to be such as but for the consent obtained by the deceit would have been likely to cause fear or annoyance, or to excite anger.
- (b) Where the other person is insensible or unconscious or insane, or is by reason of infancy, or of any other circumstance, unable to give or refuse consent, it suffices with respect to intention, either that the touch is intended to cause harm, pain, fear or annoyance to him, or that the touch is intended to be such as would be likely to cause harm, pain, fear or annoyance to him, or to excite his anger, if he were able to give or refuse consent, and were not consenting.
- (c) The slightest actual touch suffices for an assault and a battery if the intention is such as is required by this section.

- (d) A person is touched within the meaning of this section if his body be touched, or if any clothes or other thing in contact with his body or with the clothes upon his body is touched, although his body is not actually touched.
- (e) For the purpose of this section, with respect to intention to cause harm, pain or annoyance, it is immaterial whether the intention be to cause the harm, pain, fear, or annoyance, by the force or manner of the touch itself, or to forcibly expose him, or cause him to be exposed to harm, pain, fear or annoyance, from any other cause.

Assault without actual battery.

68.-(1) A person makes an assault without actual battery on another person if, by any act apparently done in commencement of an assault and battery, he intentionally put the other person in fear of an instant assault and battery.

- (2) The definition is subject to the following provisions, namely-
- (a) It is not necessary that an actual assault and battery should be intended, or that the instruments or means by which the assault and battery is apparently intended to be made should be, or should by the person using them be believed to be, of such a kind or in such a condition as that an assault and battery could be made by means of them.
- (b) A person can make an assault within the meaning of this section by moving, or causing any person, animal or matter, to move towards another person, although he, or such person, animal or matter be not yet within such a distance from the other person as that an assault and battery can be made.

- (c) An assault can be made on a person within the meaning of this section although he can avoid actual assault and battery by retreating or by consenting to do, or to abstain from doing, any act.

69.-(1) A person imprisons another person if intentionally and without the other person's consent he detains the other person in a particular place, of whatever extent or character, and whether enclosed or not, or compel him to move or be carried in any particular direction.

Unlawful imprisonment.

(2) Detention or compulsion may be constituted within the meaning of this section-

- (a) by force, or by any physical obstruction to a person's escape; or
- (b) by causing him to believe that he cannot depart from a place or refuse to move or be carried in a particular direction without overcoming force or incurring danger of harm, pain or annoyance; or
- (c) by causing him to believe that he is under legal arrest; or
- (d) by causing him to believe that he will immediately be imprisoned if he does not consent to do or abstain from doing any act.

70. A common assault is an assault not attended with circumstances of aggravation or intent to commit any other crime.

Definition of common assault.

2. Rape and like crimes-Definitions

71.-(1) Rape is the carnal knowledge of a female of any age without her consent.

Rape defined.

(2) It is hereby declared that if at a trial for rape the jury has to consider whether a man believed that a woman was consenting to carnal knowledge the presence or absence of reasonable grounds for such a belief is a matter to which the jury is to have regard, in conjunction with any other relevant matters, in considering whether he so believed.

Marital rape defined.
36 of 1999.

72.-(1) A male spouse commits marital rape against the female spouse if the first mentioned spouse has sexual intercourse with the other spouse in any of the circumstances specified in subsection (2):-

- (a) without the consent of the female spouse; and
- (b) knowing that the female spouse does not consent to sexual intercourse, or recklessly not caring whether the female spouse consents or not.

(2) The circumstances referred to in subsection (1) are as follows:-

CAP. 175.

- (a) the spouses have separated and thereafter have lived separately and apart within the meaning of the Married Persons (Protection) Act;
- (b) there is in existence a separation agreement in writing between the spouses;
- (c) proceedings for the dissolution of the marriage or for a decree of nullity of marriage have been instituted;
- (d) there has been made or granted against one of the spouses an order or injunction, as the case may be, for non-cohabitation, non-molestation, ouster from the matrimonial home or the personal protection of the

other spouse;

- (e) one of the spouses has given an undertaking with regard to the matters specified in paragraph (d);
- (f) the act of sexual intercourse is preceded or accompanied by or associated with, assault and battery, harm or injury to the female spouse.

(3) In this section, “spouse” means a party to marriage and does not include a party to a ‘common law union’.

(4) No prosecution shall be brought for the offence of marital rape except with the consent of the Director of Public Prosecutions.

73. Whenever, upon the trial for any crime punishable under this Code, it is necessary to prove carnal knowledge, the carnal knowledge shall be deemed complete upon proof of any or the least degree of penetration only. Evidence of rape, etc.

74. If a female be compelled to marry another person by such force or duress as avoids the marriage or makes it voidable the marriage is of no effect for the purposes of Part I with respect to consent. Avoidance of marriage.

3. Kidnapping, Stealing a Person and Abduction-Definitions

75. A person is guilty of kidnapping- Kidnapping defined.

- (a) who unlawfully imprisons any person and takes him out of the jurisdiction of the courts without his consent; or
- (b) who unlawfully imprisons any person within the jurisdiction of the courts in such a manner as to prevent him from applying to a court of law or equity for his release, or from discovering to any other person the

place where he is imprisoned, or in such a manner as to prevent any person entitled to have access to him from discovering the place where he is imprisoned.

Stealing a person. 76.-(1) A person is guilty of stealing another person-

- (a) who kidnaps him; or
- (b) who unlawfully takes or detains him with intent to deprive of the possession or control of him any person entitled thereto, or with intent to steal anything upon or about his body, or with intent to cause any harm to him.

(2) For the purposes of this section it is not necessary to prove that the person stolen had been taken from the care, charge or possession of any person if it be shown that some person other than the accused person was entitled to the control or possession of the person stolen.

Abduction defined.

77.-(1) A person is guilty of abduction of a female who, with intent to deprive of the possession or control of the female, any person entitled thereto, or with intent to cause her to be married to or carnally known by any person-

- (a) unlawfully takes her from the lawful possession, care or charge, of any person; or
- (b) detains her from returning to the lawful possession, care or charge, of any person.

(2) The possession, control, care or charge, of a female by a parent, guardian, or other person, shall be held to continue notwithstanding that the female is absent from his actual possession, control, care, or charge if such absence be for a special purpose only and be not intended by the parent, guardian or other person, to exclude or determine such possession,

control, care or charge, for the time being.

(3) A person is not guilty of abduction by taking or detaining a female unless he knew or had grounds for believing that the female was in the possession, control, care or charge, of some other person.

78.-(1) For the purposes of the sections of this Title relating to stealing a person and abduction-

Special provisions as to abduction, etc.

- (a) it is not necessary that the taking or detaining should be without the consent of the person taken or detained, and it suffices if the person be persuaded, aided or encouraged, to depart or not to return;
- (b) it is not necessary that there should be an intent permanently to deprive any person of the possession or control of the person taken or detained;
- (c) a taking or detention is unlawful unless some person entitled to give consent to the taking or detention of the person taken or detained for the purposes for which he is taken or detained, gives consent to the taking or detention for those purposes;
- (d) a person having the temporary possession, care or charge of another person for a special purpose, as the attendant, employer or schoolmaster of such person, or in any other capacity, can be guilty of stealing or abduction of such person by acts which he is not authorised to do for such special purpose, and he cannot give consent to any act by another person which would be inconsistent with such special purpose.

(2) Notwithstanding the general provisions of Title V with respect

to mistake of law, a person is not guilty of stealing or of abduction of another person by anything which he does in the belief that he is entitled by law as a parent, guardian, or by virtue of any other legal right, to take or detain the other person for the purposes for which he takes or detains him:

Provided that this rule shall not be construed to exempt a person from liability to punishment-

- (a) on the plea that he did not know or believe, or had not the means of knowing that the age of the other person was under twelve or sixteen years, as the case may be; or
- (b) for stealing or abduction if he took or detained the other person for any immoral purpose.

TITLE VIII

Criminal Harm to the Person

- | | |
|------------------------------|---|
| Intentional harm. | 79. Every person who intentionally and unlawfully causes harm to a person shall be liable to imprisonment for one year. |
| Wounding. | 80. Every person who intentionally and unlawfully causes a wound to a person shall be liable to imprisonment for two years. |
| Grievous harm. | 81. Every person who intentionally and unlawfully causes grievous harm to a person shall be liable to imprisonment for five years. |
| Maim and dangerous harm. | 82. Every person who intentionally and unlawfully causes a maim or any dangerous harm to a person shall be liable to imprisonment for twenty years. |
| Use of deadly means of harm. | 83. Every person who uses a sword, dagger, bayonet, firearm, poison or any explosive, corrosive, deadly or destructive means or instrument, shall- |

- (a) if he does so with intent unlawfully to cause harm to a person, be liable to imprisonment for five years; or
- (b) if he does so with intent unlawfully to wound or cause grievous harm to a person, be liable to imprisonment for ten years; or
- (c) if he does so with intent to maim or to cause dangerous harm to a person, be liable to imprisonment for twenty years.

84. Every person who unlawfully and knowingly administers any noxious matter to a person shall be liable to imprisonment for two years. Administering noxious matter.

85. Every person who commits any of the offences mentioned in sections 79 to 84 of this Title, with intent to facilitate the commission of any crime by himself or by any other person or with intent to hinder the arrest or detention of himself or of any other person for any crime, or with intent to hinder the discovery of any crime, or with intent to enable himself or any other person to escape from legal custody, whether for a crime or for any other cause, shall- Aggravation.

- (a) if such crime be a felony, be liable to imprisonment for a term which may exceed by seven years the term for which he is otherwise liable to such imprisonment; or
- (b) in any other case, be liable to imprisonment for a term which may exceed by five years the term for which he is otherwise liable to such imprisonment.

86. Every person who, with either of the intents mentioned in section 85, and by means of choking, suffocating or strangling, or by any other violence, or by means of any stupefying or overpowering drug, gas or other matter, renders or attempts to render a person unconscious or insensible or Garrotting, etc.

physically incapable of resistance, shall be liable to imprisonment for twenty years.

Intentionally endangering train or vessel.

87. Every person who causes the safety of an engine, carriage or train upon a railway, or of any vessel whether on the sea, on a river or other water to be endangered, with intent to cause harm or danger or harm to any person, shall be liable to imprisonment for twenty years.

Throwing, etc., at a train.

88. Every person who causes anything to strike or fall on an engine, carriage or train, on a railway with intent to cause harm or to endanger any person therein, shall be liable to imprisonment for five years.

Obstructing trains.

89. Every person who knowingly and without lawful cause places or leaves any stone, metal, wood or other thing, or causes any animal to go or be in the way of any engine, carriage or train, upon a railway, whereby such engine, carriage or train, might be obstructed, shall, although he does not intend to cause harm or danger of harm to any person be liable to imprisonment for two years.

Interference with signals, etc.

90. Every person who in any manner unlawfully interferes with or obstructs the working of any lighthouse, beacon, buoy, signal or other apparatus or thing of whatever kind, which is used or maintained for the safety of navigation, whether on the sea, or on a river or other water, or for the safe working or using of any railway shall, although he does not intend to cause harm or danger of harm to any person, be liable to imprisonment for two years.

Frauds endangering trains or vessels.

91. Every person who-

- (a) in constructing or repairing any vessel or any machinery or fittings for a vessel, or any engine, carriage or apparatus, to be used on or forming part of a railway, knowingly uses such materials, or so does any work or so conceals any defect, as that the safety of the vessel,

or of any person on board the vessel or who may use the railway, is likely to be endangered, shall be liable to imprisonment for ten years;

- (b) supplies for use on board a vessel any medical or surgical stores or instruments, or any life belt or apparatus for saving life, of such inferior quality or in such a condition as to be substantially unfit for the purposes for which the same are supplied, or as to be likely to endanger life, shall if he do so knowingly be liable to imprisonment for five years, or shall if he do so negligently be liable to imprisonment for two years.

92. Every person who unlawfully exposes or abandons a child under seven years of age in such a manner that any grievous harm is likely to be caused to it shall be liable to imprisonment for five years. Abandonment likely to cause grievous harm.
93. Every person who negligently and unlawfully causes harm to any other person shall be liable on conviction either on indictment or summarily to imprisonment for three months. Negligent harm.
94. Every person who negligently and unlawfully causes a wound or grievous harm to any person shall be liable to imprisonment for one year. Negligent wound or grievous harm.
95. Every person who-
- (a) being solely or partly in charge of any steam-engine, ship, boat, horse, or beast, or other dangerous thing or matter of any kind, or
- (b) having undertaken or being engaged in medical or surgical treatment of any person, or
- (c) having undertaken, or being engaged in the dispensing,
- Negligence by persons in charge of dangerous things.

supplying, selling, administering or giving away of any medicine or poisonous or dangerous matter,

negligently causes harm to any person, or negligently endangers the life of any person, shall be liable to imprisonment for two years.

Definitions and Special Provisions Relating to the Matter of this Title

Kinds of harm.

96. “Harm” means any bodily hurt, disease or disorder, whether permanent or temporary;

“grievous harm” means any harm which amounts to a maim or dangerous harm as hereinafter defined, or which seriously or permanently injures health, or which is likely to injure health, or which extends to permanent disfigurement, or to any permanent or serious injury to any external or internal organ, member or sense;

“dangerous harm” means harm endangering life;

“maim” means the destruction or permanent disabling of any external or internal organ, member or sense;

“wound” means any incision or puncture which divides or pierces any exterior membrane of the body, and any membrane is exterior for the purposes of this definition which can be touched without dividing or piercing any other membrane.

Unlawful harm defined.

97. Harm is unlawful which is intentionally or negligently caused without any of the justifications mentioned in Title VI.

Causing harm by an omission.

98. A person causes harm by an omission within the meaning of this Code if harm be caused by his omission to perform any such duty for preventing harm as mentioned in section 99, and in no other case.

99. A person is under a duty for preventing harm to another person-
- (a) if he is under a duty, as mentioned in section 100, to supply a person with necessaries of health and life; or
 - (b) if he is otherwise under a duty, by virtue of the provisions of any statute, or by virtue of any office or employment, or by virtue of a lawful order of any court or person or by virtue of any agreement or undertaking, to do any act for the purpose of thereby averting harm from any person, whether ascertained or unascertained.
- 100.-(1) A man is under a duty to supply the necessaries of health and life to his wife, being actually under his control, and to his legitimate or illegitimate son or daughter, being actually under his control and not being of such age and capacity as to be able to obtain such necessaries.
- (2) A guardian is under the like duty with respect to his ward, being actually under his control.
- (3) A woman upon being delivered of a child, whether legitimate or illegitimate, is under a duty, so far as she is able-
- (a) to summon assistance, and to do all such other acts as are necessary and reasonable for preserving the child from harm by exposure, exhaustion or otherwise by reason of its condition as a newly born child, and
 - (b) to support and take reasonable care of the child, being under her control or in her care or charge, until it can safely be weaned.
- (4) A person who by virtue of office as a gaoler, relieving officer

Duty for preventing harm defined.

Duty to supply necessaries of health and life.

or otherwise, or by reason of the provisions of any statute, is bound to supply any of the necessaries of health and life to a person, is under a duty to supply them accordingly.

(5) A person who wrongfully imprisons another person is under a duty to supply him with the necessaries of health and life.

(6) A person who has agreed or undertaken to supply any of the necessaries of health and life to another person, whether as his servant, apprentice or otherwise is under a duty to supply them accordingly.

(7) If a person is under a duty as hereinbefore in this section mentioned and he has not the means for performing the duty, and there is any person or public authority bound to furnish him with such means, he is under a duty to take all reasonable steps for obtaining such means from such person or authority.

(8) If a person being under a duty to supply any of the necessaries of health and life to another person lawfully charge his wife, servant or any other person, with the supply of such necessaries, and furnish the means for that purpose, the wife, servant or person so charged is under a duty to supply such necessaries accordingly.

(9) "Necessaries of health and life" includes proper food, clothing, shelter, warmth, medical or surgical treatment and any other matters which are reasonably necessary for the preservation of the life and health of a person.

Explanations as to office, etc.

101.-(1) Where under the provisions of either section 99 or section 100 a duty is constituted by an office, employment, agreement or undertaking, such a duty is sufficiently constituted in the case of a person who is actually performing the functions belonging to such an office or employment, or who is acting as if he were under such an agreement or undertaking with respect to another person.

(2) No person is excused from liability for failure to perform a duty within the meaning of either section 99 or section 100, on the ground that another person is also under the same duty, whether jointly with him or independently of him, and whether on the same or on a different ground.

102. The general provisions of Title II with respect to causing an event are, in their application to the matters of this Title, subject to the following explanations and modifications, namely-

Exceptions from general provisions.

- (a) A person shall not be deemed to have caused harm to another person by omitting to supply him with the necessaries of health and life unless it be proved against him that the other person, by reason of his age or physical or mental state, or by reason of control by the accused person, could not by reasonable exertion have avoided the harm.
- (b) Disease or disorder which a person suffers as the inward effect of his grief, terror or other emotion, shall not be deemed to be harm caused by another person, although such grief, terror or emotion, has been caused by him, whether with intent to cause harm or otherwise.
- (c) Harm which a person suffers by execution of a sentence of a court in consequence of a prosecution instituted, prosecuted or procured, or of evidence given or procured to be given, by another person, whether in good faith or not, shall not be deemed to have been caused by that other person.
- (d) Except as in this section expressly provided, a person shall not be excused from liability to punishment for causing harm to another person or be acquitted of

having caused harm to another person, on the ground that the other person by his own trespass, negligence, act or omission, contributed to the causing of the harm.

Surgical or medical treatment.

103. Where a person in good faith, for the purposes of surgical or medical treatment, voluntarily causes harm to another person which, in the exercise of reasonable skill and precaution according to the circumstances of the case, he ought to have known to be plainly improper, he shall be liable to punishment as if he had caused such harm negligently within the meaning of this Code, and not otherwise.

Hindering the saving of life.

104. If a person intentionally hinders any other person from a wrecked vessel, or from lawfully protecting himself or any other person against harm in any case, he shall be deemed to have intentionally caused any harm which happens to such other person by reason of his being so hindered.

Poison explained.

105. For the purpose of this Code expressions referring to poison, or to noxious matter, include matter which is poisonous or noxious only by reason of the quantity taken or administered, or of the circumstances under which it is taken or administered, or of the state of health, or the peculiar bodily character, of the person by whom it is taken, or to whom it is administered.

TITLE IX

Criminal Homicide

Murder.

106.-(1) Every person who commits murder shall suffer death:

6 of 1994.

Provided that *in the case of a Class B murder* (but not in the case of a *Class A* murder), the court may, where there are special extenuating circumstances which shall be recorded in writing, and after taking into consideration any recommendations or plea for mercy which the jury hearing the case may wish to make in that behalf, refrain from imposing a death sentence and in lieu thereof shall sentence the convicted person to

imprisonment for life.

(2) The proviso to subsection (1) above shall have effect notwithstanding any rule of law or practice which may prohibit a jury from making recommendations as to the sentence to be awarded to a convicted person.

(3) For the purpose of this section-

“Class A murder” means:-

- (a) any murder committed in the course or furtherance or theft;
- (b) any murder by shooting or by causing an explosion;
- (c) any murder done in the course or for the purpose of resisting or avoiding or preventing a lawful arrest, or of effecting or assisting an escape or rescue from legal custody;
- (d) any murder of a police officer acting in the execution of his duty or of a person assisting a police officer so acting;
- (e) in the case of a person who was a prisoner at the time when he did or was a party to the murder, any murder of a prison officer acting in the execution of his duty or of a person assisting a prison officer so acting; or
- (f) any murder which is related to illegal drugs or criminal gang activity;

“Class B murder” means any murder which is not a Class A

murder.

Attempt to
murder.

107. Every person who attempts to commit murder shall be liable to imprisonment for life.

Manslaughter.

108.-(1) Every person who commits manslaughter-

(a) by negligence shall be liable to imprisonment for five years;

(b) by any other cause shall be liable to imprisonment for life.

(2) Every person who causes the death of another by any careless conduct not amounting to negligence, as defined in this Code, shall be guilty of an offence and liable to imprisonment for two years.

Abetment of
suicide.

109. Every person who abets the commission of suicide by any person shall, whether or not the suicide be actually committed, be liable to imprisonment for twenty years.

Infanticide.

110. Where a woman by any wilful act causes the death of her child being a child under the age of twelve months, but at the time of the act the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the crime would have amounted to murder, she shall be guilty of felony, to wit, of infanticide, and may for such crime be dealt with and punished as if she had been guilty of the crime of manslaughter of the child.

Abortion,
miscarriage and
child destruction.

111.-(1) Every person who intentionally and unlawfully causes abortion or miscarriage shall be liable to imprisonment for fourteen years.

(2) Every woman being with child who, with intent to procure her own miscarriage, unlawfully administers to herself any poison or other noxious thing, or unlawfully uses any instrument or other means whatever with the like intent, and every person who, with intent to procure the miscarriage of any woman, whether she is or is not with child, unlawfully administers to her or causes to be taken by her any poison or other noxious thing, or unlawfully uses any instrument or other means whatever with the like intent, shall be guilty of felony and being convicted thereof shall be liable to imprisonment for life.

(3) Every person who unlawfully supplies or procures any poison or other noxious thing, or any instrument or thing whatever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman whether she is or is not with child, shall be guilty of a misdemeanour.

(4) Every person who, with intent to destroy the life of a child capable of being born alive, by any wilful act causes a child to die before it has an existence independent of its mother, shall be guilty of felony, to wit, of child destruction, and shall be liable on conviction thereof to imprisonment for life:

Provided that no person shall be found guilty of a crime under this subsection unless it is proved that the act which caused the death of the child was not done in good faith for the purposes only of preserving the life of the mother.

(5) For the purposes of subsection (4), evidence that a woman had at any material time been pregnant for a period of twenty-eight weeks or more shall be *prima facie* proof that she was at that time pregnant of a child capable of being born alive.

112.-(1) A person shall be not guilty of an offence under the law relating to abortion or miscarriage when a pregnancy is terminated by a registered

Medical
termination of
pregnancy.

medical practitioner if two registered medical practitioners are of the opinion, formed in good faith-

- (a) that the continuance of the pregnancy would involve risk to the life of the pregnant woman, or of injury to the physical or mental health of the pregnant woman or any existing children of her family, greater than if the pregnancy were terminated; or
- (b) that there is a substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped.

(2) In determining whether the continuance of a pregnancy would involve such risk of injury to health as is mentioned in subsection (1) (a) account may be taken of the pregnant woman's actual or reasonably foreseeable environment.

Conscientious objection to participation in treatment.

113.-(1) Subject to subsection (2), no person shall be under any duty, whether by contract or by any statutory or other legal requirements, to participate in any treatment authorised by section 112 to which he has a conscientious objection:

Provided that in any legal proceedings the burden of proof of conscientious objection shall rest upon the person claiming to rely on it.

(2) Nothing in subsection (1) shall affect any duty to participate in treatment which is necessary to save the life or to prevent grave permanent injury to the physical or mental health of a pregnant woman.

Injury to child at birth.

114. Every person who intentionally and unlawfully causes harm to a living child during the time of its birth shall be liable to imprisonment for ten years.

115. Every person who conceals the body of a child whether such child was born alive or not, with intent to conceal the fact of its birth, existence or death, or the manner or cause of its death, shall be liable to imprisonment for two years. Concealment of body of child.

Definitions and Special Provisions Relating to the Matter of this Title

116.-(1) Every person who causes the death of another person by any unlawful harm is guilty of manslaughter. Manslaughter defined.

(2) If the harm was negligently caused, he is guilty only of manslaughter by negligence.

117. Every person who intentionally causes the death of another person by any unlawful harm is guilty of murder, unless his crime is reduced to manslaughter by reason of such extreme provocation, or other matter of partial excuse as in the next following sections mentioned. Murder defined.

118.-(1) Where a person kills or is a party to the killing of another, he shall not be convicted of murder if he was suffering from such abnormality of mind (whether arising from a condition of arrested or retarded development of mind or any inherent causes or induced by disease or injury) as substantially impaired his mental responsibility for his acts and omission in doing or being a party to the killing. Diminished responsibility.

(2) On a charge of murder, it shall be for the defence to prove that the person charged is by virtue of this section not liable to be convicted of murder.

(3) A person who but for this section would be liable whether as principal or as accessory, to be convicted of murder shall be liable instead to be convicted of manslaughter.

(4) The fact that one party to a killing is by virtue of this section not liable to be convicted of murder shall not affect the question whether the killing amounted to murder in the case of any other party to it.

When intentional homicide is reduced to manslaughter. 18 of 1998.

119. A person who intentionally causes the death of another person by unlawful harm shall be deemed to be guilty only of manslaughter, and not of murder, if there is such evidence as raises a reasonable doubt as to whether-

- (a) he was deprived of the power of self-control by such extreme provocation given by the other person as is mentioned in section 120; or
- (b) he was justified in causing some harm to the other person, and that in causing harm in excess of the harm which he was justified in causing he acted from such terror of immediate death or grievous harm as in fact deprived him, for the time being, of the power of self-control; or
- (c) in causing the death he acted in the belief, in good faith and on reasonable grounds, that he was under a legal duty to cause the death or to do the act which he did; or
- (d) in the case of woman who causes the death of her child recently born, she (while not insane) was deprived of the power of self-control by a disease or disorder of mind produced by childbearing.

Provocation defined.

120. The following matters may amount to extreme provocation to one person to cause the death of another person, namely-

- (a) an unlawful assault or battery committed upon the accused person by the other person, either in an

unlawful fight or otherwise, which is of such a kind either in respect of its violence or by reason of words, gestures or other circumstances of insult or aggravation, as to be likely to deprive a person, being of ordinary character, and being in the circumstances in which the accused person was, of the power of self-control;

- (b) the assumption by the other person, at the commencement of an unlawful fight, of an attitude manifesting an intention of instantly attacking the accused person with deadly or dangerous means or in a deadly manner;
- (c) an act of adultery committed with or by the wife or husband of the accused person, or the crime of unnatural carnal knowledge committed upon the accused person's wife or child; 18 of 1998.
- (d) a violent assault or battery, or any sexual offence, committed upon the accused person's wife, husband, child or parent, or upon any other person in the care or charge of the accused person; 18 of 1998.
- (e) any thing said to the accused person by the other person or by a third person which were grave enough to make a reasonable man to lose his self-control. 18 of 1998.

121.-(1) Notwithstanding the existence of such evidence as is referred to in section 119 (a), the crime of the accused shall not be deemed to be thereby reduced to manslaughter if it appears, either from the evidence given on his behalf, or from evidence given on the part of the prosecution-

When provocation shall not be admitted. 18 of 1998.

- (a) that he was not in fact deprived of the power of self-control by the provocation; or

- (b) that he acted wholly or partly from a previous purpose to cause death or harm, or to engage in an unlawful fight whether or not he would have acted on that purpose at the time or in the manner in which he did act but for the provocation; or
- (c) that after the provocation was given, and before he did the act which caused the harm, such a time elapsed or such circumstances occurred that a person of ordinary character might have recovered his self-control; or
- (d) that his act was, in respect either of the instrument or means used, or of the cruel or other manner in which it was used, greatly in excess of the measure in which a person of character would have been likely under the circumstances to be deprived of his self-control by the provocation.

(2) Where a person in the course of a fight uses any deadly or dangerous means against an adversary who has not used or commenced to use any deadly or dangerous means against him, if it appears that the accused person purposed or prepared to use such means before he had received any such blow or hurt in the fight as might be a sufficient provocation to use means of that kind, he shall be presumed to have used the means from a previous purpose to cause death, notwithstanding that before the actual use of the means he may have received any such blow or hurt in the fight as might amount to extreme provocation.

Mistake to matter of provocation.

122. A lawful blow, arrest or other violence may be a provocation, notwithstanding its lawfulness, if the accused person neither believed nor at the time of his act had reasonable means of knowing or reasonable ground for supposing that it was lawful.

123. Where a sufficient provocation has been given to the accused person by one person and he kills another person under the belief on reasonable grounds that the provocation was given by him, the provocation shall be admissible for reducing the crime to manslaughter in the same manner as if it had been given by the person killed, but except as in this section mentioned, provocation given by one person is not a provocation to kill a different person. Mistake as to the person.

124. The general provisions of Title II with respect to causing an event are in their application with respect to the causing of death by harm subject to the following explanations and modifications, namely- Special provisions as to causing death.

- (a) The death of a person shall be held to have been caused by harm if by reason of the harm death has happened otherwise or sooner, by however short a time, than it would probably have happened but for the harm.
- (b) It is immaterial that the harm would not have caused the person's death but for his infancy, old age, disease, intoxication or other state of body or mind, at the time when the harm was caused.
- (c) It is immaterial that the harm would not have caused the person's death but for his refusal or neglect to submit to or seek proper medical or surgical treatment, or but for his negligent or improper conduct or manner of living or of treating the harm, unless it be made to appear that the person acted as he did with the purpose of causing his own death.
- (d) Death shall be held to have been caused by harm if the death be caused by the medical or surgical treatment of the harm, unless such treatment itself amount to murder or manslaughter.

- Special provisions as to abetment. 125. The general provisions with respect to abetment are in their application for the purposes of this Title subject to the special provision, namely, that where a person commands the killing of another person knowing that the killing will be unlawful, then, although the crime of the person so commanded be reduced to manslaughter, or to an attempt to commit manslaughter, by his belief that he was under a legal duty to obey the command, the person giving the command is guilty of the same crime as if the person commanded had not believed himself to be under a legal duty to obey the command.
- Explanation as to a child. 126.-(1) In order that a child may be such a person that it may be murder or manslaughter to cause its death, it is necessary that before its death the child should have been completely brought forth alive from the body of the mother.
- (2) It is not necessary either that a circulation of blood independent of the mother's circulation, should have commenced in the child, or that the child should have breathed, or that it should have been detached from the mother by severance of the umbilical cord, and it is murder or manslaughter (as the case may be) to cause death to happen to a child after it becomes a person within the meaning of this section by means of harm caused to it before it became such a person.
- Abortion. 127.-(1) The crime of causing *abortion or miscarriage of a woman* can be committed either by that woman or by any other person, and that woman or any other person can be guilty of using means with intent to commit that crime, although the woman be not in fact pregnant.
- (2) The crime of causing abortion can be committed by causing a woman to be prematurely delivered of a child with intent unlawfully to cause or hasten the death of the child.
- Harm to a child at birth. 128. For the purposes of this Title, relating to causing harm to a living child during the time of its birth-

- (a) where harm is caused to a child during the time of its birth, or where upon the discovery of the concealed body of a child harm is found to have been caused to it, such harm shall be presumed to have been caused to the child before its death;
- (b) the expression "during the time of birth" includes the whole period from the commencement of labour till the time when the child so becomes a person as that it may be murder or manslaughter to cause its death.

129.-(1) Any secret disposition, whether it be intended to be permanent or not, may be a concealment.

Concealment of child.

(2) The abandonment of the body of a child in any public street or place may be a concealment if the body is abandoned for the purpose of concealing the fact of its birth or existence.

(3) Section 115 shall not apply to the case of a child of less than six months' growth before its birth.

(4) The said section shall not apply to the case of intent to conceal the birth, existence or death of a child, or the manner or cause of its death, from any particular person or persons only, but it is requisite that there should be an intent to conceal the same from all persons, except such persons as abet or consent to the concealment.

(5) The provisions of the said section apply as well to the mother of the child as to any other person.

Exceptions as to surgical or medical treatment.

130. Where any person does an act in good faith for purposes of surgical or medical treatment, an intent to cause death shall not be presumed from the fact that the act was or appeared likely to cause death.

Jurisdiction.

131. Where harm is unlawfully caused to a person within the jurisdiction of the courts, and his death is thereby caused, but the death happens beyond the jurisdiction of the courts, any persons guilty of having caused or abetted the causing of the harm may be tried and punished under the Code for murder or manslaughter as if the death had happened within the jurisdiction.

TITLE X

Crimes Against Rights of Property

Criminal Damage to Property

Destroying or damaging property.

132.-(1) A person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged shall be guilty of a crime.

(2) A person who without lawful excuse destroys or damages any property, whether belonging to himself or another-

(a) intending to destroy or damage any property or being reckless as to whether any property would be destroyed or damaged; and

(b) intending by the destruction or damage to endanger the life of another or being reckless as to whether the life of another would be thereby endangered,

shall be guilty of a crime.

(3) A crime committed under this section by destroying or damaging property by fire or by any explosive matter shall be charged as arson.

133. A person who without lawful excuse makes to another a threat, intending that that other person would fear it would be carried out-

Threats to destroy or damage property.

(a) to destroy or damage any property belonging to that other or a third person; or

(b) to destroy or damage his own property in a way which he knows is likely to endanger the life of that other or a third person,

shall be guilty of a crime.

134. A person who has anything in his custody or under his control intending without lawful excuse to use it or cause or permit another to use it-

Possessing anything with intent to destroy or damage property.

(a) to destroy or damage any property belonging to some other person; or

(b) to destroy or damage his own or the user's property in a way which he knows is likely to endanger the life of some other person,

shall be guilty of a crime.

135.-(1) A person who is guilty of arson under section 132 or of a crime under section 132 (2) (whether arson or not) shall be liable to imprisonment for life.

Punishment.

(2) A person who is guilty of any other crime under this Title shall be liable on conviction on indictment to imprisonment for a term not

exceeding ten years and on summary conviction to imprisonment for a term not exceeding one year.

Without lawful excuse.

136.-(1) This section applies to any crime under section 132 (1) and any crime under section 133 or section 134 other than one involving a threat by the person charged to destroy or damage property in a way which he knows is likely to endanger the life of another or involving an intent by the person charged to use or cause or permit the use of something in his custody or under his control so as to destroy or damage property.

(2) A person charged with a crime to which this section applies shall, whether or not he would be treated for the purposes of this Title as having a lawful excuse apart from this subsection, be treated for those purposes as having a lawful excuse-

- (a) if at the time of the act or acts alleged to constitute the crime he believed that the person or persons whom he believed to be entitled to consent to the destruction of or damage to the property in question had so consented, or would have so consented to it if he or they had known of the destruction or damage and its circumstances; or
- (b) if he destroyed or damaged or threatened to destroy or damage the property in question or in the case of a charge of a crime under section 134 above, intended to use or cause or permit the use of something to destroy or damage it, in order to protect property belonging to himself or another or a right or interest in property which was or which he believed to be vested in himself or another, and at the time of the act or acts alleged to constitute the crime he believed-
 - (i) that the property, right or interest was in

immediate need of protection; and

- (ii) that the means of protection adopted or proposed to be adopted were or would be reasonable having regard to all the circumstances.

(3) For the purpose of this section it is immaterial whether a belief is justified or not if it is honestly held.

(4) For the purpose of subsection (2) a right or interest in property includes any right or privilege in or over land, whether created by grant, licence or otherwise.

(5) This section shall not be construed as casting doubt on any defence recognised by law as a defence to criminal charges.

137.-(1) In this Title “property” means property of a tangible nature, whether real or personal, including money and-

Meaning of property.

- (a) including wild creatures which have been tamed or are ordinarily kept in captivity, and any other wild creatures or their carcasses if, but only if, they have been reduced into possession which has not been lost or abandoned or are in the course of being reduced into possession; but
- (b) not including flowers, fruits or foliage of a plant growing wild on any land.

(2) Property shall be treated for the purposes of this Title as belonging to any person-

- (a) having the custody or control of it;

(b) having in it any proprietary right or interest (not being an equitable interest arising only from an agreement to transfer or grant an interest); or

(c) having a charge on it.

(3) Where property is subject to a trust, the persons to whom it belongs shall be so treated as including any person having a right to enforce the trust.

(4) Property of a corporation sole shall be so treated as belonging to the corporation notwithstanding a vacancy in the corporation.

Meaning of damage.

138. In this Title “damage” includes not only damage to the matter of a thing, but also the interruption of the use thereof or any interference therewith by which the thing becomes temporarily useless, or by which expense is rendered necessary in order to render the thing fit for the purposes for which it was used or maintained.

TITLE XI

Criminal Misappropriations and Frauds

Theft

Basic definition of theft.

139.-(1) A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; and “thief” and “steal” shall be construed accordingly.

(2) It is immaterial whether the appropriation is made with a view to gain, or is made for the thief’s own benefit.

(3) Sections 140 to 145 shall have effect as regards the interpretation and operation of this section (and, except as otherwise

provided by this Title, shall apply only for the purposes of this section).

140.-(1) A person's appropriation of property belonging to another is not to be regarded as dishonest- "Dishonestly."

- (a) if he appropriates the property in the belief that he has in law the right to deprive the other of it, on behalf of himself or of a third person; or
- (b) if he appropriates the property in the belief that he would have the other's consent if the other knew of the appropriation and the circumstances of it; or
- (c) (except where the property came to him as trustee or personal representative) if he appropriates the property in the belief that the person to whom the property belongs cannot be discovered by taking reasonable steps.

(2) A person's appropriation of property belonging to another may be dishonest notwithstanding that he is willing to pay for the property.

141.-(1) Any assumption by a person of the rights of an owner amounts to an appropriation, and this includes, where he has come by the property (innocently or not) without stealing it, any later assumption of a right to it by keeping or dealing with it as owner. "Appropriates".

(2) Where property or a right or interest in property is or purports to be transferred for value to a person acting in good faith, no later assumption by him of rights which he believed himself to be acquiring shall, by reason of any defect in the transferor's title, amount to theft of the property.

142.-(1) If it be proved on behalf of a person accused of having stolen a Consent by a wife.

thing that the wife of the owner of the thing consented to its appropriation by the accused person, the accused person shall not be convicted unless it be proved against him that he had notice that the wife had no authority to consent to the appropriation.

(2) If it appears that he had committed or designed to commit adultery with the wife, he shall be deemed to have had such notice, but he shall not in such case be deemed guilty of stealing by reason only of his appropriation, with the consent of the wife, or of his assisting the wife to appropriate, any wearing apparel of the wife, or any money or other thing of which the wife is apparently permitted to have the disposal for her own use.

“Property”.

143.-(1) “Property” includes money and all other property real or personal, including things in action and other intangible property.

(2) A person cannot steal land, or things forming part of land and severed from it by him or by his directions, except in the following cases, that is to say-

- (a) when he is a trustee or personal representative, or is authorised by power of attorney, or as liquidator of a company, or otherwise, to sell or dispose of land belonging to another, and he appropriates the land or anything forming part of it by dealing with it in breach of the confidence reposed in him; or
- (b) when he is not in possession of the land and appropriates anything forming part of the land by severing it or causing it to be severed, or after it has been severed; or
- (c) when, being in possession of the land under a tenancy, he appropriates the whole or part of any fixture or structure let to be used with the land.

For purposes of this subsection “land” does not include incorporeal hereditaments; "tenancy" means a tenancy for years or any less period and includes an agreement for such a tenancy but a person who after the end of a tenancy remains in possession as statutory tenant or otherwise is to be treated as having possession under the tenancy, and "let" shall be construed accordingly.

(3) A person who picks flowers, fruits or foliage from a plant growing wild on any land, does not (although not in possession of the land) steal what he picks, unless he does it for reward or for sale or other commercial purpose.

(4) Wild creatures, tamed or untamed, shall be regarded as property; but a person cannot steal a wild creature not tamed nor ordinarily kept in captivity, or the carcase of any such creature, unless either it has been reduced into possession by or on behalf of another person and possession to it has not since been lost or abandoned, or another person is in course of reducing it into possession.

144.-(1) Property shall be regarded as belonging to any person having possession or control of it, or having in it any proprietary right or interest (not being an equitable interest arising only from an agreement to transfer or grant an interest).

“Belonging to another”.

(2) Where property is subject to a trust, the persons to whom it belongs shall be regarded as including any person having a right to enforce the trust, and an intention to defeat the trust shall be regarded accordingly as an intention to deprive of the property any person having that right.

(3) Where a person receives property from or on account of another, and is under an obligation to the other to retain and deal with that property or its proceeds in a particular way, the property or proceeds shall be regarded (as against him) as belonging to the other.

(4) Where a person gets property by another's mistake and is under an obligation to make restoration (in whole or in part) of the property or its proceeds or of the value thereof, then to the extent of that obligation the property or proceeds shall be regarded (as against him) as belonging to the person entitled to restoration and an intention not to make restoration shall be regarded accordingly as an intention to deprive that person of the property or proceeds.

(5) Property of a corporation sole shall be regarded as belonging to the corporation notwithstanding a vacancy in the corporation.

“With the intention to permanently depriving the other of it”.

145.-(1) A person appropriating property belonging to another without meaning the other permanently to lose the thing itself is nevertheless to be regarded as having the intention of permanently depriving the other of it if his intention is to treat the thing as his own to dispose of regardless of the other's rights; and a borrowing or lending of it may amount to so treating it if, but only if, the borrowing or lending is for a period and in circumstances making it equivalent to an outright taking or disposal.

(2) Without prejudice to the generality of subsection (1), where a person, having possession or control (lawfully or not) of property belonging to another, parts with the property under a condition as to its return which he may not be able to perform, this (if done for the purposes of his own and without the other's authority) amounts to treating the property as his own to dispose of regardless of the other's rights.

Theft.

146. A person guilty of theft shall on conviction on indictment be liable to imprisonment for a term not exceeding ten years.

Robbery, burglary, etc.

Robbery.

147.-(1) A person is guilty of robbery if he steals, and immediately before or at the time of doing so and in order to do so, he uses force on any person or puts or seeks to put any person in fear of being then and there subjected

to force.

(2) A person guilty of robbery, or of attempted robbery, or of assault with intent to rob, shall be punished as follows:- 28 of 1994.

- (a) *on conviction on indictment*, to a term of imprisonment which shall not be less than ten years but which may extend to life imprisonment;
- (b) *on summary conviction*, to a term of imprisonment which shall not be less than five years but which may extend to ten years:

Provided that (whether the case is tried summarily or on indictment) the court may, in the case of a first time offender who has no previous conviction for any offence involving dishonesty or violence, refrain from imposing the minimum mandatory sentence prescribed above if there be special extenuating circumstances which the court shall record in writing, and in lieu thereof, pass such other sentence (whether custodial or non-custodial) as the court shall deem just having regard to the prevalence of the crime and other relevant factors.

(3) The offence of robbery, or of attempted robbery, or of assault with intent to rob, may be tried summarily without the consent of the accused at the discretion of the Director of Public Prosecutions. 28 of 1994.

(4) The provisions of this section shall have effect notwithstanding anything to the contrary contained in the Summary Jurisdiction (Offences) Act. 28 of 1994. CAP. 98.

148.-(1) A person is guilty of burglary if- Burglary.

- (a) he enters any building or part of a building as a trespasser and with intent to commit any such crime as is

mentioned in subsection (2); or

- (b) having entered any building or part of a building as a trespasser he steals or attempts to steal anything in the building or that part of it or inflicts or attempts to inflict on any person therein any grievous bodily harm.

(2) The crimes referred to in subsection (1) (a) are the crimes of stealing anything in the building or part of a building in question, of inflicting on any person therein any grievous bodily harm or raping any woman therein, and of doing unlawful damage to the building or anything therein.

(3) References in subsections (1) and (2) to a building shall apply also to an inhabited vehicle or vessel, and shall apply to any such vehicle or vessel at times when the person having a habitation in it is not there as well as at times when he is.

28 of 1994.

(4) A person guilty of burglary shall be punished as follows:

- (a) *on conviction on indictment*, to a term of imprisonment which shall not be less than seven years but which may extend to fourteen years;
- (b) *on summary conviction*, to a term of imprisonment which shall not be less than five years but which may extend to ten years:

Provided that (whether the case is tried summarily or on indictment) the court may, in the case of a first time offender who has no previous conviction for any offence involving dishonesty or violence, refrain from imposing the minimum mandatory sentence prescribed above if there be special extenuating circumstances which the court shall record in writing, and in lieu thereof, pass such other sentence (whether custodial or non-

custodial) as the court shall deem just having regard to the prevalence of the crime and other relevant factors.

(5) The offence of burglary or of attempted burglary may be tried summarily without the consent of the accused at the discretion of the Director of Public Prosecutions. 28 of 1994.

(6) The provisions of this section shall have effect notwithstanding anything to the contrary contained in the Summary Jurisdiction (Offences) Act. 28 of 1994. CAP. 98.

149.-(1) A person is guilty of aggravated burglary if he commits any burglary and at the time has with him any firearm, or imitation firearm, or any weapon of offence, or any explosive and for this purpose- Aggravated burglary.

(a) “firearm” includes an airgun or air pistol, and “imitation firearm” means anything which has the appearance of being a firearm, whether capable of being discharged or not; and

(b) “weapon of offence” means any article made or adapted for use for causing injury to or incapacitating a person, or intended by the person having it with him for such use; and

(c) “explosive” means any article manufactured for the purpose of producing a practical effect by explosion, or intended by the person having it with him for that purpose.

(2) A person guilty of aggravated burglary shall be punished as follows:- 28 of 1994.

(a) *on conviction on indictment*, to a term of imprisonment which shall not be less than ten years but which may

extend to imprisonment for life;

- (b) *on summary conviction*, to a term of imprisonment which shall not be less than seven years but which may extend to twelve years:

Provided that (whether the case is tried summarily or on indictment) the court may, in the case of a first time offender who has no previous conviction for any offence involving dishonesty or violence, refrain from imposing the minimum mandatory sentence prescribed above if there be special extenuating circumstances which the court shall record in writing, and in lieu thereof, pass such other sentence (whether custodial or non-custodial) as the court shall deem just having regard to the prevalence of the crime and other relevant factors.

28 of 1994. (3) The offence of aggravated burglary may be tried summarily without the consent of the accused at the discretion of the Director of Public Prosecutions.

28 of 1994. CAP. 98. (4) The provisions of this section shall have effect notwithstanding anything to the contrary contained in the Summary Jurisdiction (Offences) Act.

Removal of articles from places open to the public. 150.-(1) Subject to subsections (2) and (3), where the public have access to a building in order to view the building or part of it, or a collection or part of a collection housed in it, any person who without lawful authority removes from the building or its grounds the whole or part of any article displayed or kept for display to the public in the building or that part of it or in its grounds shall be guilty of an offence.

For this purpose “collection” includes a collection got together for a temporary purpose, but references in this section to a collection do not apply to a collection made or exhibited for the purpose of effecting sales or other commercial dealings.

(2) It is immaterial for purposes of subsection (1) that the public's access to a building is limited to a particular period or particular occasion; but where anything removed from a building or its grounds is there otherwise than as forming part of, or being on loan for exhibition with, a collection intended for permanent exhibition to the public, the person removing it does not thereby commit an offence under this section unless he removes it on a day when the public have access to the building as mentioned in subsection (1).

(3) A person does not commit an offence under this section if he believes that he has lawful authority for the removal of the thing in question or that he would have it if the person entitled to give it knew of the removal and the circumstances of it.

(4) A person guilty of an offence under this section shall, on conviction on indictment, be liable to imprisonment for a term not exceeding five years.

151.-(1) Subject to subsections (4) and (5), a person shall be guilty of a felony if, without having the consent of the owner or other lawful authority, he takes any conveyance for his own or another's use or, knowing that any conveyance has been taken without such authority, drives it or allows himself to be carried in or on it.

Taking motor vehicle or other conveyancy without authority.

(2) A person guilty of an offence under subsection (1) shall on conviction on indictment be liable to imprisonment for a term not exceeding three years.

(3) If on the trial of an indictment for theft the jury are not satisfied that the accused committed theft, but it is proved that the accused committed an offence under subsection (1) the jury may find him guilty of the offence under subsection (1).

(4) Subsection (1) shall not apply in relation to pedal cycles; but

subject to subsection (5) a person who, without having the consent of the owner or other lawful authority, takes a pedal cycle for his own or another's use, or rides a pedal cycle knowing it to have been taken without such authority, shall on summary conviction be liable to a fine not exceeding two hundred dollars.

(5) A person does not commit an offence under this section by anything done in the belief that he has lawful authority to do it or that he would have the owner's consent if the owner knew of his doing it and the circumstances of it.

(6) For purposes of this section-

(a) "conveyance" means any conveyance constructed or adapted for the carriage of a person or persons whether by land, water or air, except that it does not include a conveyance, constructed or adapted for use only under the control of a person not carried in or on it, and "drive" shall be construed accordingly; and

(b) "owner", in relation to a conveyance which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the conveyance under that agreement.

Abstracting of
electricity.

152. A person who dishonestly uses without due authority, or dishonestly causes to be wasted or diverted, any electricity shall on conviction on indictment be liable to imprisonment for a term not exceeding five years.

Obtaining
property by
deception.

153.-(1) A person who by any deception dishonestly obtains property belonging to another, with the intention of permanently depriving the other of it, shall on conviction on indictment be liable to imprisonment for a term not exceeding ten years.

(2) For purposes of this section a person is to be treated as obtaining property if he obtains ownership, possession or control of it, and "obtain" includes obtaining for another or enabling another to obtain or to retain.

(3) Section 145 shall apply for purposes of this section, with the necessary adaptation of the reference to appropriating, as it applies for purposes of section 139.

(4) For purposes of this section "deception" means any deception (whether deliberate or reckless) by words or conduct as to fact or as to law, including a deception as to the present intentions of the person using the deception or any other person.

154.-(1) A person is guilty of an offence if by any deception he dishonestly obtains a money transfer for himself or another.

Obtaining a money transfer by deception. 18 of 1998.

(2) A money transfer occurs when -

(a) a debit is made to one account;

False accounting.

(b) a credit is made to another; and

(c) the credit results from the debit or the debit results from the credit.

(3) References to a credit and to a debit are to a credit of an amount of money and to a debit of an amount of money.

(4) It is immaterial (in particular) -

(a) whether the amount credited is the same as the amount debited;

- (b) whether the money transfer is effected on presentment of a cheque or by another method;
 - (c) whether any delay occurs in the process by which the money transfer is effected;
 - (d) whether any intermediate credits or debits are made in the course of the money transfer;
 - (e) whether either of the accounts is overdrawn before or after the money transfer is effected.
- (5) For the purpose of this section:-
- (a) “deception” has the same meaning as in section 153;
 - (b) “account” means an account kept with-
 - (i) a bank; or
 - (ii) a person carrying on a business which falls within paragraph (c) below;
 - (c) a business falls within this subsection if -
 - (i) in the course of the business money received by way of deposit is lent to others; or
 - (ii) any other activity of the business is financed wholly or to any material extent, out of the capital of or the interest on money received by way of deposit;
 - (d) for the purposes of paragraph (c) above-

- (i) all the activities which a person carries on by way of business shall be regarded as a single business carried on by him; and
- (ii) “money” includes money expressed in a currency other than the currency of Belize.

(6) A person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for a term not exceeding ten years.

*(7) Nothing in this section shall have effect in relation to anything done before the day on which this section comes into force.

155.-(1) A person is guilty of an offence if -

- (a) a wrongful credit has been made to an account kept by him or in respect of which he has any right or interest;
- (b) he knows or believes that the credit is wrongful; and
- (c) he dishonestly fails to take such steps as are reasonable in the circumstances to secure that the credit is cancelled.

Dishonestly retaining a wrongful credit. 18 of 1998.

(2) References to a credit are to a credit of an amount of money.

(3) A credit to an account is wrongful if it is the credit side of a money transfer obtained contrary to section 154 of this Act.

(4) A credit to an account is also wrongful to the extent that it derives from:-

* Section 154 was added by Act 18 1998 as section 159A and came into force on the 1st day of August, 1998, by virtue of Statutory Instrument 81 of 1998.

- (a) theft;
- (b) an offence under section 154 of this Act;
- (c) blackmail; or
- (d) stolen goods.

(5) In determining whether a credit to an account is wrongful, it is immaterial (in particular) whether the account is overdrawn before or after the credit is made.

(6) A person guilty of an offence under this section shall be liable on conviction on indictment to imprisonment for a term not exceeding ten years.

(7) Subsection (8) below applies for purposes of provisions of this Act relating to stolen goods (including subsection (4) above).

(8) References to stolen goods include money which is dishonestly withdrawn from an account to which a wrongful credit has been made, but only to the extent that the money derives from the credit.

(9) In this section “account” and “money” shall be construed in accordance with section 154 of this Act.

*(10) This section applies to wrongful credit made on or after the day on which this section comes into force.

Obtaining
pecuniary
advantage by
deception.

156.-(1) A person who by any deception dishonestly obtains for himself or another any pecuniary advantage shall on conviction on indictment be liable to imprisonment for a term not exceeding five years.

* See footnote to section 154 (7) on the date of commencement to this section.

(2) The cases in which a pecuniary advantage within the meaning of this section is to be regarded as obtained for a person are cases where-

- (a) he is allowed to borrow by way of overdraft, or to take out any policy of insurance or annuity contract, or obtains an improvement of the terms on which he is allowed to do so; or
- (b) he is given the opportunity to earn remuneration or greater remuneration or greater remuneration in an office or employment, or to win money by betting.

(3) For purposes of this section “deception” has the same meaning as in section 153.

157.-(1) A person who by any deception dishonestly obtains services from another shall be guilty of an offence.

Obtaining services by deception.

(2) It is an obtaining of services where the other is induced to confer a benefit by doing some act, or causing or permitting some act to be done, on the understanding that the benefit has been or will be paid for.

(3) Without prejudice to the generality of subsection (2) above, it is an obtaining of services where the other is induced to make a loan, or to cause or permit a loan to be made, on the understanding that any payment (whether by way of interest or otherwise) will be or has been made in respect of the loan.

18 of 1998.

158.-(1) Subject to subsection (2), where a person by any deception-

- (a) dishonestly secures the remission of the whole or part of any existing liability to make a payment, whether his own liability or another's; or

Evasion of liability by deception.

- (b) with intent to make permanent default in whole or in part on any existing liability to make a payment, or with intent to let another do so, dishonestly induces the creditor or any person claiming payment on behalf of the creditor to wait for payment (whether or not the due date for payment is deferred) or to forego payment; or
- (c) dishonestly obtains any exemption from or abatement of liability to make a payment,

he shall be guilty of an offence.

(2) For purposes of this section “liability” means legally enforceable liability; and subsection (1) shall not apply in relation to a liability that has not been accepted or established to pay compensation for a wrongful act or omission.

(3) For purposes of subsection (1) (b) a person induced to take in payment a cheque or other security for money by way of conditional satisfaction of a preexisting liability is to be treated not as being paid but as being induced to wait for payment.

(4) For purposes of subsection (1) (c) “obtains” includes obtaining for another or enabling another to obtain.

Making off
without payment.

159.-(1) Subject to subsection (3), a person who, knowing that payment on the spot for any goods supplied or service done is required or expected from him, dishonestly makes off without having paid as required or expected and with intent to avoid payment of the amount due shall be guilty of an offence.

(2) For purposes of this section “payment on the spot” includes payment at the time of collecting goods on which work has been done or in respect of which service has been provided.

(3) Subsection (1) shall not apply where the supply of the goods or the doing of the service is contrary to law, or where the service done is such that payment is not legally enforceable.

(4) Any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be committing or attempting to commit an offence under this section.

160.-(1) Offences under sections 157 to 159 shall be punishable either on conviction on indictment or on summary conviction. Punishments.

(2) A person convicted on indictment shall be liable-

(a) for an offence under section 157 or section 158, to imprisonment for a term not exceeding five years; and

(b) for an offence under section 159, to imprisonment for a term not exceeding two years.

(3) A person convicted summarily shall be liable to imprisonment for a term not exceeding six months; or to a fine not exceeding five hundred dollars, or to both such fine and term of imprisonment.

161. For purposes of sections 157 and 158 “deception” has the same meaning as in section 153, that is to say, it means any deception (whether deliberate or reckless) by words or conduct as to fact or as to law, including a deception as to the present intentions of the person using the deception or any other person, and section 163 (liability of company officers for offences by the company) shall apply in relation to sections 157 and 158 as it applies in relation to section 153. Supplementary.

162.-(1) Where a person dishonestly, with a view to gain for himself or another or with intent to cause loss to another- False accounting.

- (a) destroys, defaces, conceals or falsifies any account or any record or document made or required for any accounting purposes; or
- (b) in furnishing information for any purpose produces or makes use of any account, or any such record or document as aforesaid, which to his knowledge is or may be misleading, false or deceptive in a material particular,

he shall, on conviction on indictment, be liable to imprisonment for a term not exceeding seven years.

(2) For purposes of this section a person who makes or concurs in making in an account or other document an entry which is or may be misleading, false or deceptive in a material particular, or who omits or concurs in omitting a material particular from an account or other document, is to be treated as falsifying the account or document.

Liability of company officers for certain offences by company.

163.-(1) Where an offence committed by a body corporate under section 153, 156, or 162 is proved to have been committed with the consent or connivance of any director, manager, secretary or other certain similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence, and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, this section shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

False statements by company directors, etc.

164.-(1) Where an officer of a body corporate or unincorporated association (or person purporting to act as such), with intent to deceive

members or creditors of the body corporate or association about its affairs, publishes or concurs in publishing a written statement or account which to his knowledge is or may be misleading, false or deceptive in a material particular, he shall on conviction on indictment be liable to imprisonment for a term not exceeding seven years.

(2) For purposes of this section a person who has entered into a security for the benefit of a body corporate or association is to be treated as a creditor of it.

(3) Where the affairs of a body corporate or association are managed by its members, this section shall apply to any statement which a member publishes or concurs in publishing in connection with his functions of management as if he were an officer of the body corporate or association.

165.-(1) A person who dishonestly, with a view to gain for himself or another or with intent to cause loss to another, destroys, defaces or conceals any valuable security, any will or other testamentary document or any original document of or belonging to or filed or deposited in, any court of justice or any government department shall on conviction on indictment be liable to imprisonment for a term not exceeding seven years.

Suppression,
etc., of
documents.

(2) A person who dishonestly, with a view to gain for himself or another or with intent to cause loss to another, by any deception procures the execution of a valuable security shall on conviction on indictment be liable to imprisonment for a term not exceeding seven years; and this subsection shall apply in relation to the making, acceptance, indorsement, alteration, cancellation or destruction in whole or in part of a valuable security and in relation to the signing or sealing of any paper or other material in order that it may be made or converted into, or used or dealt with as a valuable security, as if that were the execution of a valuable security.

(3) For purposes of this section “deception” has the same meaning as in section 153, and "valuable security" means any document creating,

transferring, surrendering or releasing any right to, in or over property, or authorising the payment of money or delivery of any property, or evidencing the creation, transfer, surrender or release of any such right, or the payment of money or delivery of any property, or the satisfaction of any obligation.

Frauds in sale of land.

166. Every person, who, in order to induce a person to become a purchaser or mortgagee of any land or interest in land, fraudulently conceals any document which is material to the title to such land or interest, shall be liable to imprisonment for two years.

Boundaries, documents and accounts.

167.-(1) Every person, who with intent to defraud removes, injures, alters or falsifies any boundary mark or thing serving to distinguish the land or other property of himself or of any person from the land or other property of any other person, shall be liable to imprisonment for two years.

(2) Nothing in this section shall exempt a person from any liability to greater or other punishment under any other provision of this Code, or any statute for the time being in force in Belize, but so that a person is not twice punishable for the same act.

Removing goods to evade legal process.

168. Every person who, knowing that any execution, warrant, or other process of law has been awarded or issued for the seizure of any thing belonging to him or in his possession, custody or control, unlawfully removes, conceals or in any manner disposes of any such thing, with intent to defeat or evade such execution, warrant or process, is guilty of a misdemeanour.

Frauds as to tickets, etc.

169. Every person who does any of the following acts shall be liable, on summary conviction, to imprisonment for three months, that is to say-

- (a) transfers to any other person, or accepts from any other person, any ticket or pass for travelling in any vessel, or on any railway or other conveyance, knowing that such ticket or pass is not transferable; or

- (b) accepts or offers to accept any money or other property for or on pretence of using any kind of witchcraft, sorcery, enchantment or conjuration, or art of telling fortunes; or
- (c) defrauds any person by means of any false weight or measure, or by any false use of any weight or measure; or
- (d) makes, gives or uses any certificate or testimonial of health, sickness, character, qualification or competency, knowing the same to be false in any material particular; or
- (e) knowingly makes any false return or statement of any matter as to which he is required to make a return or statement for the purpose of any tax, rate or assessment.

170.-(1) A person is guilty of blackmail if, with a view to gain for himself or another or with intent to cause loss to another, he makes any unwarranted demand with menaces; and for this purpose a demand with menaces is unwarranted unless the person making it does so in the belief-

Blackmail.

- (a) that he has reasonable grounds for making the demand; and
- (b) that the use of the menaces is a proper means of reinforcing the demand.

(2) The nature of the act or omission demanded is immaterial, and it is also immaterial whether the menaces relate to action to be taken by the person making the demand.

(3) Any person guilty of blackmail shall on conviction on

4 of 1987.

indictment be imprisoned for a term which shall not be less than seven years but which may extend to imprisonment for life.

Offences relating to goods stolen, etc.

Handling stolen goods.

171.-(1) A person handles stolen goods if (otherwise than in the course of the stealing) knowing or believing them to be stolen goods he dishonestly receives the goods, or dishonestly undertakes or assists in their retention, removal, disposal or realisation by or for the benefit of another person, or if he arranges to do so.

(2) A person guilty of handling stolen goods shall on conviction on indictment be liable to imprisonment for a term not exceeding fourteen years.

Scope of offences relating to stolen goods.

172.-(1) The provisions of this Title relating to goods which have been stolen shall apply whether the stealing occurred in Belize or elsewhere, provided that the stealing (if not an offence under this Title) amounted to an offence where and at the time when the goods were stolen; and references to stolen goods shall be construed accordingly.

(2) For purposes of those provisions references to stolen goods shall include, in addition to the goods originally stolen and parts of them (whether in their original state or not)-

- (a) any other goods which directly or indirectly represent or have at any time represented the stolen goods in the hands of the thief as being the proceeds of any disposal or realisation of the whole or part of the goods stolen or of goods so representing the stolen goods; and
- (b) any other goods which directly or indirectly represent or have at any time represented the stolen goods in the hands of a handler of the stolen goods or any part of

them as being the proceeds of any disposal or realisation of the whole or part of the stolen goods handled by him or of goods so representing them.

(3) No goods shall be regarded as having continued to be stolen goods after they have been restored to the person from whom they were stolen or to other lawful possession or custody, or after that person and any other person claiming through him have otherwise ceased as regards those goods to have any right to restitution in respect of the theft.

(4) For purposes of the provisions of this Title relating to goods which have been stolen (including subsections (1) to (3)) goods obtained in Belize or elsewhere either by blackmail or in the circumstances described in section 153 (1) shall be regarded as stolen; and “steal”, “theft” and “thief” shall be construed accordingly.

Possession of Instrument for Burglary, etc.

173.-(1) A person shall be guilty of an offence if, when not at his place of abode, he has with him any article for use in the course of or in connection with any burglary, theft or cheat.

Going equipped for stealing, etc.

(2) A person guilty of an offence under this section shall on conviction on indictment be liable to imprisonment for a term not exceeding three years.

(3) Where a person is charged with an offence under this section, proof that he had with him any article made or adapted for use in committing a burglary, theft or cheat shall be evidence that he had it with him for such use.

(4) Any person may arrest without warrant anyone who is, or whom he, with reasonable cause, suspects to be committing an offence under this section.

(5) For purposes of this section an offence under section 151 (1) shall be treated as theft, and “cheat” means an offence under section 153.

Supplementary

Interpretation. 174.-(1) Sections 143 (1) and 144 (1) shall apply generally for purposes of this Title as they apply for purposes of section 139.

(2) For purposes of this Title-

(a) “gain” and “loss” are to be construed as extending only to gain or loss in money or other property, but as extending to any such gain or loss whether temporary or permanent; and-

(i) “gain” includes a gain by keeping what one has, as well as a gain by getting what one has not; and

(ii) “loss” includes a loss by not getting what one might get, as well as a loss by parting with what one has;

(b) "goods", except in so far as the context otherwise requires, includes money and every other description of property except land, and includes things severed from the land by stealing.

TITLE XII

Forgery

Forgery of 175.-(1) Every person who-

- (a) with intent to defraud, or with intent to defeat, obstruct or pervert the course of justice, forges any of the following documents, namely will, document of title to land, judicial record, power of attorney, bank note, bill of exchange, promissory note or negotiable instrument, policy of insurance, cheque or other authority for the payment of money by a person carrying on business as a banker or other valuable security; or
- (b) with intent to defraud any person or persons to the amount of one hundred dollars or upwards, forges any document whatever, not otherwise in this Title expressly mentioned; or
- (c) is convicted of being a common forger,

shall be liable to imprisonment for life.

176. Every person who, with intent to defraud, or with intent to defeat, obstruct or pervert the course of justice or the execution of the law, forges any judicial or official document, shall be liable to imprisonment for ten years.

Forgery of official documents.

177. Every person who, with intent to defraud any person or persons to the amount or value of twenty-five dollars or upwards, forges any document or documents whatever not otherwise in this Title expressly mentioned, shall be liable to imprisonment for five years.

Forgery above twenty-five dollars.

178. Every person who forges any passport or makes a statement which is to his knowledge untrue for the purpose of procuring a passport, whether for himself or any other person, shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment for a term not exceeding two years or a fine not exceeding one thousand dollars, or to both such fine and term of imprisonment.

Forgery of passport.

- Forgery of other documents. 179. Every person who forges any stamp or any other document whatever, not otherwise in this Title expressly mentioned, with intent to defraud or injure any person, or with intent to defeat, obstruct or pervert the course of justice or the due execution of the law, or with intent to evade the requirements of the law, or with intent to commit or facilitate the commission of any other crime, shall be liable to imprisonment for two years.
- Uttering false documents. 180. Every person who with any of the intents mentioned in this Title utters, or in any manner deals with or uses, any such document as in this Title mentioned, knowing it to be forged, counterfeited or falsified (as the case may be) or knowing the same not to be genuine, shall be liable to the like punishment as if he had with that intent forged, counterfeited or falsified (as the case may be) such document.
- Claiming upon a forged document. 181. Every person who with intent to defraud, demands or accepts for himself or for any other person, any money or money's worth as being due under or by virtue of any document which he knows to be forged, or not to be genuine, shall be liable to the same punishment as if he had forged such document with intent to defraud some person or persons of such money or money's worth.
- Possessing false documents. 182. Every person who with any of the intents mentioned in this Title has in his possession any document which is forged, counterfeited or falsified, or which he knows not to be genuine, shall be liable to the like punishment as if he had with that intent forged, counterfeited or falsified (as the case may be) such document.
- Procuring, making, etc., of documents by force, etc. 183. Every person who with any of the intents mentioned in this Title causes a person, by force, threats, duress, deceit or in any manner without his consent, to make, alter, cancel or injure, any such document as in this Title mentioned, shall be liable to the like punishment as if he had forged such document with such intent.

184.-(1) Every person who-

False coin.

- (a) with intent to defraud counterfeits or falsifies any current coin, or
- (b) imports or exports any counterfeited or falsified current coin,

shall be liable to imprisonment for ten years.

(2) Every person who is convicted of being a common coiner shall be liable to imprisonment for life.

185. Every person who with any of the intents mentioned in this Title utters, or in any manner deals with or uses, any such current coin as in this Title mentioned, knowing the same to be forged, counterfeited or falsified (as the case may be) or knowing the same not to be genuine, shall be liable to the like punishment as if he had with that intent forged, counterfeited or falsified (as the case may be) such current coin.

Uttering false current coin.

186. Every person who with any of the intents mentioned in this Title has in his possession any current coin which is forged, counterfeited or falsified, or which he knows not to be genuine, shall be liable to the like punishment as if he had with that intent forged, counterfeited or falsified (as the case may be) such current coin.

Possessing false current coin.

187. Every person who, without lawful authority or excuse (the proof whereof shall lie on the party accused)-

- (a) knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his custody or possession, any puncheon, counter puncheon, matrix, stamp, die, pattern or mould, in or upon which there is made or impressed, or which will make or impress, or

Making, mending or having possession of any coining tools a felony.

which shall be adapted and intended to make or impress, the figure, stamp or apparent resemblance of both or either of the sides of any current coin or any part or parts of both or either of the sides of any current coin or any part or parts of both or either of such sides,

- (b) makes or mends or begins or proceeds to make or mend, or buys or sells or has in his custody or possession, any edger, edging or other tool, collar, instrument or engine adapted and intended for the marking of current coin round the edges with letters, grainings or other marks or figures apparently resembling those on the edges of any such coin as in this section aforesaid, knowing the same to be so adapted and intended as aforesaid, or
- (c) makes or mends or begins or proceeds to make or mend, or buys or sells or has in his custody or possession, any press for coinage, or any cutting engine for cutting by force of a screw or of any other contrivance, round blanks out of gold, silver or other metal, or mixture of metals, or any other machine, knowing such press for coinage or knowing such engine or machine to have been used or to be intended to be used for or in order to the false making or counterfeiting of any current coin,

shall be guilty of felony, and being convicted thereof shall be liable to imprisonment for any term not exceeding five years.

Forged or counterfeited coin, etc., to be delivered to the Governor of the

188. Where any-

- (a) forged or counterfeit current coin, or any machinery,

implement, utensil or material used or intended to be used for the forging of current coin, or

Central Bank of Belize.

- (b) forged or counterfeit currency note, or any machinery, implement, utensil or material used or intended to be used for the forging of currency notes,

is lawfully seized under a warrant granted in pursuance of this Code or otherwise, the current coin, currency notes, machinery, implement, utensil or material as the case may be, shall, notwithstanding anything to the contrary, be delivered up to the Managing Director of the Governor of the Central Bank of Belize or to any person authorized by him for the purpose, by order of the court before which the offender is tried or, if there is no trial, by order of a magistrate.

189. Every person who, without due authority or excuse (the proof whereof shall lie on the person accused) makes or has in his possession for sale, offers for sale, or sells, any medal, cast coin, or other like thing made wholly or partially of metal or any metallic combination and resembling in size, figure and colour any current coin, or having thereon a device resembling any device on any current coin, or being so formed that it can by gilding, silvering, colouring, washing or other like process, be so dealt with as to resemble any current coin, shall be guilty of a misdemeanour, and on being convicted, shall be liable on conviction either on indictment or summarily to be imprisoned for any term not exceeding one year.

Punishment for selling medals resembling current coin.

190. Every person who, without lawful authority, defaces any current coin is guilty of a misdemeanour.

Damaging current coin.

191.-(1) Every person who utters any current coin which has been defaced shall, on summary conviction, be liable to a fine not exceeding fifty dollars.

Uttering damaged coins.

(2) No proceedings shall be instituted under this section without the consent of the Director of Public Prosecutions.

(3) A conviction for an offence under this section shall not be removed by *certiorari* into the Supreme Court and shall not be quashed for want of form.

Impairing current coin and unlawful possession of filings, etc.

192. Every person who unlawfully has in his possession any filing or clipping, or any gold or silver bullion, or any gold or silver in dust, solution or otherwise, which has been produced or obtained by impairing, diminishing or lightening any current coin, knowing that it has been so produced or obtained, shall be guilty of felony and on conviction thereof liable to imprisonment for a term not exceeding seven years.

Forgery of currency notes.

193. Every person who forges or counterfeits or alters any currency notes, or any word, figure, mark, sign, signature or facsimile upon or attached to any such note, or offers, utters, disposes of or puts off any currency note, knowing the same to be forged or counterfeited or altered, shall be guilty of an offence and shall on conviction be liable to imprisonment for any term not exceeding ten years.

Imitation of currency notes.

194.-(1) If any person makes or causes to be made or uses for any purpose whatever or utters any document purporting to be or in any way resembling or so nearly resembling as to be calculated to deceive any currency note or any part thereof he shall be liable on summary conviction in respect of each such document to a fine not exceeding twenty-five dollars and it shall be lawful for the court to order the document in respect of which the offence was committed and any copies of that document and any plates, blocks, dies or other instrument used for or capable of being used for printing or reproducing any such document, which are in the possession of such offender, to be destroyed.

(2) If any person whose name appears on any document the making of which is an offence under this section refuses to disclose to a police officer the name and address of the person by whom it was printed or made he shall be liable on summary conviction to a fine not exceeding fifty dollars.

(3) Where the name of any person appears on any document in respect of which any person is charged with an offence under this Title, or on any other document used or distributed in connection with that document, it shall be *prima facie* evidence that that person caused the document to be made.

195. Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), has in his possession, knowing the same to be forged, counterfeited or altered, any forged, counterfeited or altered currency note or any unfinished or incomplete note shall be guilty of an offence, and shall on conviction be liable to imprisonment for a term not exceeding ten years.

Possession of counterfeited or incomplete notes.

196. Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), makes use of or knowingly has in his possession any paper with any word, figure, device or distinction peculiar to and appearing in the substance of the paper used for currency notes or any material upon which the whole or part of any note purporting to resemble a currency note shall have been engraved or made or any facsimile of the signature of any person whose signature lawfully appears on notes still in circulation, shall be guilty of an offence, and shall on conviction be liable to imprisonment for a term not exceeding five years.

Possession of paper for notes.

197. Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), mutilates, cuts, tears, or perforates with holes any currency note or in anyway defaces a currency note whether by writing, printing, drawing or stamping thereon, or by attaching or affixing thereto anything in the nature or form of an advertisement shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars.

Mutilating or defacing currency notes.

198. Every person who without lawful authority or excuse (the proof whereof shall lie on the accused)-

(a) makes, uses or knowingly has in his custody or

Making or having in possession paper or implements for forgery.

possession any paper intended to resemble and pass as the special paper used in the manufacture of currency notes;

- (b) makes, uses or knowingly has in his custody or possession, any frame, mould or instrument for making such paper, or for producing in or on such paper any words, figures, letters, marks, lines or devices peculiar to and used in or on any such paper;
- (c) engraves or in anywise makes upon any plate, wood, stone or other material, any words, figures, letters, marks, lines or devices, the print whereof resembles in whole or in part any words, figures, letters, marks, lines or devices peculiar to and used in or on any currency note;
- (d) uses or knowingly has in his custody or possession any plate, wood, stone, or other material, upon which any such words, figures, letters, marks, lines or devices have been engraved or in anywise made as aforesaid;
- (e) uses or knowingly has in his custody or possession any paper upon which any such words, figures, letters, marks, lines or devices have been printed or in anywise made as aforesaid,

shall be guilty of an offence, and on conviction thereof be liable to imprisonment for a term not exceeding five years.

Forging hall-
marks.

199. Every person who with intent to defraud forges or counterfeits any hall-mark, or mark appointed under authority of law by any corporation or public officer, to denote the weight, fineness or age, or place of manufacture, of any gold or silver plate or bullion, shall be liable to imprisonment for two years.

200. Every person who forges or counterfeits any trade-mark, or marks with a forged or counterfeited trade-mark any goods or anything used in or about or in connection with the sale of any goods, or sells or offers for sale any goods or such thing so marked, or has in his possession, custody or control, any goods or such thing so marked, or any materials or means prepared or contrived for the forging or counterfeiting of any trade-mark, or for the marking of any goods or thing therewith, intending in any such case as aforesaid fraudulently to pass off or to enable any other person fraudulently to pass off any goods as having been lawfully marked with such trade-mark, or as being of a character signified by such trade-mark shall be liable, on conviction either on indictment or otherwise, to imprisonment for three months.

Forging trade-marks.

201. Every person who, with intent to defraud, counterfeits or forges any die, stamp or impression or imports or exports or has in his possession, custody, power or control any counterfeited or forged die, stamp or impression used by the Financial Secretary to denote that the duty payable under any Act, has been paid, shall be liable to imprisonment for any term not exceeding ten years.

Forgery of dies and stamps.

Definitions and Special Provisions Relating to the Matter of this Title

202.-(1) The following provisions apply with respect to forgery, namely-

Forgery explained.

- (a) A person forges a document if he makes or alters such document or any material part thereof with intent to cause it to be believed either-
- (i) that such document or part has been so made or altered by any person who did not in fact so make or alter it; or
- (ii) that such document or part has been so made or

altered with the authority or consent of any person who did not in fact give such authority or consent; or

- (iii) that such document or part has been so made or altered at a time different from that at which it was in fact so made or altered:

Provided that a person who issues or uses any document which is exhausted or cancelled, with intent that it may pass or have effect as if it were not exhausted or cancelled, shall be deemed guilty of forging it.

- (b) The making or alteration of a document or part thereof by a person in his own name may be forgery if the making or alteration be with either of the intents mentioned in this section.
- (c) The making or alteration of a document or part thereof by a person in a name which is not his real or ordinary name is not forgery unless the making or alteration be with one or other of the intents mentioned in this section.
- (d) It is immaterial whether the person by whom or with whose authority or consent a document or part thereof purports to have been made, or is intended to be believed to have been made, be living or dead or be a fictitious person.
- (e) Every word, letter, figure, mark, seal or thing expressed on or in a document, or forming part thereof, or attached thereto, and any colouring, shape or device used therein which purports to indicate the person by whom or by whose authority or consent a document or

part thereof has been made, altered, executed, delivered, attested, verified, certified or issued, or which may affect the purport, operation or validity of the document in any material particular, is a material part of such document.

(f) "Alteration" includes any cancelling, erasure, severance, interlineation or transposition, of or in a document, or of or in any material part thereto, and any other act or device whereby the purport, operation or validity of the document may be affected.

(2) All the provisions of this section apply with respect to the forgery of a stamp or trade-mark in the same manner as with respect to the forgery of any document.

203. In this Title-

Current coin, official document and currency not defined.

"banknote" includes any note or bill of exchange of the Bank of England or of any other person, body corporate, or company carrying on the business of banking in any part of the world, and includes "bank bill", "bank post bill", "blank bank note", "blank bank bill of exchange" and "blank bank post bill";

"current coin" means any gold or silver coin or any other coin of any metal or mixed metal coined in or for any of Her Majesty's mints, or lawfully current by virtue of any proclamation or otherwise in any part of Her Majesty's dominions, whether within Belize or otherwise or lawfully current in any foreign country;

"official document" means any document purporting to be made, used or issued by any public officer for any purpose relating to his office;

"currency notes" means currency notes issued by the Board of Commissioners of Currency under the provisions of the Currency Notes

Ch. 50, R.L., 1958.

- CAP. 262. Ordinance, or by the Directors of the Central Bank of Belize under the provisions of the Central Bank of Belize Act, and any bank note and any notes issued by or on behalf of the Government of any country outside Belize and which are legal tender in the country in which they were issued.
- Counterfeiting defined. 204. A person “counterfeits” a stamp, current coin or mark if he makes an imitation thereof, or anything which is intended to pass or which may pass as such stamp, current coin or mark, and if a person makes anything which is intended to serve as a specimen or pattern or trial of any process for counterfeiting a stamp, current coin or mark, whether the counterfeiting has or has not been finished or perfected, he shall be deemed to be guilty of counterfeiting within the meaning of this Title, although he does not purpose that any person should be defrauded or injured by, or that any further use should be made of, such specimen or pattern.
- Falsification defined. 205. A person “falsifies” a current coin of any metal, coinage, denomination, date or country if he removes or adds thereto any such part thereof, or if by any means he so alters it, whether permanently or temporarily, and whether in substance or appearance, as that it may pass for a current coin of a different metal, coinage, denomination, date or country.
- Defacing defined. 206. A person “defaces” any current coin if he stamps thereon any names or words, whether the coin is or is not thereby diminished or lightened.
- Explanation. 207.-(1) A person possesses or does any act with respect to a document knowing the same not to be genuine, if he possesses it, or does such act with respect to it, knowing that it was not in fact made or altered at the time, or by the person, or with the authority or consent of the person, at which or by whom, or with whose authority or consent, it purports or is pretended by him to have been made or altered, and in such case it is immaterial whether the act of the person who made or altered it was or was not a crime.
- (2) In like manner a person possesses or does any act with respect to a stamp or current coin knowing the same not to be genuine, if he

possesses it or does such act with respect to it knowing that it is in fact counterfeit or falsified, and in such case it is immaterial whether the act of the person who counterfeited or falsified it was or was not a crime.

208. For the purposes of this Title relating to the forgery, counterfeiting, falsifying, uttering, dealing with, using or possessing of any document, stamp, current coin, currency note or trade-mark, it is not necessary that such document, stamp, current coin, currency note or trade-mark should be so complete or should be capable of being made so complete, as to be valid or effectual for any of the purposes of a thing of the kind which it purports or is intended to be or to represent, or as to deceive a person of ordinary judgment and observation.

Imitation need not be perfect.

209. For the purposes of the provisions of this Title relating to possessing or to doing any act with respect to a document, stamp, current coin, currency note or trade-mark which is forged, counterfeited or falsified, or which is not genuine, it is immaterial whether such document, stamp, current coin, currency note, or trade-mark has been forged, counterfeited, falsified, made or altered beyond or within the jurisdiction of the courts.

Jurisdiction.

210.-(1) A person shall be deemed to be a common forger if he is proved to have used or abetted the use of any means specially adapted or contrived for purposes of forgery, or if he be convicted of any forgery punishable on indictment under this Title, after having been convicted of any crime punishable on indictment under this Title, or if he is proved to have had in his possession, custody or control, at the same or at different times, two or more documents which he knew to have been forged, and by means of which he purposed to commit any crimes punishable on indictment under this Title.

Common forger or coiner defined.

Forcible entry.

(2) A person shall be deemed to be a common coiner if he is proved to have used or abetted the use of any means specially adapted or contrived for purposes of committing any crime with respect to current coin or currency notes, or if he is convicted of any crime with respect to current coin or currency notes, after having been convicted of any crime punishable

on indictment under his Title, or if he is proved to have had in his possession, custody or control, at the same or at different times, three or more coins or currency notes which he knew to have been counterfeited or falsified, and by means of which he purposed to commit any crime punishable under this Title.

Trade-mark defined.

211.-(1) “Trade-mark” means any mark, label, ticket or other sign or devise, lawfully appropriated by any person as a means for denoting that any article of trade, manufacture, or merchandise is an article of the manufacture, workmanship, production or merchandise of any person, or is an article of any peculiar or particular description made or sold by any person and also means any mark, sign or device which, in pursuance of any statute relating to registered designs, is to be put or placed upon, or attached to, any article during the existence or continuance of any copyright or other peculiar right in respect thereof.

(2) A mark, label, ticket or other sign or device shall not be deemed to be lawfully appropriated by a person, within the meaning of this section, unless it be of such a kind and so appropriated as that an injunction or other process would be granted by the Supreme Court to restrain the use thereof by a person without the consent of the person by whom it is so appropriated, or that action might be maintained by such last mentioned person against any other person making use thereof without his consent.

TITLE XIII

Crimes Against Public Order

Crimes Against the Safety of the State

Armed force against the Government.

212. Every person who prepares or endeavours by armed force, or the show of armed force, to procure an alteration in the Government or laws, or to resist the execution of the laws, or to compel the Governor-General, or any member of the National Assembly or the Cabinet, or any person in

command of any Naval, Military or Air Forces, or of any peace officers, to do or to abstain from doing any act of a public or official character, shall be liable to imprisonment for life.

213. Every person who is guilty of seditious libel, or of having been a party to a seditious assembly, shall be liable to imprisonment for two years.

Seditious libels and assemblies.

214.-(1) Every person who-

Seditious conspiracy.

- (a) conspires with any other person or persons to do any act in furtherance of any seditious intention common to both or all of them; or
- (b) publishes any words or document with a seditious intention; or
- (c) without lawful excuse, is found in possession of a document containing a seditious intention,

shall be liable on conviction on indictment to imprisonment for two years and on summary conviction to imprisonment for one year.

(2) No proceedings shall be instituted under this section without the consent of the Director of Public Prosecutions.

(3) For the purposes of this section "publish"-

- (a) in the case of spoken words, means to utter words or reproduce words by mechanical means at a public gathering or in a public street or any other place to which the public has access, or in such a way that they may be heard by persons in any street or place;
- (b) in the case of writings, drawings, pictures, photographs

or images, means to distribute them to a number of persons, or exhibit them in such a way that they may be seen by persons in a public street or in any other place to which the public has access, or to sell or expose or offer them for sale in any place.

Seditious
intention.

215.-(1) For the purposes of section 214, a “seditious intention” is an intention-

- (a) to bring into hatred or contempt or to excite disaffection against the person of Her Majesty, or against the Governor-General in his official capacity or the Government of Belize, as by law established or the administration of justice; or
- (b) to incite or excite inhabitants of Belize to attempt to procure the alteration otherwise than by lawful means of any matter in Belize by law established; or
- (c) to raise discontent or disaffection amongst inhabitants of Belize; or
- (d) to promote feelings of ill-will and hostility between different sections of the population of Belize.

(2) Words which by inference, suggestion, allusion or implication are likely to have any of the effects described in subsection (1) shall raise a presumption that the person by whom such words were published, published them with a seditious intention, but such presumption may be rebutted by such person upon proof by him that he had no intention, in publishing such words, of bringing about any such effect.

(3) For the purposes of proving seditious intention it shall be lawful for the prosecution to prove that the defendant has published on other

occasion words which are the same as those alleged to have a seditious intention or other words having a seditious intention provided that in the latter case, the words used expressly referred to the same matter as that to which the words alleged to have a seditious intention refer.

(4) It shall be no defence to a charge under section 214 that the words alleged to have a seditious intention are true.

(5) It shall be lawful for any person to endeavour in good faith to show-

(a) that Her Majesty or the Government of Belize have been misled or mistaken in any of their measures; or

(b) that there are errors or defects in the constitution or Government of Belize as by law established or in the administration of justice.

216. On the trial of any person as principal for publication by his agent of words alleged to have a seditious intention as defined in section 215, such person shall be entitled to be discharged if he proves that -

On proof of certain facts principal not liable for the acts of his agents.

(a) the publication was made without his authority, consent or knowledge; and

(b) the publication did not arise from any want of due care or caution on his part; and

(c) he did everything in his power to assist in ascertaining the identity of the person responsible for writing and publishing respectively such words.

217. Every person who with intent to bring Her Majesty into hatred, ridicule or contempt, publishes any defamatory or insulting matter, whether by

Defaming Her Majesty.

writing, print, word of mouth or in any other manner concerning Her Majesty, is guilty of a misdemeanour.

Aiding escape of prisoner of war.

218. Every person who-

- (a) intentionally and unlawfully aids or permits the escape of prisoner of war shall be liable to imprisonment for ten years;
- (b) negligently and unlawfully permits the escape of a prisoner of war shall be liable to imprisonment for two years.

Abetment of mutiny.

219. Every person who, not being subject to any Articles of War or Articles of the Navy or the Air Force, abets the commission of mutiny by a person subject to such Articles, shall be liable to imprisonment for twenty years.

Abetment of desertion.

220. Every person who, not being subject to any Articles of War or Articles of the Navy or the Air Force, abets the desertion of any person subject to such Articles, or the commission by any such person of any assault upon a superior officer being in the execution of his office, shall be liable to imprisonment for two years.

Abetment of insubordination.

221. Every person who, not being subject to any Articles of War or Articles of the Navy or the Air Force, abets any act of insubordination by any person subject to such Articles, shall be liable on conviction on indictment or summarily to imprisonment for six months.

Unlawful training.

222. If three or more persons meet or be together for purposes of military training or exercise without the permission of the Governor-General, or of some officer or person authorised by law to give such permission, each of them is guilty of a misdemeanour.

223. Every person who causes harm to himself, or procures any other person to cause harm to him, for the purpose of evading any liability to perform Naval, Military or Air Force service or duty, shall be liable to imprisonment for two years. Evasion of military service.

224. Every person who takes, or administers or attempts or offers to administer to any other person, any unlawful oath, shall be liable to imprisonment for five years. Unlawful oaths.

Definition and Special Provisions Relating to the Matter of this Title

225.-(1) For the purposes of this Title- Interpretation.

"escape" includes the departure by a prisoner on parole beyond the limits within which he is allowed to be at large;

"seditious assembly" is an assembly of five or more persons with a seditious purpose, or at which any seditious libel is published, or at which any speeches are made with a seditious purpose;

"seditious libel" is the publication, by print, writing, painting or by any means otherwise than solely by gestures, spoken words or other sounds, of any matter with a seditious purpose; 29 of 1989.

"seditious purpose" means a purpose to excite any of Her Majesty's subjects to the obtaining by force or other unlawful means of an alteration in the laws or in the form of Government, or to the commission of any crime punishable under the first section of this Title or punishable under any law relating to treason;

"unlawful oath" means any oath or engagement to commit or abet any crime, or to conceal a design to commit any crime, or to prevent the discovery of any crime, or the conviction of any person for any crime, and any oath or Fictitious suits.

engagement to conceal the existence, purposes or proceedings of any association of persons associated for any treasonable or seditious purpose.

(2) A seditious libel cannot be justified on any ground of absolute or qualified privilege.

TITLE XIV

Crimes Against the Public Peace

- | | |
|-----------------------------|---|
| Riot. | 226. Every person who takes part in a riot is guilty of a misdemeanour. |
| Rioting with weapons. | 227. Every person who takes part in a riot, being armed with any offensive instrument, shall be liable to imprisonment for two years. |
| Riot and felony. | 228. Every person who in rioting is guilty of any felony punishable under any of the Titles VII to IX (both inclusive) or X and XI shall be liable to imprisonment for a term which may exceed by three years the term to which he would otherwise be liable under the provisions of that Title. |
| Unlawful assembly. | 229. If any persons assemble or be together with a purpose of committing a riot, each of them is guilty of a misdemeanour. |
| Provocation of riot. | 230. Every person who does any act with intent to provoke a riot is guilty of a misdemeanour. |
| Rioting after proclamation. | 231. If a proclamation be made commanding the persons engaged in a riot, or assembled with the purpose of committing a riot, to disperse, every person who, at or after the expiration of one hour from the making of such proclamation, takes or continues to take part in the riot or assembly, shall be liable to imprisonment for five years. |
| Obstructing proclamation. | 232. If any person forcibly prevents or obstructs the making of such proclamation as mentioned in section 231, he shall be liable to imprisonment |

for ten years, and if the making of the proclamation be so prevented, every person, who, knowing that it has been so prevented, takes part or continues to take part in the riot or assembly, shall be liable to imprisonment for five years.

233. Every person who assaults any magistrate, justice of the peace, officer or person, executing any duty or authority for the suppression of a riot, or for the dispersion or arrest of any persons engaged in a riot, or assembled with the purpose of committing a riot, shall be liable to imprisonment for five years.

Assaulting
magistrate, etc.,
in riot.

234. Every person who with violence makes entry into any building or land, whether he be entitled to the possession thereof or not, is guilty of a misdemeanour, unless he do so in pursuance of a warrant or other lawful authority to use such violence.

Forcible entry.

235. Every person, who being unlawfully in or upon any building or land maintains or attempts to maintain his possession or occupation thereof with violence, is guilty of a misdemeanour.

Forcible detainer.

236. Every person who-

Provocation to
fight.

(a) does any act with intent to provoke another person to fight (whether in a public place or not) with any deadly or dangerous instrument,

(b) agrees or offers to agree so to fight,

shall be liable to imprisonment for two years.

237. If two or more persons together in any public place openly carry, without lawful cause, any deadly or dangerous instruments with intent to cause terror to any member of the public, each of them shall be liable on summary conviction to imprisonment for one month.

Unlawfully
carrying arms.

- Threats of death or grievous harm. 238. Every person who threatens any person with death with intent to put that person in fear of death or grievous harm is guilty of a misdemeanour.
- Written threats. 239. Every person who by writing threatens any person with death or grievous harm, shall be liable to imprisonment for five years.
- Violence against judges, witnesses, etc. 240. Every person who uses any violence with intent to deter any person from acting in any manner as a judge, magistrate, juror, witness, counsel, agent, prosecutor or party, in any legal proceeding or inquiry, or from acting in execution of his duty as a magistrate or peace officer, or in any judicial or official capacity, or from having recourse to any court or public officer, or on account of his having so acted or had recourse, is guilty of a misdemeanour, and shall be liable to imprisonment for two years.
- Disturbance of lawful assemblies. 241. Every person who unlawfully and with violence obstructs the assembly of any persons for any lawful purpose, or disturbs any such assembly, or with violence disperses or attempts to disperse any such assembly is guilty of a misdemeanour.
- Obstructing public officers. 242. Every person who with violence or by deceit hinders or obstructs any public or peace officer acting or proceeding to act in the execution of any public office or duty, or in the execution of any warrant or legal process, is guilty of a misdemeanour.
- Obstructing lawful acts by violence, etc. 243. Every person who for the purpose of compelling a person to conduct himself in a particular manner in respect of his business or employment, or to do any act, or to abstain from doing any lawful act of any kind, injures, removes or conceals any tools, materials or other things used by him in his business or employment, or uses any violence to him or to any other person, shall be liable on summary conviction to imprisonment for six months.
- Causing public terror. 244.-(1) Every person who in any public place, or being unlawfully in

any place not public, wantonly does any act with intent to cause terror to any person or persons shall, if harm be thereby caused to any person, or if his act was of such a character as to be likely to cause harm to any person by terror, be liable on summary conviction to imprisonment for three months.

(2) For the purposes of this section harm shall in this case be deemed to have been caused by the act, although the harm be the mere inward effect of the terror caused by the act.

*Definitions and Special Provisions Relating to the Matter of this
Title*

245.-(1) If five or more persons together in any public or private place commence or attempt to do either of the following things, namely-

Riot defined.

- (a) to execute any common purpose with violence and without lawful authority to use such violence for that purpose; or
- (b) to execute a common purpose of obstructing or resisting the execution of any legal process or authority; or
- (c) to facilitate by force or by show of force or of numbers the commission of any crime,

they are guilty of a riot.

(2) Persons are not guilty of a riot by reason only that they, to the number of five or more, suddenly engage in an unlawful fight, unless five or more of them fight with a common purpose against some other person or persons.

246. Any magistrate, or in the absence of any magistrate any commissioned officer in Her Majesty's Naval, Military or Air Force Service

Proclamation,
how to be made.

or any police officer above the rank of inspector, in whose view a riot is being committed, or who apprehends that a riot is about to be committed by persons being assembled within his view, may make or cause to be made a proclamation in the Queen's name, in such form as he thinks fit, commanding the rioters or persons so assembled to disperse peaceably.

Dispersion of rioters.

247. Upon the expiration of such time (after a proclamation is made, or after the making of a proclamation has been prevented by force) or such time as shall be sufficient for persons riotously assembled together to disperse peaceably, any person authorised to make a proclamation, or any peace officer, or any other person acting in aid of such person or officer, may do all things necessary for dispersing the persons so continuing assembled, or for apprehending them or any of them, and if any person make resistance, may use all such force as is reasonably necessary for overcoming such resistance, and shall not be liable in any criminal or civil proceeding for having by use of such force caused harm or death to any person.

Violence defined.

248. For the purposes of this Title "violence" means any criminal force or harm to any person, or any criminal damage to any property, or any threat or offer of such force, harm or damage, or the carrying or use of deadly, dangerous or offensive instruments in such a manner as that terror is likely to be caused to any persons, or such conduct as is likely to cause in any persons a reasonable apprehension of criminal force, harm or damage to them or their property.

TITLE XV

Perjury and Obstruction of Public Justice

1. Perjury and Other Crimes Relating to Evidence and to Judicial Proceedings

Perjury.

249. Every person who commits perjury or abets perjury shall be liable

to imprisonment for ten years.

250. Every person who commits perjury or abets perjury, with intent to cause the conviction of any person for a crime punishable with death, shall be liable to imprisonment for life.

Perjury on trial for capital crimes.

251. Every person who commits perjury or abets perjury, with intent to cause the conviction of any person for any crime not capital, shall be liable to imprisonment for fourteen years or for any greater term to which such person would, on conviction of that crime, be liable.

Perjury on trial for other crimes.

252. If any person knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular, and the statement is made-

False statutory declarations and other false statements without oath.

- (a) in a statutory declaration, or
- (b) in an abstract, account, application, balance sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return or other document which he is authorised or required to make, attest, verify or keep or cause to be kept by, under or in pursuance of any Act or other law for the time being in force, or
- (c) in any oral declaration or oral answer which he is required to make by, under or in pursuance of any Act or other law for the time being in force,

he shall be guilty of a misdemeanour and be liable on conviction thereof to imprisonment for any term not exceeding two years, or to a fine not exceeding five hundred dollars, or to both such fine and term of imprisonment.

Perjury for the purpose of defrauding by personation.

253. Every person who commits perjury or abets perjury, in furtherance of any purpose or conspiracy to defraud by personation, shall be liable to imprisonment for life.

Fabrication of evidence.

254. Every person who fabricates false evidence, with intent to defeat, obstruct or pervert, the course of justice in any proceeding, shall be liable to the same penalties as if he had committed perjury in that proceeding.

Contradicting previous evidence.

255.-(1) Every person who, having given evidence on oath at a preliminary inquiry-

- (a) wilfully gives at the trial evidence which contradicts the evidence given by him upon the same subject-matter at the preliminary inquiry, or
- (b) wilfully varies or alters at the trial the evidence given by him upon the same subject-matter at the preliminary inquiry,

with intent unlawfully to shield or injure any person, or to deceive the court or to defeat, obstruct or pervert the course of justice, shall be guilty of a misdemeanour punishable either on indictment or summarily:

Provided that the punishment on summary conviction shall not exceed imprisonment for six months.

(2) Upon the trial of any person for a crime under this section, it shall not be necessary to prove the falsity of the evidence given either at the preliminary inquiry or at the trial.

(3) No complaint or information for a crime under this section shall be laid without the consent in writing of the Director of Public Prosecutions.

256. Every person who intentionally and unlawfully falsifies, destroys, injures, removes or conceals, any public register of marriages, births, baptisms, deaths or burials, or any other public register or record, with intent to defeat, obstruct or pervert the course of justice, or to defraud or injure any person shall be liable to imprisonment for seven years. Destruction of evidence.
257. Every person who intentionally and unlawfully destroys, injures, removes or conceals, any will, or any document of title to land, with intent to defeat, obstruct, or pervert the course of justice or to defraud or injure any person, shall be liable to imprisonment for life. Destruction of will, etc.
258. Every person who unlawfully, with intent to defeat, obstruct or pervert the course of justice, or to defraud or injure any person, removes, conceals, injures or alters, any instrument or document used or intended to be used in any judicial proceeding, shall be liable to imprisonment for two years. Destruction of official documents.
259. Every person who acknowledges or consents to any judgment or confession or cause of action, or any deed to be enrolled, or any recognisance or bail (whether the same be filed or not), in the name of any other person without his consent is guilty of a felony. Fraudulent acknowledgement.
260. Every person who with intent to defeat, obstruct or pervert the course of justice, or to defraud or injure any person, endeavours to deceive any court or judicial officer by personation, or by any false instrument, document, seal or signature, shall be liable to imprisonment for two years. Deceit of courts.
261. Every person who fraudulently brings any action against another person in a false or fictitious name, having no ground for such action, is guilty of a misdemeanour. Fictitious suits.
262. Every person who in any manner wilfully causes any person to disobey any summons, subpoena or order, for his attendance as a witness in any proceeding, or for the production by him of any written or other evidence in Keeping away witnesses.

any judicial proceeding, is guilty of a misdemeanour.

Suppression of evidence on criminal trial.

263. Every person who with intent to defeat, obstruct or pervert the course of justice at the trial of any person for any crime, in any manner causes any person to refrain from giving evidence at such trial is guilty of a misdemeanour.

Disobedience to summons.

264. Every person who without reasonable excuse makes default in obeying any warrant, summons, process or order, lawfully issued or made for requiring his attendance as a witness at any judicial proceeding, or the production or giving of any evidence or thing at any judicial proceeding, is guilty of a misdemeanour punishable either on indictment or summarily:

Provided that the punishment on summary conviction shall not exceed three months' imprisonment.

Hindrance of inquests.

265. Every person who with intent to prevent, obstruct or delay the taking of any inquest upon the body or touching the death of any person, or to defeat the ends of justice, buries or in any manner conceals or disposes of such body, shall be liable to imprisonment for two years.

Neglect to hold inquests.

266. Every person who being under a duty as a magistrate, coroner, gaoler, overseer, peace officer or in any other capacity, to give notice or take any measure in order to the holding of any inquest upon the body or touching the death of any person, wilfully or negligently fails to perform such duty, shall be liable to imprisonment for two years.

Disturbance of court.

267. Every person who with force, threats or tumult, hinders, interrupts or disturbs the proceedings of any court, or wilfully and unlawfully with force, threats or tumult, hinders any person from entering or quitting any court, or removes him therefrom, or detains him therein, shall be liable to imprisonment for two years.

Exciting prejudice as to a trial.

268. Every person who, pending any proceedings in any court, publishes

in writing or otherwise anything concerning such proceedings or any party thereto, with intent to excite any popular prejudice for or against any party to such proceedings, is guilty of a misdemeanour.

269. Every person who being bound by law to obey any order, warrant, summons or process made or issued by any court or magistrate, wilfully neglects without reasonable excuse to obey the same in any material particular shall, without prejudice to any other punishment or penalty provided by law, be liable on summary conviction to imprisonment for three months.

Contempt of
judicial orders.

2. Rescue, Escape and Compounding of Crime

270. Every person who endeavours to resist or prevent the execution of the law-

Rescue and
escape of
criminals.

- (a) by resisting the lawful arrest of himself or of any other person for crime; or
- (b) by escaping or permitting himself to be rescued, from lawful custody for crime; or
- (c) by rescuing any other person or aiding any other person to escape from lawful custody for crime,

shall be liable to-

- (i) if the crime is punishable with death or with imprisonment for more than seven years, imprisonment for seven years,
- (ii) if the crime is punishable with imprisonment for not more than seven years, imprisonment for five years,

- (iii) if the crime is a misdemeanour, imprisonment for one year.

Rescue in other cases.

271. Every person who endeavors to resist or prevent the execution of the law-

- (a) by resisting the lawful arrest of himself or of any other person for any cause other than crime; or
- (b) by escaping or permitting himself to be rescued from lawful custody for any cause other than crime; or
- (c) by rescuing any other person from lawful custody for any cause other than crime; or
- (d) by rescuing any goods or things from any public officer or peace officer having the possession, custody, or care thereof under or by virtue of any lawful warrant or process,

is guilty of a misdemeanour punishable summarily or on indictment:

Provided that the punishment on summary conviction shall not exceed six months' imprisonment.

Obstructing executions.

272. Every person who endeavours by force to prevent the execution of a person sentenced to death for murder shall be liable to imprisonment for life.

Refusal to aid officers.

273. Every person who being lawfully commanded by any magistrate, public officer, peace officer or person, to give aid for the prevention of crime, or for arresting any person, or for preventing the rescue or escape of any person refuses or neglects to give such aid according to his ability, is guilty of a misdemeanour.

274. Every person who, knowing or having reason to believe that any person has committed or has been convicted of a crime, aids, conceals or harbours such person with the purpose of enabling him to avoid lawful arrest or the execution of his sentence, shall-

Harbouring
criminals.

- (a) if the crime is punishable with death or with imprisonment for fourteen years or upwards, be liable to imprisonment for five years; or
- (b) if the crime is a felony other than as aforesaid, be liable to imprisonment for two years; or
- (c) if the crime is a misdemeanour, be liable to imprisonment for six months.

An offence under this section is punishable either on indictment or summarily:

Provided that the punishment on summary conviction shall not exceed imprisonment for six months.

275.-(1) Every person who without the leave of a court compounds any crime shall-

Compounding
crime.

- (a) if the crime is a felony, be liable to imprisonment for two years; or
- (b) if the crime is a misdemeanour, be liable to imprisonment for six months.

(2) This section shall not apply to any misdemeanour punishable only on summary conviction.

Corruptly accepting reward for restoring property, etc.

276. Every person who accepts or agrees or offers to accept reward under pretence or on account of restoring to any person, or of helping any person to recover, anything which has been appropriated by any crime punishable under Title XI, upon the terms or with the understanding that such crime shall be compounded, shall, if the crime be punishable on summary conviction, be liable on summary conviction to imprisonment for three months, or shall in any other case be liable to imprisonment for six months.

Definitions and Special Provisions Relating to the Matter of this Title

Perjury defined.

277.-(1) A person is guilty of perjury if in any written or oral statement made or verified by him upon oath before any court or public officer, he states anything which he knows to be false, or which he has no reason to believe to be true, with intent to defeat, pervert or obstruct the course of justice or the execution of the law, or with intent to defraud or injure any person.

(2) "Oath" includes any form of declaration or affirmation permitted or prescribed by law to be taken as or in lieu of an oath.

(3) A written or oral statement made or verified by a person upon oath before a commissioner or commissioners, a referee, arbitrator or umpire or officer of the court appointed by the court under, or acting pursuant to, any Act or other law shall be deemed to be made or verified before the court or a public officer within the meaning of subsection (1).

Special explanation.

278. A person can be guilty of perjury by swearing that he believes a thing which he does not in fact believe.

Fabrication defined.

279. A person fabricates false evidence if he causes any circumstances to exist, or makes any false entry in any book, account or record, or makes any document containing a false statement, or forges any document, with

intent to mislead any public officer, judge or juror, acting in any judicial proceeding.

280. A person compounds a crime if he offers or agrees to forbear from prosecuting or giving evidence against a person on a criminal charge in consideration of money, or of any advantage whatever to himself or to any other person.

Compounding defined.

TITLE XVI

Crimes Relating to Public Offices and Public Elections

281. Every person who without lawful excuse refuses to serve in any public office in which he is bound to serve, and for the refusal to serve, in which no penalty or punishment is provided by any statute, is guilty of a misdemeanour.

Refusal of office.

282. Every person who pretends to be or acts as a public officer or juror, not being lawfully authorised to act as such officer or juror, is guilty of a misdemeanour, unless he shows either-

False pretence of officer.

- (a) that he so pretended or acted under a mistake of law or of fact, or
- (b) in the case of a person acting as a public officer, that he so acted in good faith for the public benefit.

283. Every person who in order that he may obtain or be qualified to act in any public office, or to vote at a public election, makes, signs, publishes or uses any declaration, statement or oath, required by law in such case, or any certificate or testimonial as to his conduct or services, or as to any other matter which is material for the obtaining by him of such office, or for his qualification to act in such office, or to vote at such election, shall, if he does so knowing that such declaration, statement, oath, certificate or testimonial is

False declarations, etc., for office.

false in any material particular, be liable to imprisonment for two years.

Corruption,
oppression and
extortion.

284. Every public officer or juror who is guilty of corruption or of wilful oppression or of extortion in respect of the duties of his office, shall be liable to imprisonment for two years.

False certificates.

285. Every public officer, who being bound or authorised as such officer to attest or certify by writing or otherwise any document or matter, or that an event has or has not happened, attests or certifies-

- (a) such document or matter knowing it to be false in any material particular; or
- (b) that such event has happened or has not happened (as the case may be) without knowing or having reason to believe that the same has happened or has not happened (as the case may be) according to his attestation or certificate,

shall be liable to imprisonment for two years.

Destruction, etc.,
of documents.

286. Every public officer who unlawfully and intentionally destroys, injures, falsifies or conceals any document which is in his possession, custody or control, or to which he has access by virtue of his office, shall be liable to imprisonment for two years.

Oppression by
gaolers.

287. Every officer of a prison who-

- (a) uses any kind of torture to a prisoner,
- (b) is guilty of cruelty to a prisoner,
- (c) intentionally and unlawfully causes any harm to a prisoner,

shall be liable to imprisonment for two years.

288. If any public officer who is bound as such officer to pay or account for any moneys or valuable things, or to produce or give up any documents or other things, fails to pay or account for, produce or give up the same according to his duty to any other officer or person lawfully demanding it, he shall (without prejudice to his liability in any civil proceeding, or to his liability as for any crime punishable under any other Title) be liable on summary conviction to imprisonment for three months.

Withholding public money, etc.

289. Every person who corrupts or attempts to corrupt any person in respect of any duties as a public officer or juror shall be liable to imprisonment for two years.

Bribery of officers.

290. Every person who accepts or agrees or offers to accept any valuable consideration under pretence or colour of having unduly influenced, or of agreeing or being able so to influence, any person in respect of his duties as a public officer or juror, is guilty of a misdemeanour.

Agreement for influencing officers.

291. Every person who otherwise than in the due execution of his duties as a judicial officer or juror, makes or offers to make any agreement with any person as to the judgment or verdict which he will or will not give as a judicial officer or juror in any pending or future proceeding, is guilty of a misdemeanour.

Corrupt promise by judicial officers or jurors.

292. Every person who with a purpose of procuring any undue advantage or disadvantage to any party to any judicial proceeding, procures himself or any other person to be summoned, empanelled or sworn as a juror in such proceeding, or endeavours to prevent any other person from being summoned, empanelled or sworn as a juror in such proceeding, is guilty of a misdemeanour.

Corrupt selection of jurors.

293. Every person who is a party to or abets the making of any unlawful and corrupt bargain or transaction with respect to an appointment to a public

Unlawful sale of offices.

office, or with respect to the profits of a public office, shall be liable to imprisonment for two years.

Disturbance of elections.

294. Every person who attempts to prevent, obstruct or disturb any public election by any kind of force, violence or threats or by any act which is a crime punishable under this Code, shall be liable to imprisonment for two years.

Corruption, intimidation and personation.

295. Every person who is guilty of corruption, intimidation or personation, in respect of a public election, shall be liable to imprisonment on indictment or otherwise for six months, and shall during seven years from the date of his conviction be incapable of voting at any public election and of holding the public office in respect of which the election was held, or any public office of the same nature.

Unlawful voting.

296. Every person who votes or offers to vote at a public election at which he knows that he is not entitled so to vote, or in respect of a qualification in respect of which he knows that he is not entitled so to vote, shall be liable on conviction, on indictment or otherwise, to imprisonment for six months.

Falsification, etc., of votes, etc.

297. Every person who forges or falsifies, or unlawfully and intentionally injures or destroys any voting paper or other similar thing, or unlawfully and intentionally injures or destroys any ballot box, polling booth or other apparatus or thing used for the purposes of a public election, shall be liable to imprisonment for two years.

Falsification of returns.

298. Every person who being a public officer charged with the counting of votes or the making of a return at a public election, wilfully falsifies the account of such votes or makes a false return, shall be liable to imprisonment for five years.

*Definitions and Special Provisions Relating to the Matter of this
Title*

299.-(1) "Public officer" means any person holding any of the following offices, or performing the duties thereof whether as a deputy or otherwise, namely-

"Public Officer" defined.

- (a) any civil office, including the office of Governor-General of Belize, the power of appointing a person to which or of removing a person from which is vested in Her Majesty, or in the Governor-General of Belize, or in any public commission or board;
- (b) any office to which a person is nominated or appointed by statute or by public election;
- (c) any civil office, including any commissionerships, the power of appointing to which or of removing from which is vested in any person or persons holding public office of any kind included in either paragraph (a) or (b);
- (d) any office of arbitrator or umpire in any proceeding or matter submitted to arbitration by order or with the sanction of any court;
- (e) any justice of the peace.

(2) A person acting as a minister of religion or ecclesiastical officer of whatever denomination is a public officer in so far as he performs functions in respect of the notification of intended marriage, or in respect of solemnisation of marriage, or in respect of the making or keeping of any register or certificate of marriage, birth, baptism, death or burial, but not in any other respect.

(3) "Civil office" means any public office other than an office in the Naval, Military or Air Force Service of Her Majesty.

(4) "Judicial officer" means any person executing judicial functions as a public officer.

(5) "Public office" means the office of any public officer.

(6) It is immaterial for the purposes of this section whether a person is or is not entitled to any salary or other remuneration in respect to the duties of his office.

(7) "Public election" means any election the qualification for voting at which, or the mode of voting at which, is determined by or regulated by law.

Corrupt bargains or transactions.

300. For the purpose of section 293, "corrupt bargain or transaction" includes any agreement for the giving or receipt by any person of any valuable consideration for nominating or appointing a person to an office, or for procuring, soliciting or recommending the nomination or appointment of a person to an office, or for resigning or procuring the resignation of an office, or for any promise, offer or endeavour to do any such act as hereinbefore in this section mentioned, and includes any agreement for paying to any person, or permitting any person to retain or receive, the whole or any part of the salary, fees or other remuneration or benefits of an office.

Corruption of officer, etc., explained.

301. A person is guilty of corrupting a public officer, juror or voter, in respect of the duties of his office, or in respect of his vote, if he endeavours directly or indirectly to influence the conduct of such public officer, juror or voter in respect of the duties of his office, or in respect of his vote, by the gift, promise or prospect of any valuable consideration to be received by such public officer, juror or voter, or by any other person from any person whoever.

302. A public officer, juror or voter is guilty of corruption in respect of the duties of his office or vote if he directly or indirectly agrees or offers to permit his conduct as such officer, juror or voter to be influenced by the gift, promise or prospect of any valuable consideration to be received by him or by any other person from any person whoever. Corruption by officer, etc., explained.

303. It is immaterial for the purposes of either section 301 or section 302 that the person respecting whose conduct the endeavour, agreement or offer therein mentioned is made is not yet at the time of the making of such endeavour, agreement or offer such a public officer, juror or voter if the endeavour, agreement or offer be made in the expectation that he will or may become or act as such officer, juror or voter. Corruption in expectation of office.

304. It is immaterial for the purposes of sections 301 to 303 whether the act to be done by a person in consideration or in pursuance of any such gift, promise, prospect, agreement or offer as therein mentioned be in any manner criminal or wrongful otherwise than by reason of the provisions of the said sections. Corrupt agreement for lawful act.

305. If after a person has done any act as a public officer, juror or voter, he secretly accepts or agrees or offers secretly to accept, for himself or for any other person, any valuable consideration on account of such act, he shall be presumed, until the contrary is shown, to have been guilty of corruption within the meaning of this Title in respect of such act before the doing thereof. Subsequent acceptance.

306. If after a public officer, juror or voter, has done any act as a public officer, juror or voter, any other person secretly agrees or offers to give or procure for him or for any other person any valuable consideration on account of such act, the person so agreeing or offering shall be presumed, until the contrary is shown, to have been guilty of having before the doing of such act corrupted such public officer, juror or voter, in respect of such act. Subsequent promise of bribe.

307. In this Title, "valuable consideration" includes any money, money's worth or valuable thing, and any office or dignity, and any forbearance to demand money, or money's worth or any valuable thing, and any private Valuable consideration defined.

advantage of whatever kind.

Intimidation defined.

308. A person is guilty of intimidation at a public election if he endeavours to influence the conduct of any voter in respect of such election by a threat of any evil consequence to be caused to him or to any other person on account of his conduct as such voter.

Oppression explained.

309. A public officer or juror is guilty of wilful oppression in respect of the duties of his office if he wilfully commits any excess or abuse of his authority to the injury of the public or of any person.

Extortion explained.

310. A public officer is guilty of extortion who under cover of his office demands or obtains from any person whether for public purposes or for himself or any other person, any money or valuable consideration which he knows that he is not lawfully authorised to demand or obtain, or at a time at which he knows that he is not lawfully authorised to demand it.

Explanation as to withholding public moneys, etc.

311. If a public officer is summarily adjudged to be imprisoned under the provision of this Title relating to the withholding of moneys, things, documents, he shall be discharged upon his satisfying the court before whom he was convicted, or any court of similar jurisdiction, that he has since his conviction performed the duty for default in performance of which he was adjudged to be imprisoned.

Explanation as to an election.

312. No person shall be relieved from any liability to punishment under this Title by reason of any irregularity or informality in the proceedings at or preliminary or subsequent to an election.

TITLE XVII

Bigamy and Unlawful Marriage

Punishment for bigamy.

313. Every person who is guilty of bigamy shall be liable to imprisonment for seven years.

314. Every person who being unmarried, goes through the ceremony of marriage with a person whom he knows to be married to another person, is guilty of a misdemeanour, whether the other party to the ceremony has or has not such knowledge as to be guilty of bigamy.

Marriage with a person previously married.

315. Every person who goes through the ceremony of marriage, or any ceremony which he represents to be a ceremony of marriage, knowing that the marriage is void on any ground and that the other person believes it to be valid, shall be liable to imprisonment for seven years.

Fictitious marriage.

316. Every person who personates any other person in marriage, or marries under a false name or description with intent to deceive the other party to the marriage shall be liable to imprisonment for seven years.

Personation in marriage.

317. Every person who performs or witnesses as a marriage officer the ceremony of marriage, knowing that-

Unlawfully performing marriage ceremony.

- (a) he is not duly qualified to do so;
- (b) any of the matters required by law for the validity of such marriage has not happened or been performed;
- (c) the marriage is void or unlawful on any ground,

shall be liable to imprisonment for seven years.

318. Every person who in any declaration, certificate, licence, document or statement, required by law to be made or issued for the purposes of a marriage, declares, enters, certifies or states, any material matter which is false shall-

False declaration, etc., for marriage.

- (a) if he does so without having taken reasonable means to ascertain the truth or falsity of such matter, be liable to imprisonment for one year;

(b) if he does so knowing that such matter is false, be liable to imprisonment for five years.

False pretence of impediment to marriage.

319. Every person who endeavours to prevent a marriage by pretence that-

(a) his consent thereto is required by law;

(b) any person whose consent is so required does not consent,

(c) there is any legal impediment to the performing of such marriage,

shall if he does so knowing that such pretence is false, or without having reason to believe that it is true, be liable to imprisonment for two years.

Substitution of child.

320. Every person who with intent to defraud or injure any person, or with intent to pervert, obstruct or defeat the law with respect to inheritance or succession, falsely pretends that a child, whether living or dead, is a legitimate child, or substitutes one child, whether living or dead, legitimate or illegitimate, for another child, whether living or dead, legitimate or illegitimate, shall be liable to imprisonment for ten years.

Definitions and Special Provisions Relating to the Matter of this Title

Bigamy defined.

321.-(1) A person commits bigamy who knowing that a marriage subsists between him and any person goes through the ceremony of marriage with another person:

Provided that a person accused of bigamy shall be acquitted if at the time of the subsequent marriage his former husband or wife has been

continually absent from him for seven years, and has not been heard of by him as being alive within that time, and if before the subsequent marriage he informs the other party thereto of the facts of the case so far as they are known to him.

(2) Upon proof by the accused person of such continued absence and information as aforesaid, it shall lie on the prosecution to prove that the former husband or wife has been heard of as aforesaid.

322.-(1) Where for the purpose of this Title it is requisite to prove a former marriage of a person, it shall be requisite and sufficient to prove a marriage, wherever and however celebrated, which would be admitted by the Supreme Court of Belize as a valid marriage for the purpose of any civil proceeding or for the purposes of the administration or distribution of the effects of a person upon his decease.

Proof of marriage
or divorce.

(2) In like manner, where a person accused of bigamy defends himself on the ground of a divorce from a former husband or wife, any such divorce (and no other) shall be deemed sufficient as would be admitted by the Supreme Court of Belize as a valid divorce from the bond of marriage.

TITLE XVIII

Miscellaneous

323. Every person who publishes or offers for sale any obscene book, writing or representation, shall be liable to imprisonment for two years.

Obscene
publication.

324. Every person who unlawfully hinders the burial of the dead body of any person, or without lawful authority, disinters, dissects or harms, the dead body of any person, or being under a duty to cause the dead body of any person to be buried fails to perform such duty, is guilty of a misdemeanour.

Hindering burial,
etc.

Disturbing
markets, etc., by
false news.

325. Every person who with intent to cause any public alarm or disturbance, or with intent to disturb or maintain the price of goods, funds, stocks or other things, in any public market or exchange, publishes or attempts to cause the publication of any news or telegram which he knows or believes to be false, is guilty of a misdemeanour punishable either on indictment or summarily:

Provided that the punishment on summary conviction shall not exceed imprisonment for six months.

Cruelty to
animals.

326. Every person who wantonly tortures, or wantonly and cruelly ill-uses, any animal shall be liable, on indictment or summary conviction, to imprisonment for six months.

Selling
unwholesome
food.

327. Every person who sells, or prepares or offers for sale, as being fit for consumption as food or drink, anything which he knows or has reason to believe to be in such a condition from putrefaction, adulteration, or other cause, as to be likely to be noxious to health, is guilty of a misdemeanour.

Noxious trades
and other
interferences with
public rights.

328. Every person who without any lawful authority or excuse (the proof whereof shall lie upon him) commits any of the following nuisances, namely-

(a) so carries on any noxious, offensive or noisy business at any place, or causes or permits any noxious or offensive matter to be collected or continue at any place, or so keeps any animals at any place as to impair or endanger the health of the public inhabiting or using the neighbourhood of such place, or as to cause material damage to the lands, crops or cattle or goods of such public, or as to cause material interruption to such public in their lawful business or occupations, or as to materially affect the value of their property; or

(b) so makes, keeps or uses, any explosive matter or any

collection of water, or any other dangerous or destructive thing, or any building, excavation, open pit or other structure, work or place, or so keeps any animal or permits it to be at large, as to cause danger or harm or damage to the persons or property of the public; or

- (c) causes damage to or any obstruction to the public use of any public way or work, or of any navigable water, well, spring or reservoir, so as to deprive the public of the benefit thereof; or
- (d) being under a legal duty to provide for the construction, maintenance or repair of any public way or work fails to perform such duty, or
- (e) corrupts or fouls the water of any public well, tank, spring or reservoir,

shall be liable on summary conviction to a fine not exceeding two hundred dollars, and shall, upon conviction for a continuance or repetition of any such offence, be liable to imprisonment for six months.

Definitions and Special Provisions Relating to the Matter of this Title

329. For the purpose of this Title-

Interpretation.

- (a) expressions referring to the “the public” refer not only to the whole of Her Majesty’s subjects within the jurisdiction of the courts, but also to the persons inhabiting or using any particular place or any number of such persons, and also to such indeterminate persons as may happen to be affected by the conduct with

reference to which such expressions are used;

- (b) acts are done "publicly"-
- (i) if they are so done or spoken in any public place or premises as to be likely to be seen by any person or persons, whether such person or persons are or are not in a public place or public premises; or
- (ii) if they are so done in any place or premises, not being a public place or public premises, as to be likely to be seen by any person or persons in any public place or public premises;
- (c) "public way" includes any highway, market place, street, bridge or other way which is lawfully used by the public;
- (d) "public place or public premises" includes any public way, building, place or conveyance, to which for the time being the public are entitled or permitted to have access, either without any condition or upon condition of making any payment, and any building or place which is for the time being used for any public or religious meeting or assembly, or as an open court.

Obstruction of public way.

330. A person shall not be deemed to be guilty, within the meaning of this Title, of obstructing the public use of any public way or work by reason only of his being a party to any meeting or assembled in or upon or near any public way or work, unless the purposes of such assembly be or include the obstruction of the public by force or threats or show of force.

Explanation as to noxious trades.

331. The following provisions shall have effect with respect to the

nuisance of carrying on a noxious, offensive, or noisy business at any place, or of causing or permitting noxious or offensive matter to be collected or continue at any place, or of keeping animals at any place as mentioned in this Title, namely-

- (a) “business” includes not only any trade, manufacture, work, business or occupation, carried on for gain, but also any continued or frequent repetition of any act or series of acts of any kinds.

 - (b) it is necessary in order that a person may be punishable in respect of any such nuisance, that the prejudice of danger caused thereby should extend to persons inhabiting or occupying, under separate tenancies, not less than three houses or other tenements.
-