



BELIZE

**POLICE ACT
CHAPTER 138**

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

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

This edition contains a consolidation of the following laws-	Page
ARRANGEMENT OF SECTIONS	3
POLICE ACT	8
Amendments in force as at 31st December, 2000.	



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CHAPTER 138

POLICE

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Ch. 59,
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23 of 1958.
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CHAPTER 138**POLICE**

[31st March, 1951]

- Short title. 1. This Act may be cited as the Police Act.
- Interpretation. 2. In this Act, unless the context otherwise requires:-
- “Commissioner” means Commissioner of Police appointed under section 3;
- “Department” means the Police Department established under section 4;
- “Minister” means the Minister responsible for the Department;
- 23 of 1958. “non-commissioned officer” means a police officer of the rank of sergeant or corporal;
- “police constable” or “constable” means a police officer under the rank of corporal and also means detective police constable or detective constable;
- “police officer” means a member of the Department;
- “prints” shall include finger print, thumb print, palm print and sole print impressions;

“superior officer” means any police officer of or above the rank of inspector. 23 of 1958.
10 of 1971.
19 of 1994.

PART I

Constitution and Administration

3.-(1) The Governor-General may appoint a Commissioner of Police who, subject to the Governor-General’s orders, shall have the command and superintendency of the Police Department in Belize, and a sufficient number of superior officers, non-commissioned officers and constables and may, from time to time, fill up by fresh appointments all vacancies owing to removal, death, absence, incapability or other cause. Appointments.
42 of 1999.

(2) The Governor-General may authorise the Commissioner of Police at any time to enrol fit men as non-commissioned officers or constables and to delegate all or any of his executive powers to some other police officer.

(3) Under subsection (2) every delegation or enrolment so authorised and made shall be an appointment under this Act.

4. There shall be established a Police Department to be known as the Belize Police Department, which shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of property and the due enforcement of all laws, regulations, rules and orders with which it is charged, and, for the performance of such duties, police officers may carry arms. Establishment of Police Department and functions of police.
42 of 1999.

5.-(1) Subject to subsection (2), the Governor-General may, in case of war or other emergency, employ the Department, or any part thereof, to serve with Her Majesty’s armed forces or otherwise, in the defence of Belize. Employment of police in time of emergency.
42 of 1999.

(2) Any part of the Department so employed shall remain under 42 of 1999.

the command of the Commissioner or such other police officer as the Commissioner may appoint for the purpose.

42 of 1999. (3) When called upon to serve with Her Majesty’s armed forces, the Department, or such part thereof as may be so employed, shall be subject to military law.

Declaration on enlistment. 42 of 1999. 6.-(1) Every police officer shall, on joining the Department, make the following declaration, in such manner as he may declare to be most binding on his conscience:

42 of 1999. “I, A.B., do solemnly and sincerely declare that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth the Second, Her Heirs and Successors, and that I will faithfully serve Her Majesty the Queen, Her Heirs and Successors, during my service in the Department and will obey all orders of the Governor-General and of the officers placed over me, and will subject myself to all Acts, Orders and Regulations, from time to time in force, relating to the Department.”

Declared } at
Affirmed }
this.....day of
20.....
Before me
(Signature of magistrate or superior officer.)

(2) Such declaration shall be made before the magistrate or superior officer and shall be signed by the police officer.

Commissioner to make rules. 42 of 1999. 7. The Commissioner shall, from time to time, subject to the approval of the Minister, make such rules and regulations as he thinks expedient for members of the Department, including:-

- (a) the general government of members of the Department, their distribution and inspection;
- (b) the description of clothing, arms, accoutrements and other necessities to be furnished to them;
- (c) their attendance in barracks,
- (d) the mode in which they are to perform their duties;
- (e) the service required of them, and their conduct in the performance thereof;
- (f) their discipline and rank; and
- (g) their promotion or reduction from one rank to another.

8.-(1) The Commissioner may at any time suspend from employment any assistant inspector, sergeant, corporal or constable belonging to the Department whom he may think remiss or negligent in the discharge of his duty or otherwise unfit for the same.

Powers of Commissioner as to suspension. 42 of 1999.

(2) The Commissioner shall thereupon notify the fact, with the cause of such suspension to the Public Services Commission and the Minister for information, and, when any man shall be so suspended, all powers vested in him as constable shall immediately cease and shall remain in abeyance during the period of such suspension.

9. A constable may, be discharged at any time, if, in the opinion of the Commissioner, he is unlikely to become or has ceased to be an efficient constable.

Powers of Commissioner as to discharge.

Powers of
Commissioner as
to punishment.
42 of 1999.

10. Every superior officer of the Department shall be *ex officio* a justice of the peace for Belize, and the Commissioner, or the superior officer delegated by him for the purposes, shall, subject as expressed in this section, have and possess power and jurisdiction to hear and determine all charges against any non-commissioned officer, or constable of the Department for the offences set forth in section 24.

42 of 1999.

(2) The Commissioner or the superior officer delegated by him for the purpose shall have the power to punish all offenders as provided in section 24, and shall have all the powers of bringing such offenders before them, and of summoning and enforcing the attendance of witnesses and of examining them upon oath or affirmation in respect of offences which they are authorised to investigate under this Act or under any rule made or continued in force thereunder respectively, as are possessed by the magistrates of Belize.

(3) Any person wilfully and corruptly giving false evidence before the Commissioner or any such superior officer shall be deemed guilty of perjury.

Police officer not
to engage in other
employment.

11. No police officer shall, without the consent of the Commissioner, engage in any other employment or office.

Regulations.
42 of 1999.

12.-(1) The Governor-General may make regulations relating to-

- (a) the numerical establishment of the Department, the conditions of enlistment and service and the various grades, ranks and appointments therein; and
- (b) the pay and allowances of members of the Department.

(2) All such regulations shall be laid on the table of both Houses of the National Assembly for negative resolution.

13. The Commissioner and superior officers shall be appointed, and may be suspended or dismissed, in accordance with the regulations for the time being in force with regard to other public officers in Belize.

Tenure of office by officers of the Department.

14. No non-commissioned officer or constable may resign from the Department unless expressly authorised in writing to do so by the Commissioner.

Police officer not to resign without permission. 42 of 1999.

15.-(1) When a member of the Department ceases to belong to the Department he shall before leaving deliver up to the person appointed by the Commissioner for that purpose or to the officer in charge of police at the place at which he was last stationed all arms, ammunition, accoutrements, uniform and other appointments which have been supplied to him and which are the property of the government.

Arms, accoutrements, etc., to be delivered up on ceasing to belong to the Department. 42 of 1999.

(2) Any member of the Department failing to deliver up any such property as required by this section shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for any period not exceeding six months, and in addition may be liable to pay the value of the property not delivered up which value shall be ascertained by a magistrate and shall be recoverable as a fine.

42 of 1999.

(3) The court may issue a warrant to search for and seize all such property which have not been so delivered up.

PART II

Powers, Duties and Privileges of Police Officers

16. After making and signing the declaration as set out in section 6 every police officer shall so long as he continues as a member of the Department have all the powers, authorities, privileges, protection and advantages and be liable to all such duties and responsibilities as any officer or constable duly appointed now has or is subject or liable to or may hereafter have or be

Members of Department to have powers of constables. 42 of 1999.

subject to or liable to either by the common law of England or by virtue of any law which now is or may hereafter be in force in Belize.

Right of superior officer, etc., of Police Department to prosecute Police cases. 42 of 1999.

17. Where any information has been laid, or complaint or arrest made, by any police officer, it shall be lawful for the Commissioner or any superior officer, sergeant or corporal of the Department, if of opinion that such information was laid, or that such complaint or arrest was made, by such police officer in the performance of his duty as a police officer, to appear on behalf of such police officer before any magistrate at any proceedings consequent upon such information, complaint or arrest, and, on behalf of such police officer, to conduct the information, complaint or charge, and examine and cross-examine witnesses in the same manner as if such information had been laid, or such complaint or arrest had been made, by such Commissioner, superior officer, sergeant or corporal.

Bail by Police.

18.-(1) It shall be lawful for any superior officer or any non-commissioned officer or constable in charge of a Police Station, when any person is in custody without warrant for any offence punishable upon summary conviction, to take bail for the appearance of such person before the nearest court of summary jurisdiction at a day, time and place to be named in the recognisance.

(2) If any such officer, non-commissioned officer or constable declines or refuses to take bail for any such person as aforesaid and such person so requires it shall be the duty of such officer, non-commissioned officer or constable forthwith to take or cause to be taken such person before the magistrate conveniently near for the purpose of having such person dealt with according to law.

Power to take photographs, etc.

19.-(1) It shall be lawful for the competent police authority to take or cause to be taken and to record for the purposes of identification the measurements, weight, photographs, and prints of all persons who may from time to time be in lawful custody.

(2) If such measurements, weight, photographs and prints are taken of a person who has not previously been convicted of any criminal offence and such person is discharged or acquitted by a court, all records relating to such measurements, weight, photographs (both negatives and copies) and prints shall be immediately destroyed or handed over to such person.

(3) Every competent police authority may take such action as the proper and efficient execution of the provisions of this section may reasonably require.

(4) For the purposes of this section the competent police authority shall be any non-commissioned officer of the Department authorised by the Commissioner or any commissioned officer of such Department.

42 of 1999.

20.-(1) The duties of the Department shall be-

Duties.
42 of 1999.

- (a) to preserve the peace, detect crimes, apprehend and summon before a magistrate persons found committing, or whom they may reasonably suspect of having committed any offence, or who are charged with having committed any offence, to execute all summonses, warrants, subpoenas, notices and criminal processes issued from any court of criminal jurisdiction, or by any magistrate in a criminal matter or by a coroner and to do and perform all duties appertaining to the office of constable or imposed upon constables by the law of Belize;
- (b) to perform such duties in connection with the repression of crime, guarding of prisoners, prevention of offences against the revenue, the preservation of order at the sittings of any court, and the execution of any process thereof, as may be required of them by any law, or

under any regulations made under this Act, or as may be specially ordered by the Minister or the Governor-General;

(c) to repress internal disturbances and defend Belize against external aggression.

(2) Every police officer shall be deemed to be on duty at all times and may at any time be detailed for duty in any part of Belize.

Notice of action or prosecution.
42 of 1999.

21.-(1) No action shall be commenced or prosecution instituted against any police officer in respect of anything done or purporting to have been done by him under the provisions of this Act, unless notice in writing of such action or prosecution, and particulars thereof, has been given to such police officer, and to the officer in charge of the Department in the place where the act complained of was committed and to the Attorney General, at least one month before the commencement of such action or the institution of such prosecution;

26 of 1992.

(2) Subsection(1) above shall not apply to any prosecution instituted against any member of the Police Department by or on behalf of the Director of Public Prosecutions or the Commissioner of Police.

Protection:
members of
Department acting
in pursuance of a
warrant.

22. When any action is brought against any police officer, for any act done in obedience to the warrant of any magistrate, he shall not be responsible for any irregularity in its issue or form, or for any want of jurisdiction of the magistrate issuing the same, but may plead the general issue, and give the warrant in evidence at the trial, and on proving that the signature is in the handwriting of the person whose name appears subscribed thereto, and that he was reputed to be and acted as magistrate, there shall be a verdict for the defendant.

23. Where any duty is imposed by any Act on the Commissioner, chief officer or head officer of Police, such duty shall be performed by the chief officer of Police at present in Belize unless the Minister orders that such duty be performed by some other officer.

Power to delegate duty imposed on Commissioner to another officer.

PART III

Discipline

24.-(1) Every assistant inspector of police and non-commissioned officer or constable of the Department who-

Offences against discipline.

- (a) begins, excites, causes or joins in any mutiny or sedition amongst any members of the Department, or who conspires with any other person to cause any such mutiny or sedition, or who does not use his utmost endeavours to suppress any such mutiny or sedition, or being cognisant of any such mutiny or sedition, does not, without delay, give information thereof to his superior officer;
- (b) persuades or endeavours to persuade, procures or attempts to procure, or assists any police officer to desert, or being cognisant of any such desertion or intended desertion does not, without delay, give information thereof to his superior police officer;
- (c) uses traitorous or disloyal words regarding Her Majesty;
- (d) is disrespectful in word or act, to any magistrate or his superior officer;
- (e) wilfully disobeys or refuses, fails or neglects to obey any lawful command;

- 42 of 1999.
- (f) is found sleeping on duty, or leaves his post or beat before he is regularly relieved without lawful excuse;
 - (g) drinks intoxicating liquor when on duty for which he has been specially detailed;
 - (h) is found to be intoxicated on or when called for duty, or is found frequenting liquor shops when on duty except in the discharge of such duty;
 - (i) strikes or assaults any other member of the Department;
 - (j) permits a prisoner to escape or fails to take prompt steps for the arrest of an offender;
 - (k) parades for duty dirty or untidy in his person, arms, clothing or equipment;
 - (l) absents himself without leave;
- 42 of 1999.
- (m) wilfully makes any false statements, entries or returns pertaining to the activities of the Department;
 - (n) without proper authority, discloses or conveys any information concerning any investigation or other police or departmental matter;
 - (o) is slovenly, inattentive or uncivil when on duty;
 - (p) accepts or solicits a bribe or gratuity;
 - (q) malingers or feigns or wilfully causes any disease or

- infirmity;
- (r) without reasonable cause fails to appear at any parade appointed by his superior officer, at which he is required to attend;
 - (s) is neglectful in carrying out an enquiry, investigation or duty;
 - (t) engages without authority in any other employment or office;
 - (u) offers or uses unwarrantable personal violence to or ill-treats any person in his custody;
 - (v) enters or remains in a public or private house without reasonable cause whilst on duty;
 - (w) makes a false accusation against any member of the public or of the Department knowing such accusation to be false; 42 of 1999.
 - (x) incurs a debt and fails to pay within a period of one month thereof unless otherwise required or permitted by the creditor; 9 of 1995.
 - (y) suffers serious pecuniary embarrassment;
 - (z) makes any false statement upon joining the Department; 42 of 1999.
 - (aa) is guilty of cowardice;
 - (bb) carries, keeps, uses, or discharges any firearm, ammunition or other weapon without the authority of

the Commissioner or without just cause, or is negligent in the use of firearms or other weapons;

- (cc) pawns, sells, loses by neglect, makes away with, wilfully or by neglect damages, or fails to report any damage to any arm, ammunition, accoutrement, uniform or other article supplied to him, or any property committed to his charge;
- (dd) becomes surety for any person or engages in any loan transaction with any police officer without the permission in writing of the Commissioner;
- (ee) being under arrest or in confinement leaves or escapes from his arrest or confinement before he is set at liberty by proper authority;
- (ff) if called upon by the Commissioner to furnish a full and true statement of his financial position, fails to do so;
- (gg) is guilty of any act, conduct, disorder or neglect which is declared by regulations made under this Act to be an offence against duty or discipline; or
- (hh) is guilty of any act, conduct, disorder or neglect to the prejudice of good order and discipline, not specified in this subsection,

shall be deemed to have committed an offence against discipline and may on conviction thereof by the Commissioner, or, in his absence, by an officer of the Department deputed by him, be punished for such offence.

42 of 1999.

9 of 1995.

(2) The assistant inspector, non-commissioned officer or constable so convicted may be punished by any one or any combination of

not more than two of the following punishments, namely-

- (a) caution, reprimand or severe reprimand;
- (b) fine not exceeding two hundred dollars;
- (c) reduction of rank or grade;
- (d) extra duties for a period not exceeding twenty-eight days;
- (e) confinement to barracks for a period not exceeding twenty-eight days, such confinement to involve the performance of ordinary duties as well as fatigue duties;
- (f) stoppage of increments;
- (g) subject to section 26, forfeiture of pay for a period not exceeding one month;
- (h) surcharge for damage to property or award of compensation in favour of the injured party;
- (i) dismissal.

(3) Every delegation under this section shall be in writing under the hand of the Commissioner and shall be revocable, and may be either general or special, as the Commissioner thinks fit. 9 of 1995.

(4) No such delegation shall be made to any member of the Department below the grade of a superior officer. 42 of 1999.

(5) All sentences inflicted by any officer delegated by the Commissioner, shall be submitted to, and be subject to the approval of, the

Commissioner, who may, subject to subsection (6) below, confirm or remit the whole or any part thereof, or may enhance it, or may substitute any other sentence which is authorised to be inflicted by this section.

(6) It shall be the duty of the officer submitting such sentence to the Commissioner to attach to his report of the case the evidence, which shall be taken on oath, and also any statement which the accused may desire to make in his defence but in every case where the sentence awarded by the officer is a sentence of dismissal or reduction in rank or grade, the Commissioner shall, before confirming such sentence, seek the advice of the Solicitor General.

(7) The requirement of seeking the advice of the Solicitor General specified in subsection (6) above shall also apply where the Commissioner himself is conducting the disciplinary proceedings and intends to award a sentence of dismissal or reduction in rank or grade.

(8) The Commissioner or the officer deputed by him shall, while conducting disciplinary proceedings under this section, follow any regulations made by the Minister in that behalf under section 53 and, in the absence of such regulations, comply with the rules of natural justice.

Appeals to Belize
Advisory Council.

25.-(1) Where the sentence as awarded, confirmed, reduced or altered under the provisions of section 24 is a sentence of dismissal or reduction in rank or grade, the officer in respect of whom the decision is made may, within twenty-one days of the communication of the decision to him, appeal to the Belize Advisory Council against such decision.

(2) Where an appeal is filed with the Belize Advisory Council pursuant to subsection (1) above, the Secretary of the Council shall immediately inform the Commissioner of such appeal.

(3) Upon an appeal under this section the Belize Advisory Council may affirm or set aside the decision appealed against or may make

any other decision which the Commissioner could have made.

26. Any assistant inspector of police or non-commissioned officer or constable who has been sentenced to imprisonment, or who is absent without leave shall forfeit all right to pay during the period of imprisonment or absence, and all fines or penalties imposed upon any such assistant inspector of police or non-commissioned officer or constable for any offences under this Act or for the breach of any rules made thereunder, may be enforced by deducting the amount from any pay due or which may become due to the assistant inspector of police or non-commissioned officer or constable so fined.

Forfeiture of pay,
etc.

27.-(1) The Commissioner may interdict from duty any assistant inspector of police or non-commissioned officer or constable, pending any inquiry into the conduct of any such assistant inspector of police or non-commissioned officer or constable, under the provisions of the Colonial Regulations, of this Act or any rules made thereunder, but such assistant inspector of police or non-commissioned officer or constable shall not, by reason of such interdiction, cease to be a member of the Department:

Interdiction
pending inquiry.
19 of 1994.

19 of 1994.

42 of 1999.

Provided that the powers, privileges and benefits vested in him as a police officer or constable shall, during his interdiction, be in abeyance, but he shall continue to be subject to the same responsibilities, discipline and penalties, and to the same authority as if he had not been interdicted.

(2) Immediately after such interdiction the Commissioner shall notify the fact, with the cause of such interdiction, to the Minister for information.

(3) An assistant inspector of police or a non-commissioned officer or constable who is interdicted from duty shall be allowed to receive such proportion of his pay not being less than half as the Commissioner thinks fit.

19 of 1994.

(4) On the termination of any period of interdiction from duty of

19 of 1994.

- 19 of 1994. an assistant inspector of police or a non-commissioned officer or constable the Commissioner may if he thinks fit direct the whole or any part of the pay stopped under this section to be paid to such assistant inspector of police or non-commissioned officer or constable.
- 19 of 1994. (5) If the assistant inspector of police or non-commissioned officer or constable has been acquitted of the charges laid against him all arrears of pay and allowances withheld during such interdiction shall be paid to him.
- Procedure in case of grave offence. 28.-(1) In every case where it appears to the Commissioner that the offence the accused has committed cannot be adequately punished with any of the punishments provided in section 24 he may order that the accused be taken before a magistrate to be dealt with as provided in subsection (3).
- 9 of 1995. (2) Where money is seized and forfeited as a result of police investigation, the Minister may by Order transfer an amount not exceeding one-third of such money to the credit of the Police Welfare Fund.
- (3) Where an accused person is taken before a magistrate under this section he shall be liable on summary conviction of any offence mentioned in section 24 to a fine not exceeding three months pay or to imprisonment for a term not exceeding six months, or to both such fine and term of imprisonment.
- (4) No proceedings shall be taken against any police officer under this section in respect of any offence for which he has already been punished under any of the preceding sections.
- Dismissal and reduction in rank of police officers convicted. 42 of 1999. 29. The Commissioner may reduce in rank or dismiss from the Department any assistant inspector of police or non-commissioned officer or constable after conviction by any court in respect of any offence whether under this Act or otherwise, unless such member of the Department has successfully appealed from such conviction.

30.-(1) Subject to subsection (2), all fines imposed on a member of the Department for an offence under this Act or any rule or regulation made thereunder shall be recovered by stoppage from the offender's pay due, or to become due, to such offender.

Fines to be recovered by stoppage from pay.
42 of 1999.

(2) In the case of an offender who has been dismissed from the Department, the amount of such stoppage from any one pay shall not exceed one-half of such pay of the offender.

31. If any person appointed to the Department is dismissed or ceases to belong thereto, all powers and authorities vested in him shall immediately cease and determine.

Powers of members of Department to terminate on dismissal or withdrawal.
42 of 1999.

32. If any assistant inspector of police or non-commissioned officer or constable pawns, sells, loses by neglect, makes away with or wilfully or negligently damages any arm, ammunition, accoutrement, uniform or other article supplied to him or any property committed to his charge, he may, in addition to or in lieu of any other punishment, be ordered to make good the amount of such loss or damage, and such amount may be recovered by deduction from his pay.

Loss or damage to arms, accoutrements, etc., to be made good by stoppage of pay.

PART IV

Welfare Fund

33.-(1) All fines imposed on a member of the Department under the provisions of the Police Ordinance, 1938, or this Act or any rules or regulations made thereunder for any offence against discipline shall be paid into the Treasury to be placed to the credit of a fund to be called the "Police Welfare Fund".

Police Welfare Fund.
42 of 1999.

- (2) No payment shall be made from the Police Welfare Fund except upon the authority of the Commissioner.
- (3) The Commissioner may in his discretion, sanction payments from the Police Welfare Fund for any of the following purposes-
- (a) assistance to the wives or families of deceased members of the Department of or below the rank of assistant inspector or to any such members discharged from the Department as medically unfit for further service;
 - (b) assistance to serving members of the Department of or below the rank of assistant inspector to enable them to obtain medical attention outside of Belize when such attention cannot be obtained in Belize;
 - (c) contributions towards prizes to be given at athletic meetings, assault at arms and similar events organised by or for the benefit of the Department;
 - (d) purchase of ammunition for the encouragement of range practice among members of the Department;
 - (e) payments to members of the Department as rewards for meritorious acts or service in the execution of duty, if such payments are not met from Government Funds;
 - (f) expenditure for the benefit and advancement of authorised recreation and sport and other branches of police activity organised within the Department;
 - (g) any other purpose not specified in this section which

42 of 1999.

9 of 1995.
42 of 1999.

42 of 1999.

the Commissioner considers to be for the general welfare of the Department.

(4) The payments from the Fund in any one year shall not exceed the sum of four thousand dollars without the prior approval of the Minister.

(5) The money standing to the credit of the Fund may from time to time be invested in the names of such persons and in such manner as may from time to time be directed by the Minister and the money and the interest and money and dividends thereof, if any, may be applied from time to time by order of the Commissioner to the purposes to which the Fund is appropriated by this section.

PART V

Police Association

34.-(1) For the purpose of enabling the members of the Department to consider and bring to the notice of the Commissioner and the Government all the matters affecting their welfare and efficiency, other than questions of discipline and promotion affecting individuals, there may be established, in accordance with such rules as the Commissioner may, with the approval of the Public Services Commission, make, an organisation to be called the Police Association, which shall be conducted as provided in those rules.

Police Association.

(2) The Police Association shall be entirely independent of and unassociated with any body or person outside the police service.

(3) Subject to subsections (1) and (2), it shall not be lawful for a member of the Department to become a member of any trade union, or any association having for its objects, or one of its objects, to control or influence the pay, pensions, or conditions of service of the Police Department, and any member of the Department who contravenes this provision shall be

disqualified from continuing to be a member of the Department, and, if any member of the Department continues to act as such after becoming so disqualified, he shall forfeit all pension rights and be disqualified from being thereafter employed in the Department, but where a man was a member of a trade union before becoming a constable, he may, with the consent of the Commissioner, continue to be a member of that union during the time of his service in the Department.

(4) If any question arises whether any body is a trade union or an association to which subsection (3) applies, it shall be determined by a magistrate.

Canteen.

35.-(1) It shall be lawful to establish in Belize City and in each district a Police Canteen.

(2) The Commissioner of Police may with the approval of the Minister make rules in regard to the hours during which such canteen shall be kept open on each day and for the proper management and control of the canteen.

PART VI

Provisions for Additional Police Officers

Commissioner
may appoint
special constable.
13 of 1963.
Schedule.

36.-(1) The Commissioner may appoint in writing under his hand any one or more special constable or constables who shall on appointment take the oaths as set forth in the Schedule to this Act.

(2) Notice of such appointment and of the cause thereof shall without delay be transmitted by the Commissioner to the Permanent Secretary for the information of the Public Services Commission, Minister and Governor-General who may revoke the same.

42 of 1999.

(3) Every special constable shall have all the powers of a

member of the Department as by law now or hereafter to be established and shall be subject to the orders of the Commissioner.

37.-(1) The Commissioner may, with the authority of the Governor-General, establish a Reserve Police Department which shall be known as the Police Reserve.

(2) Every member of the Police Reserve shall be deemed to be a police officer during the period when he is called out for service.

(3) The Governor-General may make regulations relating to the formation and conditions of service of such Police Reserve.

PART VII

General Offences and Penalties

38.-(1) Any person who-
(a) assaults, resists or obstructs; or
(b) uses any abusive or insulting language to; or
(c) aids or incites any person to assault, resist or obstruct,

Penalty for assaulting or impeding Police. 42 of 1999.

9 of 1995.

any member of the Department or a special constable appointed under section 36 in the execution of his duty or any person acting in aid of any such member of the Department, shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or in the discretion of the magistrate he may be committed for trial to the Supreme Court.

42 of 1999.

(2) In the case of assault, the offender shall be liable to payment of any sum awarded to the member of the Department assaulted, by way of

42 of 1999.

compensation for injuries to his person, clothing, necessaries or equipment.

Unlawful possession of arms, etc., supplied to police officers.
42 of 1999.

39. Any person-

(a) who, not being a member of the Department, has in his possession any arms, ammunition, clothing, accoutrements or other appointments furnished for the use of members of the Department, and cannot satisfactorily account for his possession thereof;

42 of 1999.

(b) who knowingly purchases or obtains, or solicits or entices any member of the Department to sell or dispose of, any arms, ammunition, clothing or other articles of public property or any article provided for the vehicles of the Department,

42 of 1999.

shall on conviction before a magistrate be liable to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months.

Penalty on persons causing disaffection.
42 of 1999.

40. Any person who-

(a) causes or attempts to cause, or does any act calculated to cause, disaffection among the members of the Department; or

(b) induces or attempts to induce, or does any act calculated to induce any member of the Department to withhold his services or to commit breaches of discipline,

shall be guilty of a misdemeanour, and shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or on summary conviction, 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.

PART VIII

Powers to Arrest in Relation to Offences

41. Every officer of police shall have power, by virtue of his office, at all times to enter with such constables as he thinks necessary, as well by night as by day, into and upon every vessel (not being then actually employed in Her Majesty's service) lying in any port, harbour, bay or creek of Belize, and into every part of every such vessel, for the purpose of-

Officer of police may board and inspect shipping.

- (a) inspecting, and upon occasions directing the conduct of any constable who may be stationed on board of, any such vessel;
- (b) inspecting and observing the conduct of all other persons employed on board of any such vessel in or about the loading or unloading thereof as the case may be;
- (c) taking all such measures as may be necessary, for providing against fire or other accidents;
- (d) preserving peace and good order on board of any such vessel; and
- (e) effectually preventing and detecting any felony or misdemeanour.

42.-(1) It shall be lawful for any police officer, and for all persons whom he may call to his assistance, to apprehend without warrant in the following cases-

Arrest without warrant.

- (a) any person found drunk or who is disorderly in any street or public place at any hour of the day or night;
- (b) any idle and disorderly person whom he finds between sunset and six in the morning lying or loitering in any street or other public place, and not giving a satisfactory account of himself, or whom he has good cause to suspect of having committed, or being about to commit any felony, misdemeanour or breach of the peace;
- (c) any person whose name and residence are unknown to and cannot be ascertained by, such officer, within whose view such person commits any summary jurisdiction offence;
- (d) any person accused by any other person with committing any aggravated assault, in any case in which such police officer has good reason to believe such assault has been committed, although not within his view, and that by reason of the recent commission of the offence a warrant could not have been obtained for the apprehension of the person accused;
- (e) every person who commits any of the offences mentioned in section 3 (1) and paragraphs (iv), (ix), (x), (xi), (xii), (xv), (xvi), (xviii), (xix), xxviii) and (xxx) to (xxxii) inclusive of section 4 (1) of the Summary Jurisdiction (Offences) Act.

CAP. 98.

(2) The power of arrest without warrant conferred upon a police officer under paragraph (e) shall unless the contrary is expressly provided by any statute be exercised only where the offence is committed within view of the officer.

(3) Any person within whose view any of the offences mentioned in paragraph (e) of subsection (1) is committed may apprehend the other person who commits the same, and forthwith take and convey him before a magistrate for the purpose of having him dealt with according to law or he may deliver that person over to any police officer or other peace officer to be taken and conveyed before a magistrate for the like purpose.

(4) Every police officer or other peace officer who refuses or wilfully neglects to take any such person in his custody or to take and convey him before a magistrate shall be guilty of an offence and on summary conviction thereof be liable to a fine not exceeding two hundred and fifty dollars.

43. It shall be lawful for any police officer, and for all persons whom he may call to his assistance, to enter into any house licensed for the sale by retail of fermented or, spirituous liquors, and to search therein for offenders and otherwise perform their duty, using as little annoyance to the inmates thereof as possible.

Searching
licensed places.

44.-(1) Every person found committing any offence punishable either upon indictment in the Supreme Court, or as a petty misdemeanour upon summary conviction-

Arrest, stopping,
searching, etc.

- (a) may be taken into custody without a warrant by any police officer and by any persons whom he may call to his assistance; or
- (b) may be apprehended by the owner of the property on or with respect to which the offence is committed, or by his servant or any person authorised by him, and may be detained until he can be delivered into the custody of a police officer to be dealt with according to law.

- (2) Any police officer may also stop, search and detain-
- (a) any conveyance in or upon which there is reason to suspect that anything stolen or unlawfully obtained may be found, and
- (b) any person who may be reasonably suspected of having or conveying in any manner anything stolen or unlawfully obtained.

(3) Any person to whom any property is offered to be sold, pawned or delivered, if he has reasonable cause to suspect that any such offence has been committed with respect to such property, or that the property or any part of it has been stolen or otherwise unlawfully obtained, is hereby authorised, and if in his power is required, to apprehend and detain, and, as soon as may be, to deliver such offender into the custody of a police officer together with such property, to be dealt with according to law.

Police officer may stop removal of furniture between 8:00 pm and 6:00 am.

45. It shall be lawful for any police officer to stop and detain, until due inquiry can be made, any person whom, and any vehicle which, he finds employed in removing the furniture of any house or lodging between the hours of eight in the evening and six in the following morning or whenever the police officer has good ground to believe that such removal is being made for the purpose of evading the payment of rent.

Horses, vehicles, etc., arrested to be cared of.

46.-(1) Whenever any person having charge of a horse or any other animal, vehicle, boat or thing is taken into the custody of a police officer under the provisions of any Act, any police officer may take charge of the horse or other animal, boat or thing and deposit it in some safe place of custody as a security for payment of any penalty to which the person having charge thereof may become liable, and for payment of any expenses which may have been necessarily incurred for taking charge of and keeping such things.

(2) Any magistrate before whom the case is heard may, upon conviction of such person, order such horse or other animal, vehicle, boat or thing to be sold for the purpose of satisfying such penalty and reasonable expenses in default of payment thereof, in like manner as if they had been subject to be distrained and had been distrained for the payment of such penalty and reasonable expenses.

47. Every person taken into custody by a police officer without warrant shall be forthwith delivered to the officer in charge of the nearest police station, in order that such person may be secured until he can be brought before a magistrate to be dealt with according to law, or may give bail for his appearance before a magistrate, if the officer in charge deems it prudent to take bail.

Person arrested without warrant, how to be dealt with.

PART IX

Miscellaneous

48. Non-commissioned officers and constables shall be entitled to free medical treatment (including dental treatment) at Government Hospitals and, if admitted to hospital, shall not be charged for maintenance.

Free medical treatment.

49. It shall be the duty of the Police to take charge of all property which has been made an exhibit in any criminal case.

Exhibit in criminal cases.

50. At the conclusion of the hearing of the case or matter with regard to which property has been made an exhibit, the Registrar, or, in cases in the summary jurisdiction courts, the clerk of court, may deliver such exhibits to an officer or non-commissioned officer who is in attendance at the court and thereafter the property shall be deemed to be in the custody of the Police.

Property to be delivered to the Police.

51. The police officer in charge of any such property shall on demand, unless otherwise ordered by a judge or magistrate, deliver all exhibits to the owners thereof upon the latter giving a receipt therefor and such receipt shall

Exhibits to be returned to owners.

be kept for twelve months and may then be destroyed.

Unclaimed exhibits dealt with as lost or abandoned property.
CAP. 335.

52.-(1) Should any such exhibits not be claimed within two weeks of the hearing, it shall be the duty of the Police to deal with them in all respects, as if they were lost and abandoned property found under the provisions of the Lost and Abandoned Property Act.

CAP. 335.

(2) The owner thereof shall be in all respects in the same position as, and shall have in relation thereto only the rights of, an owner of lost and abandoned property under the provisions of the Lost and Abandoned Property Act.

Power to make regulations.
13 of 1963.
25 of 1984.

53.-(1) The Minister may make regulations for the better carrying out of the intents and purposes of this Act.

9 of 1995.

(2) Without prejudice to the generality of the provisions of subsection (1), the Minister may make regulations in respect of the following matters-

42 of 1999.
42 of 1999.

(a) fixing the fees to be charged by the Police for reports or copies of statements or other documents supplied by them to members of the public;

(b) the award of certificates, medals, honours and other recognitions to deserving members of the Department or other persons acting in aid of the Department;

42 of 1999.

(c) the procedure to be followed for conducting disciplinary proceedings against members of the Department.

54. Where a vehicle is seized and forfeited as a result of police investigation, it shall be placed at the disposal of the Commissioner for police work unless otherwise directed by the Minister.

Forfeited vehicles to be placed at the disposal of the Police.
9 of 1995.

SCHEDULE
[Section 36]

Oath of allegiance

“I do
swear that I will be faithful and bear true allegiance to Her Majesty Queen
Elizabeth II, Her heirs and successors, according to law.

So Help me God.”

Oath of office

“I do
swear that I will well and truly serve Her Majesty Queen Elizabeth II in the
office of

So Help me God.”

Sworn before me this day of

20

Justice of the Peace.