



BELIZE

**MARRIED PERSONS (PROTECTION) ACT
CHAPTER 175**

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
MARRIED PERSONS (PROTECTION) ACT	5
Amendments in force as at 31st December, 2000.	



BELIZE

**MARRIED PERSONS (PROTECTION) ACT
CHAPTER 175**

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
MARRIED PERSONS (PROTECTION) ACT	5
Amendments in force as at 31st December, 2000.	

CHAPTER 175

MARRIED PERSONS (PROTECTION)

ARRANGEMENT OF SECTIONS

1. Short title.

Rights of Husband and Wife as Between Themselves

2. Orders to which wife is entitled.
3. Grounds of wife's application.
4. Orders to which husband is entitled.
5. Grounds of husband's application.
6. Definition of "habitual drunkard".

*Restriction on Making of Orders and Power
to Vary, Discharge, etc.*

7. Condonation of, connivance at, or conduct condoning, adultery a bar to wife's or husband's order.
8. Power to make order for interim payments.
9. Discharge of order on resumption of cohabitation or on committing adultery.
10. Power to vary or discharge order.

11. Saving of power of Supreme Court to make order for judicial separation, etc.
12. Continuation of payments in certain cases.
13. Amendment by resolution of National Assembly.

Procedure and Appeals

14. Procedure.
15. Enforcement of orders.
16. Enforcement of order as to custody.
17. Notice of change of address.
18. Court may refuse an order in cases more fit for the Supreme Court.
19. Appeal.

CHAPTER 175

MARRIED PERSONS (PROTECTION)

[1st August, 1953]

Ch. 185,
R.L., 1958.
CAP. 141,
R.E. 1980-1990.
32 of 1980.
22 of 1987.
24 of 1988¹.
32 of 1999.
Short title.

1. This Act may be cited as the Married Persons (Protection) Act.

Rights of Husband and Wife as Between Themselves

2. Any married woman may apply to a court of summary jurisdiction acting within the judicial district in which the cause of complaint, wholly or partially, has arisen for an order or orders, which the court is hereby authorised to make, containing all or any of the provisions following-

Orders to which wife is entitled.

- (a) that the applicant be no longer bound to cohabit with her husband, which provision while in force shall have the effect in all respects of a decree of judicial separation on the ground of cruelty;
- (b) that the legal custody of any children of the marriage between the applicant and her husband, while under the age of sixteen years, be committed to the applicant;
- (c) that the husband shall pay to the applicant personally, or for her use to any officer of the court, or to any other person on her behalf, such weekly sum not exceeding one hundred dollars as the court, having regard to the means both of the husband and the wife, considers reasonable;

32 of 1980.
8 of 1994.

¹ The Family Courts Act, CAP. 93, overrides the jurisdictional provisions of this Act as is required for the purposes of the Family Courts Act.

32 of 1980.
8 of 1994.

- (d) that, where the legal custody of any children of the marriage has been committed to the applicant, the husband shall pay to the applicant, or to any officer of the court or other person on her behalf, such weekly sum not exceeding fifty dollars as the court, having regard to the means both of the husband and the wife, considers reasonable, for the maintenance of each child until the child attains the age of sixteen years;
- (e) that the applicant or the husband, or both of them, pay the costs of the court and such reasonable costs of either of the parties as the court may think fit.

Grounds of wife's
application.

3.-(1) An application by a married woman for an order or orders under this Act shall allege one or more of the following grounds-

CAP. 98.

- (a) that the husband has been convicted summarily of an aggravated assault upon her within the meaning of section 50 of the Summary Jurisdiction (Offences) Act;
- (b) that the husband has been convicted upon indictment of an assault upon her and sentenced to pay a fine of more than fifty dollars or to a term of imprisonment exceeding two months;
- (c) that the husband has deserted her;
- (d) that the husband has been guilty of persistent cruelty to her, or to her children;
- (e) that the husband has been guilty of wilful neglect to provide reasonable maintenance for her or her infant children whom he is legally liable to maintain;
- (f) that the husband is a habitual drunkard;

- (g) that the husband, while suffering from a venereal disease and knowing that he was so suffering, insisted on having sexual intercourse with her;
- (h) that the husband has compelled her to submit herself to prostitution;
- (i) that the husband has been guilty of adultery.

(2) When the husband has, in the opinion of the court, been guilty of such conduct as was likely to result, and has resulted, in the wife's submitting herself to prostitution, he shall, for the purposes of this section, be deemed to have compelled her so to submit herself.

(3) Where a married woman is entitled to apply for an order or orders under this section on the ground of the conviction of her husband upon indictment, she may apply to the Supreme Court upon the conviction of her husband to make such order, and that court shall, for the purposes of this section, have the power without a jury to hear the application and to make the order or orders applied for and to exercise all the other jurisdiction and powers of a court of summary jurisdiction under this Act.

4. Any married man may apply to a court of summary jurisdiction acting within the judicial district in which the cause of complaint, wholly or partially, has arisen for an order or orders, which the court is hereby authorised to make, containing all or any of the following provisions-

Orders to which husband is entitled.

- (a) that the applicant be no longer bound to cohabit with his wife, which provision while in force shall have the effect in all respects of a decree of judicial separation on the ground of cruelty;
- (b) that the legal custody of any children of the marriage between the applicant and his wife, while under the age of sixteen years, be committed to the applicant;

- 32 of 1980.
8 of 1994.
- (c) that the applicant shall pay to his wife personally, or for her use to any officer of the court, or to any third person on her behalf, such weekly sum not exceeding one hundred dollars as the court, having regard to the means both of the husband and the wife, considers reasonable;
- 8 of 1994.
- (d) that the applicant shall pay to his wife or to any officer of the court or other person on her behalf, such weekly sum not exceeding fifty dollars as the court, having regard to the means both of the husband and the wife, considers reasonable for the maintenance of each child until such child attains the age of sixteen years;
- 8 of 1994.
- (e) that the applicant or the wife, or both of them, pay the costs of the court, and such reasonable costs of either of them as the court may think fit.
- Grounds of husband's application.
5. An application by a married man for an order or orders under this Act shall allege one or more of the following grounds-
- (a) that the wife is a habitual drunkard;
- 8 of 1994.
- (b) that the wife is guilty of persistent cruelty to him or to his children;
- (c) that the wife has been guilty of adultery;
- 8 of 1994.
- (d) that the wife has deserted him.
- Definition of "habitual drunkard".
6. For the purposes of sections 3 and 5, "habitual drunkard" means a person who, not being amenable to any jurisdiction as a person of unsound mind, is, notwithstanding, by reason of habitual intemperate drinking of intoxicating liquor, or the habitual taking or using, except upon medical advice, of opium or other dangerous drugs within the meaning of the Misuse of Drugs
- CAP. 103.

Act, at times dangerous to himself or herself or to others, or incapable of managing himself or herself, and his or her affairs.

Restriction on Making of Orders and Power to Vary, Discharge, etc.

7. The court shall not make an order on the application of either the husband or the wife on the ground of adultery, unless it is satisfied that the applicant has not condoned or connived at, or by his or her wilful neglect or misconduct conducted to, the adultery, and that the application is not made or represented in collusion with the other party to the marriage or any person with whom it is alleged that adultery had been committed:

Condonation of, connivance at, or conduct conducting, adultery a bar to wife's or husband's order.

Provided that no order as is mentioned in section 2 (c) shall be made to a wife if it is proved that she committed adultery without the husband's connivance or consent.

8.-(1) Where, on the hearing of an application for an order of maintenance, the application is adjourned for any period exceeding one week, the court may order that the husband pays to the wife, or to an officer of the court, or any third person on her behalf, a weekly sum, not exceeding such an amount as might be ordered to be paid under a final order, for the maintenance of the wife and any child or children in her custody until the final determination of the case.

Power to make order for interim payments.

(2) The order directing a payment under subsection (1) shall not remain in operation for more than three months from the date on which it was made.

(3) Any order under subsection (1) shall be enforced in like manner as if it were a final order of the court.

Discharge of order on resumption of cohabitation or on committing adultery.
32 of 1999.

9.-(1) If any married woman upon whose application an order has been made under this Act, voluntarily resumes co-habitation with her husband, that order shall upon proof thereof be discharged:

Provided that the court may, if it thinks fit, in the event of the order being discharged, make a new order that the legal custody of the children of the marriage shall continue to be committed to the wife, and that subject to the proviso to section 7, the husband shall pay to the wife or to any officer of the court or any third person on her behalf, a weekly sum not exceeding twenty dollars for the maintenance of each such child until the child attains the age of sixteen years.

32 of 1980.

(2) In making the order referred to in the proviso to this section, the court shall have regard primarily to the interests of the children.

Power to vary or discharge order.

10. A court of summary jurisdiction acting within the district, in which any order under this Act has been made may-

8 of 1994.

(a) on the application of the married woman or of her husband, and upon cause being shown upon fresh evidence to the satisfaction of the court, at any time alter, vary or discharge any such order; and

(b) upon any such application, from time to time increase or diminish the amount of any weekly payment ordered to be made, so that it does not in any case exceed the weekly sum of one hundred dollars in the case of the wife and fifty dollars in the case of each child.

Saving of power of Supreme Court to make order for judicial separation, etc.

11.-(1) Nothing in this Act shall impair the power or authority of the Supreme Court to make an order for the judicial separation of a husband and wife and for the payment of alimony, permanently or *pendente lite*, by the husband to the wife.

(2) In every case of judicial separation-

- (a) as from the date of the decree and so long as the separation continues, any property which is acquired by or devolves upon the wife shall not be affected by any restraint upon anticipation attached to the enjoyment by the wife of any property under any settlement, agreement for a settlement, will or other instrument;
- (b) if alimony has been ordered to be paid and has not been duly paid by the husband, he shall be liable for necessaries supplied for the use of his wife.

12.-(1) If, on the application of a married woman, it appears to the court that a child is or will be engaged on a course of education or training after attaining the age of sixteen years, or that the child is suffering from a mental or physical disability, and it is therefore expedient for payments to be made under an order made under section 2 (d) or 9 (1) after the child attains that age, the court may order that payments be so made for such period not exceeding two years from the date of the order as may be specified in the order.

Continuation of payment in certain cases.

(2) The period specified in an order under subsection (1) may from time to time be extended by a subsequent order so made, but shall not in any case extend beyond the date when the child attains the age of eighteen years.

13. The National Assembly may by resolution amend the maximum weekly sum which may be ordered under section 2 (c) or (d) or under section 9 (1).

Amendment by resolution of National Assembly.

Procedure and Appeals

14. All applications under this Act shall be made in accordance with the Summary Jurisdiction Acts, and in the case of a conviction of a husband for aggravated assault upon his wife, her application may, by leave of the court, be made by summons to be issued and made returnable immediately upon such

Procedure. CAP. 98. CAP. 99.

	conviction.
Enforcement of orders. CAP. 173.	15.-(1) The payment of any sum of money directed to be paid by any order under this Act may be enforced in the same manner as the payment of money is enforced under an order of affiliation made pursuant to the Families and Children Act.
CAP. 173.	(2) Where the court makes an order under this Act for the payment of money periodically by one person to another, it may, if it thinks fit, order that the payment shall be made through the collecting officer appointed under the Families and Children Act, and thereupon all the provisions of the said Act relating to the collection of money under affiliation orders shall, <i>mutatis mutandis</i> , apply to the collection of all sums of money payable periodically pursuant to this Act.
Enforcement of order as to custody. CAP. 99.	16. Where an order under this Act contains a provision committing to the applicant the legal custody of any children of the marriage, a copy of the order may be served upon any person in whose actual custody the children may for the time being be, and thereupon the provision may, without prejudice to any other remedy open to the applicant, be enforced under the Summary Jurisdiction (Procedure) Act, as if it were an order of the court requiring that person to give up the children to the applicant.
Notice of change of address.	17. Any person for the time being under an obligation to make payments, including costs, under an order made under this Act shall give notice to such persons, if any, as may be specified in the order of any change of address, and any person failing to give such notice without reasonable excuse is liable on summary conviction to a fine not exceeding one hundred and twenty-five dollars.
Court may refuse an order in cases more fit for the Supreme Court.	18.-(1) If, in the opinion of a court of summary jurisdiction, the matters in question between the parties or any of them would be more conveniently dealt with by the Supreme Court, the court of summary jurisdiction may refuse to make an order, and in such case no appeal shall lie from the decision of the

court of summary jurisdiction.

(2) The Supreme Court or a judge thereof shall have power by order in any proceeding in the Supreme Court relating to or comprising the same subject matter as the application refused under subsection (1), or any part thereof, to direct the court of summary jurisdiction to rehear and determine that matter.

19. An appeal shall lie from any order or the refusal of any order by a court of summary jurisdiction under this Act to the Supreme Court under Part X of the Supreme Court of Judicature Act.

Appeal.

CAP. 91.