



BELIZE

**SOCIAL SERVICE AGENCIES ACT
CHAPTER 45**

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CHAPTER 45

SOCIAL SERVICE AGENCIES

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CHAPTER 45

SOCIAL SERVICE AGENCIES

CAP. 35A,
R.E. 1980-1990,
8 of 1983,
15 of 2004.

[18th August, 1983]

PART I

Preliminary

1. This Act may be cited as the Social Service Agencies Act.

Short title.

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

Interpretation.

“CARICOM Member State” means a state which is a party to the Treaty of Chaguaramas establishing the Caribbean Community including CARICOM Single Market and Economy;

15 of 2004.

“licence” means a licence granted under section 9 of this Act;

“Minister” means the Minister of Government for the time being responsible for Social Services;

“proprietor” means the person registered as the proprietor of the Social Service Agency registered under this Act;

“Registrar” means the Registrar of Social Service Agencies appointed under section 3 of this Act;

“Social Service Agency” means Homes for Children, Old Peoples’ Homes and similar institutions whether fee levying or not set apart for the care of children, old persons or the handicapped as the case may be.

PART II

*Registration, Administration etc.,
of Social Service Agencies*

Registrar of Social Services Agencies.

3.—(1) The Minister shall designate a public officer to be or to act as the Registrar of Social Agencies and to be responsible for administration of this Act.

(2) In the exercise, performance or discharge of the powers, duties or functions conferred, imposed upon or assigned to him by or under this Act, the Registrar shall be subject to the general or special directions of the Minister.

(3) The Registrar may either generally or specially authorise any other person whom he considers fit and proper to exercise, perform or discharge any power, duty or function conferred, imposed upon or assigned to the Registrar by or under this Act or any regulation made thereunder and may at any time revoke or vary such authorization,

Provided that no such authorisation shall be deemed to divest the Registrar of any of his powers, duties or functions and he may if he thinks fit exercise, perform or discharge all his powers, duties or functions notwithstanding any such authorisation.

Register of Social Service Agencies.

4. For the purposes of this Act the Registrar shall maintain a book called the Register of Social Agencies in which premises used for the carrying on of any Social Service Agency and the name of the proprietor of such Agency shall be registered under and in accordance with the provisions of this Act.

Social Service Agencies to be registered.

5. On and after the expiration of a period of three months from the date on which this Act comes into operation no premises shall be used for the purposes of a Social Service Agency unless such premises and the proprietor of such Agency are registered and a licence obtained by the proprietor from the Registrar in that behalf.

6. Every application for the registration of any premises as a Social Service Agency,

Application for registration.

- (a) shall be made in writing to the Registrar;
- (b) shall be made in such form as may be provided by the Registrar for that purpose;
- (c) shall contain the particulars required by that form; and
- (d) shall be signed by the proprietor of the proposed Agency.

7. Where an application made in accordance with the provisions of section 6 of this Act, is received by the Registrar, the Registrar shall verify the particulars contained in that application and cause a report or reports to be made as to the character and standing of the applicant, and as to whether adequate arrangements are available for the compliance with the requirements of minimum standards of service, health, protection and accommodation, prescribed by the Minister for a Social Service Agency set up for that stated purpose.

Reports before registration.

8.—(1) Where the Registrar is satisfied with the report or reports made under section 7 of this Act, he shall make an order allowing the application and shall register such premises and the name of the proprietor in the register and enter therein such other particulars as he may deem necessary.

Disposal of application.

(2) The Registrar may direct any applicant for registration to furnish, within such period as may be specified in the direction, such information or documents as may be required thereby to enable him to dispose of the application. If the applicant fails to comply with such direction the Registrar may refuse the application and shall inform the applicant accordingly.

(3) Where the Registrar is not satisfied as to the character and standing of the applicant or that the minimum standards required have been met, he shall notify the applicant in writing of the grounds which prevent

him from registering the premises as a Social Service Agency and state that unless the deficiencies mentioned in the notification are rectified the application would be disallowed.

(4) If upon receipt of a notice under subsection (3) of this section, the applicant rectifies the deficiencies and otherwise complies with the requirements to the satisfaction of the Registrar, the Registrar shall register the premises as a Social Service Agency and the applicant as the proprietor of that Agency. If the applicant fails to so rectify the deficiencies or otherwise comply with the requirements as prescribed therein within a reasonable time, the application shall be disallowed, and the Registrar shall inform the applicant accordingly.

Licence to registered Agency.

9.—(1) Where the Registrar registers any premises as a Social Service in accordance with the provisions of section 8 of this Act, he shall issue to the registered applicant a licence in such form and containing such particulars as may be determined by him.

(2) Every such licence shall be placed in a conspicuous place in the premises to which it relates.

Amendment of particulars in Register and licence.

10. Where any change occurs in any matter or thing relating to a Social Service Agency which necessitates any amendment in the particulars in registration entry relating to such Agency, the registered proprietor shall forthwith give notice of such change to the Registrar and return the licence to the Registrar to enable him to make the necessary amendments in the register and the licence.

Assignment of licence.

11. The holder of a licence issued under the provisions of this Act shall within two weeks of the assignment or transfer of the said licence inform the Registrar thereof and failure so to do shall render the licence null and void.

Duration of licence.

12. Every licence issued under this Act shall be valid for one year from the date of the licence and shall be subject to renewal at the discretion of the Registrar on application being made therefor by the proprietor of the Social Service Agency. Where the Registrar decides to refuse to renew a licence, the Registrar shall so notify the proprietor of that Social Service Agency.

13.—(1) The proprietor of every Social Service Agency registered under the provisions of this Act shall ensure the observance of such minimum standards as may be prescribed from time to time by the Minister with regard to health, safety, accommodation, service facilities and board. These standards shall be applicable to all institutions whether maintained by the Government or by any private institution or person.

Minimum requirements to be observed by Social Service Agencies.

(2) Any member of the public may lay a complaint before a magistrate if such standards are not maintained and the magistrate may, after inquiry and if he is satisfied that the standards have not been met, order that the said Agency shall be closed down and the licence cancelled.

(3) Where a licence is cancelled under the provisions of subsection (2) of this section, it may be restored by the Registrar if he is satisfied that the deficiencies complained of have subsequently been rectified.

14. The proprietor of every Social Service Agency shall maintain a register of residents containing the following particulars,

Register of residents of Social Service Agency.

- (a) date and time of admission;
- (b) name of resident;
- (c) age and sex;
- (d) permanent address of the resident;
- (e) date and time of resident leaving the Social Service Agency;
- (f) signature of the resident;
- (g) any property belonging to the resident;
- (h) next of kin or legal representatives;
- (i) any other particulars which may be prescribed by the Registrar.

Power of entry,
inspection, etc.

15.—(1) For the purpose of determining whether the provisions of this Act are being complied with by a Social Service Agency, or for the purpose of making a report to facilitate the registration of any premises as a Social Service Agency, it shall be lawful for the Registrar or any person acting under the authority of the Registrar and after prior notice in writing of at least 24 hours to enter the premises at all reasonable hours, and,

- (a) to inspect the premises with a view to ascertaining all matters and things relevant to such purposes;
- (b) to require any person in charge of the Social Service Agency to produce the registers and books required to be maintained under the Act; and
- (c) to examine such registers and books and to make copies or to take extracts from such registers and books.

(2) Any person in charge of any premises, books or registers mentioned in subsection (1) of this section shall provide all such facilities as are required by the Registrar or other person for carrying out his duties under that subsection.

Power to call for
additional infor-
mation.

16. The Registrar may hold such inquiries as he considers necessary for the purpose of discharging his functions under this Act.

PART III

Miscellaneous

Offences and pen-
alties.

17.—(1) Any person who,

- (a) without lawful excuse uses any premises as a Social Service Agency when the proprietor thereof or such premises are not registered or when there is not in force a licence granted to him by the Registrar authorising him to use such premises for a Social Service Agency; or

- (b) uses or displays the word “registered” or “licensed” along with the name, title or description of any premises purporting to be a Social Service Agency when the premises and the Agency are not registered and licensed; or
- (c) having been granted a licence to use any premises for the purpose of a Social Service Agency uses such premises otherwise than in accordance with the terms and conditions of such licence; or
- (d) fraudulently procures or attempts to procure the registration and licensing of any premises as a Social Service Agency; or
- (e) forges or falsifies any book, register or other record required to be maintained under this Act; or
- (f) obstructs, prevents or otherwise hinders the entry into any Social Service Agency of the Registrar or any person authorised by him to carry out any examination, inspection, scrutiny or check therein, or assaults or otherwise hinders any such officer in the performance of his duties under this Act; or
- (g) fails to comply with any requirements of this Act or any regulations or order made thereunder or with any lawful direction given to such person by the Registrar,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(2) Any registration or licence which has been obtained fraudulently or by means of fraudulent representation shall be invalid and of no effect.

(3) Where such offence is continued after conviction such person shall be liable in respect of each day during which such offence was continued to a fine not exceeding fifty dollars.

(4) Any offence against the provisions of this Act committed by any servant or agent of the proprietor shall be deemed to be an offence committed by the proprietor, unless he establishes that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of that offence.

(5) Where a person by whom an offence under this Act or any regulation made thereunder is committed as a body corporate every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of that offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

18.—(1) Notwithstanding any prosecution that may be instituted under this Act the Registrar may, suspend a licence if the proprietor or any licensed Social Service Agency,

- (a) fails or neglects,
 - (i) to display the licence granted to the Agency;
 - (ii) to maintain the register of residents; or
 - (iii) to provide any information called for by the Registrar;
 - (iv) obstructs any authorised person from inspecting the premises or the books required to be kept by this Act;

Suspension or
cancellation of li-
cence.

- (b) cancel a licence on any of the following grounds,
- (i) if the proprietor or any employee or agent is convicted of any criminal offence in relation to the premises; or
 - (ii) if the proprietor fails to ensure that the premises are maintained in keeping with the minimum standard of health, accommodation and service.

(2) Where the Registrar suspends or cancels a licence under the provisions of this section, he shall without delay inform the proprietor to whom the licence so suspended or cancelled was granted.

19. Where any person making an application for the registration of any premises as a Social Service Agency makes any statement in his application which is false in a material particular, then if such falsehood is discovered before the issue of the licence, his application shall be rejected, and if discovered after the issue, the licence so granted shall be cancelled without notice.

Additional Penalties.

20.—(1) The proprietor of a Social Service Agency shall not by himself or through any other person by coercion, persuasion, threat, inducement or through any other means make any person who seeks admission to or is already a resident of that Agency or anybody else on his behalf to turn over property, movable or immovable, to the proprietor of that Agency as consideration for being admitted to that Agency or for remaining in that Agency.

Obtaining property as consideration for residence in an Agency an offence.

(2) The provisions of subsection (1) of this section do not in any way prevent any person from voluntarily and on his own accord gifting, donating, bequeathing, or otherwise making over any property to or for the sake of any Social Service Agency.

(3) Any person who contravenes the provisions of subsection (1) of this section shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a period not exceeding six

months and the property involved in the offence shall be forfeited to, and vest in, the State.

Regulations.

21. The Minister may make regulations generally for the better carrying out of the purposes of this Act and in particular but without prejudice to the generality of the foregoing may make regulations providing for,

- (a) regulating the number of persons who may normally be accommodated as residents in a Social Service Agency;
- (b) the provision of medical facilities at or to a Social Service Agency;
- (c) prescribing standards of health, accommodation, service facilities and board to be provided by such agencies;
- (d) prescribing standards for the structural maintenance of the premises of Social Service Agencies;
- (e) prescribing the precautions to be taken against the outbreak or spread of fire in Social Service Agencies and for the protection of persons therefrom;
- (f) the keeping of records and registers by proprietors in relation to the Social Service Agencies;
- (g) the freedom of religious instruction and observance;
- (h) educational, medical and welfare facilities;
- (i) regulating visitors to Social Service Agencies;
- (j) the type of work that may be undertaken by residents of any Social Service Agency;

- (k) a code of discipline for young persons who are residents of any Social Service Agency;
- (l) a code of conduct for the staff of any Social Service Agency;
- (m) subject to approval by the Minister, fixing of the maximum number of residents for any Social Service Agency, the goals of a Social Service Agency and the cost of residence therein;
- (n) prescribing any matter or thing required or authorised by this Act to be prescribed.

22.—(1) Any person who is aggrieved by,

Appeals.

- (a) the refusal of the Registrar to register any premises as a Social Service Agency under section 8 of this Act;
- (b) the refusal of the Registrar to renew the licence under section 12 of this Act; or
- (c) the cancellation or suspension under the provisions of section 18 of this Act of a licence already granted to him,

may within fourteen days of the notification of such refusal, cancellation or suspension make an appeal therefrom to the Minister.

(2) The Minister shall, within a reasonable time, hear and determine any appeal made to him under subsection (1) of this section.