



BELIZE

**PROBATION OF OFFENDERS ACT
CHAPTER 120**

REVISED EDITION 2011

**SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

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CHAPTER 120

PROBATION OF OFFENDERS

[20th December, 1941]

Ch. 27,
R.L., 1958.
CAP. 98,
R.E. 1980-1990.
38 of 1963.
40 of 1963.
41 of 2001.

Short title.

1. This Act may be cited as the Probation of Offenders Act.

Interpretation
41 of 2001.

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

“probation order” means an order made under this Part placing a person under the supervision of a Community Rehabilitation Officer;

“probationer” means a person placed under supervision by a probation order.

Power of Court to
permit conditional
release of offend-
ers.

3.—(1) Where any person is charged with an offence which is punishable on summary conviction, and the court thinks that the charge is proved but is of opinion that having regard to the circumstances, including the nature of the offence and the character and home surroundings of the offender, it is expedient to release the offender on probation, the court may,

- (a) convict the offender and make a probation order; or
- (b) without proceeding to conviction, make a probation order.

(2) Before making a probation order under subsection (1) of this section the court shall explain to the offender in ordinary language the effect of the order and that if he fails in any way to comply therewith or commits another offence, he will be liable to be sentenced or to be convicted and sentenced for the original offence, and the court shall not make a probation order unless the offender expresses his willingness to comply with the provisions of the order.

(3) Where any person is convicted of an offence which is punishable on indictment, and the court is of opinion that, having regard to the circumstances, including the nature of the offence and the character and home surroundings of the offender, it is expedient to release the offender on probation, the court may in lieu of imposing a sentence of imprisonment make a probation order.

(4) Before making a probation order under subsection (3) of this section the court shall explain to the offender in ordinary language the effect of the order and that if he fails in any respect to comply therewith or commits another offence, he will be liable to be sentenced for the original offence, and the court shall not make a probation order unless the offender expresses his willingness to comply with the provisions of the order.

4.-(1) A probation order shall,

Probation order.
41 of 2001.

- (a) have effect for such period not less than one year and not more than three years from the date of the order as may be specified therein;
- (b) require the probationer to submit during that period to the supervision of a Community Rehabilitation Officer appointed or assigned to the district in which the probationer will reside after the making of the order; and
- (c) contain such provisions as the court considers necessary for securing the supervision of the offender, and such additional conditions as to residence and other matters as the court, having regard to the circumstances of the case, considers necessary for securing the good conduct of the offender or for preventing a repetition of the same offence or the commission of other offences.

(2) Where a probation order contains a provision as to residence, the place at which and the period for which the probationer is to reside shall be specified in the order, and where any such provision requires the probationer to reside in an institution, the period for which the probationer is required so to reside shall not extend beyond twelve months from the

40 of 1963.
41 of 2001.

date of the order, and the court shall forthwith give notice of the terms of the order to the Director.

41 of 2001.

(3) The court by which a probation order is made, or any court by which an order is made under section 10 or 11 of this Act amending or discharging any such probation order, shall forthwith give copies of the probation order, or amending order or order of discharge as the case may be, to the Community Rehabilitation Officer responsible for the supervision of the probationer, to the probationer and to the person in charge of any institution in which the probationer is or was by the probation order or the amending order required to reside.

Further provisions where court makes probation order.
41 of 2001.

5.—(1) Where a person is placed by a probation order under the supervision of a Community Rehabilitation Officer, the court may without prejudice to its power of awarding costs against the offender order the offender to pay such damages for injury or compensation for loss as the court thinks reasonable, but not in the case of an order made by a summary jurisdiction court exceeding in the aggregate one hundred dollars or such greater sum as may be allowed by any enactment relating to the offence.

(2) Where a court makes any such order for the payment of damages or compensation, the order may be enforced in like manner as an order for the payment of costs by the offender, and where the court, in addition to making such an order for the payment of damages or compensation to any person orders the offender to pay to that person any costs, the orders for the payment of damages or compensation and for the payment of costs may be enforced as if they constituted a single order for the payment of costs.

Commission of further offences by probationers.

6.—(1) Where it appears to a judge or any magistrate that a probationer has been convicted of an offence committed while the probation order was in force, he may issue a summons requiring the probationer to appear at the place and time specified therein or may issue a warrant for his arrest.

(2) A magistrate shall not issue such a summons except on information, and shall not issue such a warrant except on information in writing and on oath.

(3) A summons or warrant issued under this section shall direct the probationer to appear or to be brought before the court by which the probation order was made.

(4) Where a probationer is convicted by a magistrate of an offence committed while the probation order was in force the magistrate may commit the probationer to custody or release him on bail, with or without sureties, until he can be brought or appear before the court by which the probation order was made.

(5) Where it is proved to the satisfaction of the court by which the probation order was made that the probationer has been convicted of an offence while the probation order was in force, then,

- (a) if the probationer was not convicted of the original offence in respect of which the probation order was made, the court may convict him of that offence and pass any sentence which it could pass if the probationer had just been convicted before that court of that offence; or
- (b) if the probationer was convicted of the original offence in respect of which the probation order was made, the court may pass any sentence which it could pass if the probationer had just been convicted before that court of that offence.

(6) Where a probationer in respect of whom a probation order has been made by a magistrate is convicted before the Supreme Court of an offence committed while the probation order was in force, then,

- (a) if the probationer was not convicted of the original offence in respect of which the probation order was made, the Supreme Court may convict him of that offence and may pass any sentence which the court which made the probation order could pass if the probationer had just been convicted before that court of that offence; or

- (b) if the probationer was convicted of the original offence in respect of which the probation order was made, the Supreme Court may pass any sentence which the court which made the probation order could pass if the probationer had just been convicted before that court of that offence.

Failure by probationer to comply with probation order.

7.—(1) Where if it appears to a judge or any magistrate that a probationer has failed to comply with any of the provisions of the probation order, he may issue a summons to the probationer requiring him to appear at the place and time specified therein or may issue a warrant for his arrest.

(2) A magistrate shall not issue such summons except on information, and shall not issue such a warrant except on information in writing and on oath.

(3) A summons or warrant under this section shall direct the probationer to appear or to be brought before the court by which the probation order was made.

(4) Where it is proved to the satisfaction of the court by which the probation order was made that the probationer has failed to comply with any of the provisions of the probation order then,

- (a) without prejudice to the continuance in force of the probation order, the court may impose on the probationer a fine not exceeding fifty dollars; or
- (b) if the probationer,
- (i) was not convicted of the original offence in respect of which the probation order was made, the court may convict him and pass any sentence which it could pass if the probationer had just been convicted before that court of that offence; or
- (ii) was convicted of the original offence in respect of which the probation order was made, the

court may pass any sentence which it could pass if the probationer had just been convicted before that court of that offence.

(5) Where a court has, under subsection (4)(a) of this section, imposed a fine on the probationer, then, if any subsequent sentence is passed upon the probationer under the provisions of the preceding section or of this section, the imposition of the said fine shall be taken into account in fixing the amount of that sentence.

8.—(1) Where a person is convicted of an offence and is released under a probation order, his conviction for that offence shall, subject to subsection (2) of this section, be disregarded for the purposes of any enactment by or under which any disqualification or disability is imposed upon convicted persons or by or under which provision is made for a different penalty in respect of a second or subsequent offence or in respect of an offence committed after previous conviction.

Disqualification or disability of probationer.

(2) Where the probationer is subsequently sentenced for the original offence, this section shall cease to apply in respect of that offence, and he shall be deemed, for the purposes of any such enactment imposing a disqualification or disability, to have been convicted on the date of the sentence.

(3) Where a person is released on probation without the court having proceeded to conviction and he is subsequently convicted and sentenced for the original offence, then he shall be deemed, for the purposes of any enactment by or under which any disqualification is imposed upon convicted persons or by or under which provision is made for a different penalty in respect of a second or subsequent offence or in respect of an offence committed after a previous conviction, to have been convicted on the date of such conviction and sentence.

9.—(1) Where a probationer is committed to custody or released on bail by a magistrate until he can be brought or appear before the court which made the probation order, the magistrate shall transmit to the court which made the probation order such particulars of the case as he thinks desirable.

Transmission of documents when case is remitted to another court.

(2) Where the probationer has been convicted of a subsequent offence by a magistrate, the magistrate shall transmit to the court which made the probation order a certificate to that effect signed by him, and for the purposes of proceedings in the court to which it is transmitted any such certificate, if purporting to be so signed, shall be admissible as evidence of the conviction.

Amendment of
probation orders.
41 of 201

10.—(1) Subject to this section, where, on the application of a probationer or of the Community Rehabilitation Officer responsible for his supervision, the court which made the probation order is satisfied that the provisions of the probation order should be varied, or that any provisions should be inserted or cancelled, the court may, subject to subsection (2) of this section by order amend the probation order accordingly.

(2) No order shall be made under this section reducing the period or duration of the probation order, or extending that period beyond a period of three years from the date of the probation order.

41 of 2001.

(3) An order under subsection (1) of this section, may require a probationer to reside in an institution for any period not extending beyond twelve months from the date of that order, if the total period or the aggregate of the periods for which he is required to reside in any institution or institutions under the probation order does not exceed twelve months.

41 of 2001.

(4) The court shall, if it is satisfied, on the application of the Community Rehabilitation Officer responsible for the supervision of the probationer that the probationer has changed, or is about to change, his residence from the district named in the order to another district, by order vary the probation order by substituting for the reference to the district named therein a reference to the district where the probationer is residing or is about to reside, and shall transmit to the court for the new district all documents and information relating to the case, and thereupon the last mentioned court shall be deemed for all the purposes of this Act to be the court by which the probation order was made.

(5) An Order under this section cancelling a provision of a Probation Order or substituting a new district for the district named therein may be made without summoning the probationer, but no other Order under this

section shall be made except on the application or in the presence of the probationer.

(6) Where an Order is made under this section for the variation, insertion or cancellation of a provision requiring a probationer to reside in an institution, the court shall forthwith give notice of the terms of the order to the Director.

40 of 1963.
41 of 2001.

11.—(1) The court by which a probation order was made may, on the application of the probationer or of the Community Rehabilitation Officer responsible for his supervision, discharge the probation order, and where the application is made by the Community Rehabilitation Officer, the court may deal with it without summoning the probationer.

Discharge of probation orders.
41 of 2001

(2) Where an offender in respect of whom a probation order has been made is subsequently sentenced for the offence in respect of which the probation order was made, the probation order shall cease to have effect.

12. Where a probationer is a woman or juvenile who is a girl, the Director shall assign a woman Community Rehabilitation Officer to supervise the probationer.

Supervision of probationers.
41 of 2001.

13. The Minister may acquire homes and hostels to be used as institutions by probationers required by probation orders to reside in institutions.

Homes and hostels.
1 of 2001.

14. The Department shall discharge such duties, including the provision of reports to the courts upon request, the supervision of probationers, making applications to the courts in respect of probationers, and other similar duties, as will ensure the full implementation of this Act.

Duties of Department.
41 of 2001.

15. The Minister may, by Order published in the *Gazette*, make Rules,

Rules.
41 of 2001.

- (a) prescribing the form of records to be kept under this Act;
- (b) generally for carrying out the purposes of this Act into effect;