



**BELIZE**

**COSTS IN CRIMINAL CASES ACT  
CHAPTER 124**

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

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

This edition contains a consolidation of the following laws-

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**COSTS IN CRIMINAL CASES ACT**

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Amendments in force as at 31st December, 2000.



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**CHAPTER 124**

**COSTS IN CRIMINAL CASES**

**ARRANGEMENT OF SECTIONS**

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3. Payment of cost and expenses of witness in indictable cases.
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## CHAPTER 124

### COSTS IN CRIMINAL CASES

[21st January, 1896]

- Short title. 1. This Act may be cited as the Costs in Criminal Cases Act.
- Interpretation. 2. In this Act, unless the context otherwise requires-
- “compensation” includes an award of money-
- (a) indemnifying a witness against loss of earnings in any profession, trade or calling during the time he is attending Court;
  - (b) remunerating a witness for loss of time and the trouble of attending the Court for the purpose of giving evidence; and
  - (c) reimbursing a witness any expenses which in the opinion of the Court, or a judge thereof, have been properly and necessarily incurred in connection with the attendance of the witness in Court,
- all such compensation being restricted to the period during which the witness was necessarily absent from the place of his residence for the purpose of attending the Court;
- CAP. 91. “Court” means the Supreme Court established under the Supreme Court of Judicature Act;
- “magistrate” includes a coroner and a justice of the peace when sitting as a coroner;
- “travelling expenses” includes all sums of money or expenses reasonably and necessarily paid or incurred for travelling-

- (a) to and from the Court; or
- (b) to and from any place to which the witness may have necessarily gone for the purpose of travelling to the town or place named in the recognisance or *subpoena* as the place of trial; or
- (c) between the Court and the place of his temporary abode during adjournments of the Court,

the journeys in all cases being in excess of one mile.

3.-(1) Subject to subsection (2), in any case where a person appears in Court as a witness, either on a recognisance or under a *subpoena*, and gives evidence in the Court against or on behalf of an accused person on the trial of any criminal cause, the Court, or a judge thereof, may order that the witness be paid compensation and travelling expenses in accordance with the rate in the First Schedule appropriate to the case of that witness.

Payment of costs and expenses of witness in indictable cases.

(2) The Court, or a judge thereof, may, if satisfied upon oath that for special reasons an allowance under the First Schedule would be inadequate, order that the witness be paid such additional compensation and travelling expenses as the Court or judge considers reasonable.

First Schedule.  
7 of 1959.

(3) The Court, or a judge thereof, shall have full power to disallow altogether, or to reduce, the amount payable to a witness as compensation or travelling expenses if it or he considers that the conduct of the witness before or at the trial warrants such disallowance or reduction.

(4) Where the Court, or a judge thereof, is of opinion that a witness called by an accused person, although not bound over on a recognisance to appear or not appearing under a *subpoena*, gave material evidence at the trial, it or he may order the payment of such compensation and travelling expenses within the limit of the First Schedule, if a satisfactory reason is given why the witness was not called at the preliminary inquiry.

First Schedule.

- 1 of 1969. (5) The Court, or a judge thereof, may, on its or his own motion or on the application of the Director of Public Prosecutions, order the payment out of the Consolidated Revenue Fund of any expenses which have been properly and necessarily incurred in connection with the trial of any case, and the Financial Secretary shall give effect to such order.
- Court may direct payment of compensation, etc., although no indictment filed or witness not called. 4. Where upon the committal of an accused person for trial before the Court any witness has been bound over on recognisance, or required by a *subpoena* to attend and give evidence at the trial, the Court, or a judge thereof, may order that the witness, if he has *bona fide* attended or necessarily left his place of residence or occupation for the purpose of attending the Court, be paid compensation and travelling expenses to and from the Court, notwithstanding that no indictment has been preferred against the person committed for trial or that that witness has not been called upon to give evidence at the trial.
- Compensation to scientific witness. 5. Whenever it is necessary to call a scientific witness or other expert to give evidence only upon some matter of science, art or other special knowledge at the trial of an indictable offence or at the preliminary inquiry therein, the Court, or a judge thereof, or a magistrate may order such compensation exceeding that set forth in the First Schedule to be paid to that witness as it or he may think reasonable.
- First Schedule. 6. Whenever an interpreter, not in the service of the government, is employed on the part of the prosecution, either before the Court or at the preliminary inquiry, the Court, or a judge thereof or a magistrate may order such allowance to be paid to him for his services as interpreter in the Court or at the preliminary inquiry as it or he may think reasonable.
- Payment to casual interpreter. 7.-(1) A magistrate may, at the taking of any preliminary inquiry into an indictable offence, whether he commits the accused person for trial or discharges him or deals summarily with the case, order any witness to be paid compensation and travelling expenses in accordance with the rate in the Second Schedule appropriate to the case of that witness.
- Remuneration of witness at preliminary inquiry. Second Schedule.

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| <p>(2) A magistrate holding a preliminary inquiry may, if satisfied upon oath that for special reasons an allowance under the Second Schedule would be inadequate, order that the witness be paid such additional compensation and travelling expenses as the magistrate considers reasonable.</p>  | <p>7 of 1959.<br/>Second<br/>Schedule.</p>   |
| <p>8. A coroner may make an order authorising payment of reasonable remuneration to any person in indigent circumstances, or dependent for his support upon daily wages, who gives material assistance to him as a witness, or by bringing intelligence of the finding of the corpse or by securing or guarding the body pending the arrival of the coroner.</p>  | <p>Remuneration of<br/>witness in<br/>coroner's<br/>proceedings.<br/>7 of 1969.</p>        |
| <p>9. No witness allowance shall in any criminal case whatever be paid to prosecutors or witnesses in the pay and employ of the government, but in every such case a travelling allowance shall be paid to such persons under and subject to such administrative provisions in force relating to payment of travelling allowances to public officers, unless the court before which the case is tried otherwise orders.</p> | <p>Public officers<br/>not to be paid.<br/><br/>7 of 1959.</p>                             |
| <p>10. The Accountant General shall give effect to any order made by the Court or a magistrate for the payment to any person of compensation and travelling expenses.</p>   | <p>Accountant-<br/>General to give<br/>effect to order of<br/>Court or<br/>magistrate.</p> |
| <p>11. The Minister may, from time to time, by Order published in the <i>Gazette</i>, amend the scale of allowances specified in the First and Second Schedules.</p>  | <p>Minister may<br/>amend<br/>Schedules.</p>   |

## FIRST SCHEDULE

## [Section 3]

*Scale of Allowances for Witnesses attending the  
Supreme Court to give Evidence in Criminal Cases*

1. To witnesses being members of any recognised profession, other than those in the employ and pay of the Government, attending or leaving their places of residence or occupation for the purpose of attending to give professional evidence, for each day they necessarily attend or are absent from their places of residence or occupation for the purpose of attending the Court to give such evidence, a sum not exceeding ... .. \$7.50
2. To witnesses not hereinbefore provided for, other than those in the employ and pay of the Government, for attending or necessarily leaving their places of residence or occupation for the purpose of attending the Court, for each day a sum not exceeding ... .. \$4.00
3. To all witnesses their travelling expenses.
4. If any witness attends and gives evidence in more cases than one at the same Court, he shall not be entitled to more than one payment in respect of compensation and travelling expenses in one case.



## SECOND SCHEDULE

## [Section 7]

*Scale of allowances for Witnesses attending before a  
Magistrate to give Evidence at Preliminary Inquiries*

7 of 1959.

1. To witnesses being members of any recognised profession,  
other than those in the employ and pay of the Government,  
attending or leaving their places of residence or occupation  
for the purpose of attending to give professional evidence,  
for each day they necessarily attend or are absent from their  
places of residence or occupation for the purpose of attend-  
ing the preliminary inquiry to give such evidence, a sum not  
exceeding ..... \$5.00
2. To witnesses not hereinbefore provided for, other than those  
in the employ and pay of the Government, for attending or  
necessarily leaving their places of residence or occupa-  
tion for the purpose of attending the court, for each day  
a sum not exceeding ..... \$2.00
3. To all witnesses their travelling expenses, as provided in  
section 2 of this Act.
4. If any witness attends and gives evidence in more cases  
than one at the same court, he shall not be entitled to  
more than one payment in respect of compensation  
and travelling expenses in one case.