

BELIZE:

MARRIED PERSONS (PROTECTION) (AMENDMENT) ACT,
2017

ARRANGEMENT OF SECTIONS

1. Short title and construction.
2. Insertion of section 1A.
3. Amendment of section 2.
4. Amendment of section 4.
5. Amendment of section 5.
6. Repeal and replacement of section 7.
7. Amendment of section 8.
8. Amendment of section 9.
9. Amendment of section 10.
10. Amendment of section 11.
11. Amendment of section 12.
12. Amendment of section 14.



No. 48 of 2017

I assent,

(SIR COLVILLE N. YOUNG)
Governor-General

2nd November, 2017

AN ACT to amend the Married Persons (Protection) Act, Chapter 175 of the Substantive Laws of Belize, Revised Edition 2011, to extend the age for which a child born of a marriage is entitled to maintenance; to make further provision for entitlements and obligations, arising from or relating to orders under the Act, and to provide that they be applicable to a wife or husband, as the circumstances may require; and to provide for matters connected therewith or incidental thereto.

(Gazetted 4th November, 2017.)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

1. This Act may be cited as the

Short title and
construction.

MARRIED PERSONS (PROTECTION)
(AMENDMENT) ACT, 2017

CAP. 175.

and shall be read and construed as one with the Married Persons (Protection) Act, which, as amended, is hereinafter referred to as the principal Act.

Insertion of section 1A.

2. The principal Act is amended by inserting the following section immediately after section 1,

“Interpretation.

1A. In this Act, “spouse” in relation to any person, means the husband or wife of the person.”.

Amendment of section 2.

3. The principal Act is amended in section 2 by,

(a) deleting from paragraph (b) the words “sixteen years” and substituting the words “eighteen years”;

(b) deleting from paragraph (d) the words “sixteen years” and substituting the words “eighteen years”.

Amendment of section 4.

4. The principal Act is amended in section 4,

(a) in paragraph (b), by deleting the words “sixteen years” and substituting the words “eighteen years”;

(b) in paragraph (c),

(i) by deleting the words “the applicant” and substituting the words “his wife”;

(ii) by deleting the words “his wife” and substituting the words “the applicant”; and

(iii) by deleting the word “her”, wherever it appears, and substituting the word “his”; and

(c) by deleting paragraph (d) and substituting the following,

“(d) that, where the legal custody of any children of the marriage has been committed to the applicant, his wife shall pay to him, or to any officer of the court or other person on his behalf, such weekly sum as the court, having regard to the means of both the husband and the wife, and to all the circumstances of the case, considers reasonable, for the maintenance of each child until the child attains the age of eighteen years”.

5. The principal Act is amended in section 5 by,

Amendment of section 5.

(a) deleting the full stop at the end of paragraph (d) and substituting a semi-colon; and

(b) inserting next after paragraph (d) the following as paragraphs (e) and (f),

“(e) that the wife has been convicted summarily of an aggravated assault upon him within the meaning of section 50 of the Summary Jurisdiction (Offences) Act;

(f) that the wife has been convicted upon indictment of an assault upon him and sentenced to pay a fine of more than fifty dollars or to a term of imprisonment exceeding two months.”.

6. The principal Act is amended in section 7 by repealing section 7 and substituting the following,

Repeal and replacement of section 7.

“Condonation of connivance at, or conduct conducting adultery a bar the grant of an order.

7.-(1) The court shall not make an order on the application of either the husband or the wife on the ground of adultery, unless the court is satisfied that,

(a) the applicant has not condoned or connived at, or by his or her wilful neglect or misconduct conducted to the adultery; and

(b) the application is not made or represented in collusion with the applicant's spouse or any person with whom it is alleged that adultery had been committed.

(2) Notwithstanding subsection (1), the court shall not make an order under section 2 (c) or 4 (c) if it is proved that the applicant committed adultery without the connivance or consent of his or her spouse.”.

Amendment of section 8.

7. The principal Act is amended in section 8 by deleting subsection (1) and substituting the following,

“(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, as the case may require,

(a) 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; or

- (b) the wife pays to the husband, or to an officer of the court, or any third person on his 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 husband and any child or children in his custody until the final determination of the case.”.

8. The principal Act is amended in section 9, by repealing section 9 and substituting the following,

Amendment of section 9.

Discharge of order on resumption of cohabitation.

“ 9.—(1) If any married person upon whose application an order has been made under this Act, voluntarily resumes co-habitation with his or her spouse, that order shall upon proof thereof be discharged.

(2) Notwithstanding subsection (1), the Court may, if it thinks fit, in the event of the order being discharged under that subsection, make a new order that the legal custody of the children of the marriage shall, as the case may require,

- (a) continue to be committed to the wife, and that, subject to section 7 (2), the husband shall pay to the wife or to any officer of the court or any third person on her behalf, such weekly sum as the court, having regards to the means of both the husband and the wife, and to all the circumstances of the case,

considers reasonable for the maintenance of each child until the child attains the age of eighteen years; or

- (b)** continue to be committed to the husband, and that, subject to section 7 (2), the wife shall pay to the husband or to any officer of the court or any third person on his behalf, such weekly sum as the court, having regard to the means of both the husband and the wife, and to all the circumstances of the case, considers reasonable, for the maintenance of each child until the child attains the age of eighteen years.”.

Amendment of section 10.

9. The principal Act is amended in section 10,

(a) in paragraph **(a)**, by deleting the words “the married woman or of her husband” and substituting the words “a married person”; and

(b) by deleting paragraph **(b)**, and substituting the following;

“**(b)** upon any such application, from time to time increase or diminish the amount of a weekly payment ordered to be made, so that it does not exceed,

(i) in the case of the husband or wife, the weekly sum of one hundred dollars;

- (ii) in the case of each child, such sum as the court, having regard to the means of both the husband and the wife, and to all the circumstances of the case, considers reasonable.”.

10. The principal Act is amended in section 11 as follows,

Amendment of
section 11.

- (a) in subsection (1) by deleting the words “by the husband to the wife” and substituting the words “from one spouse to the other”; and
- (b) in subsection (2) by deleting paragraph (b) and substituting the following;

“(b) if alimony has been ordered to be paid from one spouse to the other and has not been duly paid, the spouse ordered to pay alimony shall be liable for the necessaries supplied for the use of the other spouse.”.

11. The principal Act is amended in section 12 as follows,

Amendment of
section 12.

- (a) by repealing subsection (1) and substituting the following,

“(1) If, on the application of a married person, 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 eighteen 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 three years from the date of the order as may be specified in the order.”; and

(b) in subsection (2), by deleting the words “eighteen years” and substituting the words “twenty-one years”.

Amendment of
section 14.

12. The principal Act is amended in section 14 by deleting the words “a husband for aggravated assault upon his wife, her application”, and substituting the words “a husband or wife for aggravated assault upon his or her spouse, the application”.