

BELIZE:

**PROTECTED AREAS CONSERVATION TRUST
(AMENDMENT) ACT, 2015**

ARRANGEMENT OF SECTIONS

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SCHEDULE



No. 18 of 2015

I assent,

SIR COLVILLE N. YOUNG
Governor-General

21st October, 2015

AN ACT to amend the Protected Areas Conservation Trust Act, Chapter 218 of the Substantive Laws of Belize, Revised Edition 2011, to provide for a new definition of “protected area” and a new composition of the Board of Directors; to expand the functions of the Trust; to provide for the appointment of a Finance and Audit Committee, Technical Committee on Protected Areas and other Committees by the Board of Directors; to further strengthen the provisions of the Act in order to enhance the operations of the Trust in achieving its mission of promoting the sustainable management of Belize’s protected areas; to make better provisions relating to the exemption from payment of the conservation fee; and to provide for matters connected therewith or incidental thereto.

(Gazetted 24th October, 2015)

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

1. (1) This Act may be cited as the

Short Title and commencement.

PROTECTED AREAS CONSERVATION TRUST
(AMENDMENT) ACT, 2015,

CAP. 218.
R.E. 2000-
2003.

and shall be read and construed as one with the Protected Areas Conservation Trust Act, which, as amended, is hereinafter referred to as the principal Act.

(2) This Act comes into force on a day to be appointed by the Minister by Order published in the *Gazette*.

Amendment of
section 2.

2. Section 2 of the principal Act is hereby amended as follows:-

(a) by repealing the definition of “Council”;

(b) by inserting the following definition

““National Protected Areas System” means the National Protected Areas System established under the National Protected Areas System Act.”

(c) by repealing and replacing the definition of “protected area” and substituting the following:

CAP. 215.
CAP. 330.
CAP. 213.

““protected area” means an area declared under the National Protected Areas System Act, the Forests Act or the Fisheries Act or any statutory modifications of any of those enactments for the time being in force;”

(d) by adding the following new definitions in their proper alphabetical order:

““Minister” means the Minister for the time being responsible for protected areas;

CAP. 315.

“non-governmental organisation” has the meaning assigned in section 3 of the Non-Governmental Organisations Act;”

Amendment of
section 4.

3. Section 4 of the principal Act is hereby amended as follows:-

- (a) by repealing and replacing subsection (1) thereof with the following:

“(1) There shall be a Board of Directors of the Trust composed of the following eleven suitably qualified citizens of Belize, namely:

- (a) as *ex officio* members with the right to vote
 - (i) the Chief Executive Officer for the Ministry responsible for protected areas or his nominee;
 - (ii) the Chief Executive Officer for the Ministry responsible for tourism or his nominee;
 - (iii) the Chief Executive Officer for the Ministry responsible for economic development or his nominee;
 - (iv) the Financial Secretary or his nominee;
 - (v) the Chief Executive Officer for the Ministry responsible for the National Emergency Management Organization or his nominee; and
 - (vi) the President of the University of Belize or his representative;
- (b) one representative from the largest private sector umbrella organization representing the tourism industry, subject to that organization being in good legal standing;
- (c) two representatives from non-government organizations, and one of which shall be a non-governmental organization and the other

a community-based organization; the non-government organizations must have a co-management agreement with the Government of Belize and a proven track record in protected areas management for a minimum of five years and be in good legal standing;

- (d) one person who is not a public officer, with at least ten years expertise or experience in financial management, investment, or asset management; and
- (e) the Executive Director for the Trust, who shall be an *ex officio* member without the right to vote;

(b) by repealing and replacing subsection (3) thereof with the following:

“(3) The powers of the Board shall not be affected by -

- (a) any vacancy in its membership;
- (b) any defect in the appointment or qualification of a person purporting to be a member thereof; or
- (c) any minor irregularity in the convening of any meeting thereof.”

Repeal and replacement of section 5.

4. Section 5 of the principal Act is hereby repealed and replaced as follows:-

Appointment of directors of the Board.

“5.(1) The members of the Board referred to under paragraph (b) or (c) of section 4 (1) shall be nominated by their respective associations or organizations, and, in the absence of any nomination after fourteen days from the occurrence of a vacancy, the Minister shall appoint a person from the

private sector with work experience in the tourism industry, business or commercial sector, or the environmental non-governmental organization community.

(2) The member of the Board referred to under paragraph (c) of section 4(1) shall be nominated by the respective umbrella non-governmental organizations and appointed by the Minister.

(3) The member of the Board referred to under paragraph (d) of section 4 (1) shall be appointed by the Minister.

(4) The first meeting of the Board, as constituted under this section as enacted by the Protected Areas Conservation Trust (Amendment) Act, 2015 shall be held within fourteen days of the commencement of that Act, or the expiration of the term of office of Board members as provided for in section 6.

(5) There shall be a Chairman of the Board who shall be appointed by the Minister from among the members of the Board, and a Vice-Chairman of the Board who shall be elected by the voting members of the Board.”

5. Section 6 of the principal Act is hereby repealed and replaced as follows:

Repeal and replacement of section 6.

“Term of office of directors.

6. The Chairman and Vice Chairman (in their capacities as such) and the non *ex officio* members of the Board shall hold office for such period not exceeding three years, as may be fixed at the time of their appointment and shall be eligible for re- appointment or re-election, as the case may be.”

6. Section 8 of the principal Act is hereby amended by adding the following after subsection (1)

Amendment of section 8.

“ (1A) The first meeting of the Board, as constituted under this section as enacted by the Protected Areas Conservation Trust (Amendment) Act, 2015, shall take place notwithstanding any vacancy in the post of Executive Director.”

Amendment
of section 16.

7. Section 16 of the principal Act is hereby repealed and replaced as follows:

“ Functions of
the Trust. 16(1) The general functions of the Trust shall be to contribute to the sustainable management and development of Belize’s natural and cultural assets for the benefit of Belizeans and the global community, both now and for future generations.

(2) In particular, but without limiting the general functions described in subsection (1), the specific functions of the Trust shall be-

- (a) to facilitate the development of five-year strategic plans for the National Protected Areas System and facilitate their implementation;
- (b) to review management plans for each protected area to ensure consistency with the National Protected Areas System Plan and priorities set for the National Protected Areas System;
- (c) to promote coordination of, and collaboration within, the National Protected Areas System;
- (d) to monitor and report on the National Protected Areas System by-
 - (i) establishing a system for monitoring and evaluation to determine if the National Protected Areas System is meeting its objectives;

- (g) promoting public understanding, appreciation and awareness of the national protected areas system through the implementation of a communication strategy for the national protected areas system;
- (h) funding activities included under the Schedule, in such a manner that funds are allocated first to primary activities then to secondary activities as described in the Schedule;
- (i) serving as the national implementing entity for multilateral and international funding sources related to the sustainable management of natural resources, climate change and other environment related issues, in collaboration with other relevant agencies as necessary;
- (j) accessing regional and international funds in regard to natural resources, biodiversity and other related matters;
- (k) performing such other functions that are necessary or expedient to enable it to carry out its functions under this Act.

(3) Paragraph (g) of subsection (2) shall not apply to the National Institute of Culture and History or the Institute of Archaeology or any archaeological reserves declared under section 59 of the National Institute of Culture and History Act.

(4) In subsection (2) (i), the reference to the Trust as a national implementing entity for certain funding sources is a reference to its being duly accredited by those funding sources to receive funding to carry out projects and programmes approved by the respective funding sources.”

Amendment of section 17.

8. Section 17 of the principal Act is hereby amended by deleting the words “in consultation with the Advisory Board” occurring in subsection (2) thereof.

Repeal and replacement of heading to Part IV and of section 18.

9. The principal Act is amended as follows

(a) by deleting the heading to Part IV and substituting therefor the following:

“PART IV
Establishment of Finance and Audit Committee,
Technical Committee on Protected Areas and other
***Board Committees”*; and**

(b) by repealing section 18 and replacing it with the following sections-

Finance and Audit Committee.

“18. (1) There is established a Finance and Audit Committee, which the Board shall appoint whose primary functions are to assist with the Board’s oversight of:

- (a) the conduct of the Trust’s internal financial, budgeting, accounting and reporting processes;
- (b) the Trust’s financial reporting to external partners;
- (c) the Trust’s system of internal controls and risk assessment and management;
- (d) the Trust’s compliance with legal and regulatory requirements; and
- (e) the qualifications of those carrying out, the independence required in relation to, and the performance of the Trust’s internal audit function.

(2) The composition of the Finance and Audit Committee shall be as follows:

- (a) Chairman of the Board;
- (b) the Board member required, pursuant to section 4 (1) to have expertise or experience in financial management, investment, or asset management;
- (c) the Financial Secretary or his nominee; and
- (d) two other Board members.

Technical
Committee
on Protected
Areas.

18A. (1) There is established a Technical Committee on Protected Areas (hereinafter called the “Technical Committee”, which the Board shall appoint, whose functions shall be to advise the Board on-

- (a) the management of the National Protected Areas System and related legislation and regulation thereof;
- (b) the five year strategic plan for the National Protected Areas System;
- (c) emerging protected areas system issues; and,
- (d) the implementation of the National Protected Areas Policy and Plan and the ongoing management of the National Protected Areas System.

(2) The Technical Committee shall comprise a minimum of three persons and a maximum of five persons who each have at least ten years of experience in protected areas management and have a minimum of a Master’s degree in Natural Resource Management, Sustainable Development, Environmental Management, Marine Biology or Ecology or other related areas.

(3) The Board shall appoint one member of the Technical Committee to be Chairman of the Committee.

(4) No member of the Board shall be eligible for appointment to the Technical Committee.

(5) The members of the Technical Committee shall hold office for a period not exceeding three years and shall be eligible for reappointment.

(6) Where for any reason, the Chairman is unable to preside at any meeting of the Technical Committee, the members present shall elect one of their number to preside at that meeting.

(7) A *pro tem* Chairman elected under subsection (6) shall have all the powers of the Chairman at that meeting, including the power of exercising a casting vote in addition to his original vote.

(8) The quorum for any meeting of the Technical Committee shall be two thirds of the appointed members, and the decision of the majority present at any meeting shall be the decision of the Committee.

(9) The Technical Committee shall maintain proper records of its proceedings.

(10) The Executive Director or his representative shall be secretary to the Technical Committee.

(11) A member of the Technical Committee who has a direct interest in any matter submitted for evaluation by the Committee shall not vote on that matter and shall not be present when the Technical Committee votes on the matter.

18B. (1) In order to effectively carry out its functions and discharge its duties, it shall be lawful for the Board to appoint committees made up of members of the Board qualified to advise the Board on administrative, technical and scientific matters.

Administrative,
technical
and scientific
committees.

(2) In appointing a committee under this section, the Board shall –

- (a) appoint a member of the Board to be Chairman of the committee;
- (b) clearly state in writing the names of all the committee members, the terms of reference of the committee, including the requirement that it report in writing its proceedings to the Board and that the Board may or may not adopt its recommendations or findings, and the period for which the committee is appointed, unless prior dissolved by the Board,

however, any non-compliance with paragraph (a) or (b) shall not render any committee or the proceedings thereof, or any decision of the Board, invalid.

(3) It shall be lawful for the Board to approve compensation to committee members appointed under this section for reasonable costs incurred in attending meetings to enable them to better perform their functions.

(4) The committee members shall not be employed under contracts for services with the Trust and shall not qualify for benefits that Trust employees enjoy.

(5) Neither the appointment of a person under this section as member of a committee, nor the payment of compensation under subsection (3) to a member, shall render the person as employed or engaged by the Trust under section 14 or entitled to any service benefits in relation to the Trust.”

Repeal of
section 19.

10. Section 19 of the principal Act is hereby repealed.

Amendment of
section 21.

11. Section 21 of the principal Act is amended-

- (a) in paragraph (ba) of subsection (1), by adding the words “and permit fees collected” immediately

before the words “in conjunction with the protected areas;”

- (b) in paragraph (bb) of subsection (1), by deleting the words “twenty *per centum*” and substituting therefor “fifteen *per centum*”;
- (c) by deleting subsections (4) and (5).

12. Section 24 of the principal Act is hereby amended by repealing and replacing subsection (1) thereof with the following:

Amendment of
section 24.

“ (1) Moneys from the Trust Fund may be awarded to recipients

- (a) based on the criteria developed by the Board to achieve the goals and objectives of the Trust;
- (b) through strategic partnerships, assessments and management plans, linked to the implementation of the National Protected Areas System Plan, subject to the recipients meeting the criteria required by the Board, or
- (c) based on a procedure identified by a donor.”

13. Section 28 of the principal Act is hereby amended as follows:

Amendment of
section 28.

- (a) by repealing and replacing subsection (4) thereof with the following:

“(4) Any person who is, or was during the period under evaluation, in any way associated with the Trust, such as a member of the Board, Staff or the Finance and Audit Committee appointed under section 18 or any administrative, technical, scientific or other Board committee or as a direct

or indirect beneficiary of the Trust, shall not be appointed to the evaluating team.”

- (b)** by deleting from subsection (5) the words “, the Council, Trustees of the Foundation”.

14. Section 32 of the principal Act is amended by deleting sub-paragraph (VI) of section 32 (3) **(a)** and substituting therefor the following:

Amendment of section 32.

“(VI) the Executive Director, who shall be an *ex-officio* member; and”

15. Section 33 of the principal Act is hereby amended as follows:-

Amendment of section 33.

- (a)** by repealing and replacing paragraphs **(a)** to **(c)** of subsection (2) with the following:

“(a) members of the crew of an aircraft departing Belize from any international point of departure;

(b) persons exempted from paying the Departure Processing Fee under the Border Management Agency (Departure Processing Fee) Regulations, 2000 levied by the Border Management Agency who are departing from a border managed by the Border Management Agency; and

(c) persons exempted from paying the departure tax under the Departure Tax Act who are departing from all other points other than cruise ship passengers.”;

- (b)** in subsection (3) **(c)** by replacing the words “by the legally authorized agent in charge at the border

point” with the words “by the Border Management Agency or any other legally authorized agent.”

- (c) in subsection (4) thereof, by adding the following words “monthly within thirty days from the last day of any preceding calendar month period of collection” immediately before the words “to the Executive Director of the Trust” occurring therein.
- (d) in subsection (5) (a) thereof, by adding the following words “plus interest thereon at the rate of ten *per centum* per month of the amount due” immediately before the words “which may be recovered as a civil debt”, occurring therein.
- (e) subsection (8) is hereby repealed and replaced with the following:

(8) The conservation fee levied under this section shall be in addition to the Departure Processing Fee levied under the Border Management Agency (Departure Processing Fee) Regulations 2000 by the Border Management Agency or by any other legally authorized agent and the departure tax levied.”

“S.I. No. 73 of 2000 as mentioned in CAP. 50.

16. The principal Act is amended by inserting immediately after section 33 the following-

Insertion of section 33A.

“User fees,
visitor fees,
concessions.

33A. (1) The Minister may by regulations after consultation with the Trust provide for the collection of user fees and visitor fees to be paid to the Trust for access to protected areas.

(2) The Minister may by regulations empower the Trust to regulate concession agreements within protected areas.

(3) Subsections (1) and (2) shall not apply to any archaeological reserve established under section 59 of the National Institute of Culture and History Act.”

Amendment of
section 34.

17. Section 34 of the principal Act is hereby amended as follows:-

- (a) by substituting the word “Trust” for the word, “Council”, occurring immediately before the words, “shall prepare a National Strategic Protected Areas Conservation Trust Plan”, occurring in subsection (1) thereof.
- (b) by deleting the words, “on the recommendation of the Council”, occurring in subsection (1) thereof.
- (c) by repealing and replacing subsection (2) thereof with the following:

“(2) The Departments responsible for the management of protected areas under the National Protected Areas System Act, the Forest Act or the Fisheries Act shall provide technical and administrative support to the Board in the preparation of the Plan.” ;

CAP. 215.
CAP. 213.
CAP. 210.

- (d) by removing the words, “Macro Economic Development Plan of Belize” and substituting the following words, “the medium term development strategy and plan”, occurring in subsection (5) thereof.
- (e) by removing the word, “project” and substituting with the word, “activities” occurring in subsection (6) thereof.

Amendment of
section 35.

18. Section 35 of the principal Act is amended in subsection (2) by deleting the word, “Council” and substituting the words, “after consultation with the Technical Committee on Protected Areas”.

19. The principal Act is amended by inserting immediately after section 35 the following-

Insertion of sections 35A, 35B, 35C and 35D.

“35A. The Trust shall maintain a register to be known as the “Register of Protected Areas” which shall

Register of Protected Areas.

- (a) contain a list of all protected areas;
- (b) indicate the kind of protected area in each case;
- (c) contain boundaries definitions;
- (d) be a repository of information, reports, and management plans in relation to all protected areas and protected landscape and seascapes;
- (e) contain any other information determined by the Trust; and
- (f) be kept in the office of the Trust.

35B. (1) The Trust shall, not later than six months from the end of each year, submit to the Minister a report containing-

Report to Minister.

- (a) an account of its transactions throughout the preceding year; and
- (b) an audited statement of the accounts of the Trust.

(2) A copy of the account of transactions and the auditor’s report shall be printed and laid on the table of both Houses.

Report on protected areas.

35C. The Trust shall every three years submit to the House of Representatives and publish a Report on the state of the protected areas in Belize including management effectiveness and financial scorecard results.

Provision of Information.

35D. The Manager of every protected area shall provide such information as may be requested by the Trust in order for the Trust to compile the Register of protected areas under section 35A or to prepare the report under section 35B.”

Amendment of section 36.

20. Section 36 of the principal Act is hereby amended as follows:

- (a) by removing from subsection (1) the word, “Board” and substituting the word, “Minister”;
- (b) by deleting from paragraph (c) of subsection (2) the words, “or Council”;
- (c) by repealing paragraph (d) of subsection (2) thereof;
- (d) by adding the words, “and section 13” immediately following the words, “Regulations made under this section” occurring in subsection (3) thereof.

Amendment of section 37.

21. The principal Act is amended by adding immediately after section 37 the following-

“Amendment by Order.

37A. The Minister may from time to time, by Order published in the *Gazette*, amend the Schedule to this Act.”

Amendment to Schedule.

22. The principal Act is hereby amended by repealing the Schedule to that Act and by replacing it with the Schedule to this Act.

Amendment of Environmental Protection Act.

23. The Environmental Protection Act is amended in section 68 by deleting paragraph (g).

SCHEDULE
(Section 16 (2) (h))

**PRIMARY ACTIVITIES THAT QUALIFY FOR
TRUST FUNDING**

- (a)* core cost including cost of permanent staff of non-governmental organizations at such levels or positions as determined by the Trust;
- (b)* capital expenditure of Government of Belize's agencies and non-governmental organizations for 'green-oriented' infrastructure projects within protected areas consistent with approved management plans.

**SECONDARY ACTIVITIES THAT MAY QUALIFY
FOR TRUST FUNDING**

1. Protected Areas Management and Conservation:

- (a)* determining and demarcating the limits of protected areas;
- (b)* completing further ecological assessments and scientific investigation in protected areas;
- (c)* implementation and improvement of management plans for protected areas that provide for sustainable use of their resources;
- (d)* monitoring and surveillance activities that ensure compliance to management plans that have been developed and being implemented in protected areas;
- (e)* institutional strengthening for the management of protected areas via training to management and technical personnel;
- (f)* protected areas visitors use surveys;

- (g) protection of the wildlife species specified in the Convention on International Trade on Endangered Species (CITES) list adhered to by the Government.

2. Protected Areas Promotion and Development:

- (a) visitor expenditure and opinion surveys on protected areas;
- (b) establishment of visitor centres and other recreational facilities;
- (c) development of infrastructure for the provision of quality services;
- (d) assistance in marketing activities that foster sustainability of protected area.

3. Environmental Education and Awareness/Outreach:

- (a) conferences and workshops in country aimed at informing the public on the state of the environment, the importance of natural resources and generating public awareness on the need to protect and preserve the natural resources of Belize;
- (b) television and radio programs aimed at generating public awareness on the need to protect and preserve the natural resources;
- (c) posters, leaflets and newsletters aimed at generating public awareness on the need to protect and preserve the natural resources;
- (d) other media that informs the public, businesses, schools on the importance on the environment and the need to protect and preserve it.

4. Community Development around Protected Areas:

- (a) technical assistance to communities involved in the management of protected areas;
- (b) support community-driven projects which complement the Trust's objectives and mission;
- (c) support community activities that enable sustainable development and use of natural resources in protected areas;

- (d) training programs for communities for skills in protected areas management;
- (e) organizational development of non-governmental organization involved in protected areas management and conservation via technical assistance;
- (f) minimal infrastructure and capital equipment for non-governmental organizations involved in protected areas management and conservation;
- (g) for approved grants to a non-governmental organization; funding of project administrative expenditures of such non-governmental organization may be granted by the Board upon application for the same PROVIDED that the grant for administrative expenditure shall be limited to administrative costs expenditures payable from the date of the enactment of this Act and provided that any sums payable for project administrative expenditures shall not exceed twenty per centum of the portion of the grant payable as at the date of this Act;
- (h) support for mitigation and adaptation projects.

5. Activities in general outside primary and secondary activities which may qualify for Trust funding:

- (a) financial and legal advice to the Trust Board in investment of Trust Funds;
- (b) evaluation of projects funded by the Trust and Trust operations;
- (c) scholarship assistance in field of study that complements the Trust's mission;
- (d) technical assistance in all relevant areas above.

ACTIVITIES NOT ELIGIBLE FOR TRUST FUNDING

Funding for private organizations which are organized for profit.