

BELIZE:

**BELIZE NATIONAL AIDS COMMISSION (AMENDMENT)
ACT, 2017**

ARRANGEMENT OF SECTIONS

1. Short title.
2. Amendment of long title.
3. Amendment of section 2.
4. Amendment of section 3.
5. Amendment of section 7.
6. Insertion of new sections 7A, 7B and 7C.
7. Amendment of section 8.
8. Amendment of section 9.
9. Amendment of section 10.
10. Amendment of section 20.



No. 52 of 2017

I assent,

(SIR COLVILLE N. YOUNG)

Governor-General

29th December, 2017.

AN ACT to amend the Belize National AIDS Commission Act, Chapter 34:01 of the Substantive Laws of Belize, Revised Edition 2011, to provide for, among other things, new composition of the Belize National AIDS Commission; recognition of Tuberculosis and its co-infection with HIV or AIDS as a focal point of the Commission's strategic objectives; modification of certain tax exemptions; and to provide for matters connected therewith or incidental thereto.

(Gazetted 30th December, 2017)

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. This Act may be cited as the

Short Title.

BELIZE NATIONAL AIDS COMMISSION
(AMENDMENT) ACT, 2017,

CAP. 34:01
R.E. 2011

and shall be read and construed as one with the Belize National AIDS Commission Act, which is hereinafter referred to as the principal Act.

Amendment of
long title.

2. The long title of the principal Act is amended by,

(a) deleting the abbreviation “HIV” the first three times that it appears and substituting therefor in each case the abbreviation “HIV-TB”;

(b) inserting immediately after the abbreviation “HIV”, where it next appears, the words “and HIV-TB”.

Amendment of
section 2.

3. Section 2 of the principal Act is amended by inserting in the proper alphabetical order the following definitions,

“Global Fund” means the Global Fund to Fight AIDS, Tuberculosis and Malaria;

“HIV/AIDS-TB” means a case where TB is co-infected with HIV or AIDS; and

“TB” means Tuberculosis.

Amendment of
section 3.

4. Section 3 of the principal Act is amended,

(a) by deleting subsection (3) and substituting therefor the following,

“(3) The Commission shall consist of the following members,

(a) a Chairperson, selected by the Prime Minister;

- (b)* a representative of the Ministry responsible for health;
- (c)* a representative of the Ministry responsible for human development;
- (d)* a representative of the Ministry responsible for education;
- (e)* the Labour Commissioner or his representative;
- (f)* a person nominated by the Leader of the Opposition;
- (g)* a representative of the Attorney General's Ministry;
- (h)* the Chairperson of the National Committee on Families and Children;
- (i)* a representative from the Human Rights Commission;
- (j)* a person representative of persons living with HIV/AIDS;
- (k)* a person representative of key population groups recognized as particularly vulnerable to HIV infection;
- (l)* a representative of a national organisation representing the youth of Belize;

- (m) an advocate for, or person representative of, persons who have been affected by TB;
 - (n) a representative from the private sector nominated by the Belize Chamber of Commerce and Industry;
 - (o) a representative of the Belize Council of Churches;
 - (p) a representative of the Belize Medical and Dental Association;
 - (q) a representative of the Nurses Association of Belize;
 - (r) the Executive Director (without the right to vote);
 - (s) a representative of the United Nations Children’s Fund (UNICEF) (without the right to vote);
 - (t) a representative of the United Nations Development Programme (UNDP) (without the right to vote); and
 - (u) a representative of the Pan-American Health Organization (PAHO) (without the right to vote).”;
- (b) by repealing subsection (4) and substituting the following,

“(4) The members of the Commission referred to in subsection (3) (a), (b), (c), (d), (e), (g), (h) and (r) shall be regarded as *ex-officio* members. ”;

(c) in subsection (5), by deleting the words “(f), (g), (h), (i), (j) and (k) of” and substituting therefor the words “(f), (i), (l), (n), (o), (p), (q), (s), (t) and (u) of ”;

(d) in subsection (7), by inserting immediately after the word “number” the words “however, a member shall not be so eligible, if that member is a representative of a sub-recipient or principal recipient of the Global Fund”.

5. Section 7 of the principal Act is amended by deleting subsection (3) and substituting therefor the following as subsections (3) and (3A),

Amendment of section 7.

“(3) Nine voting members of the Commission shall constitute a quorum; and in the absence of a member from any meeting, that member’s alternate is entitled to vote.

(3A) For the purposes of subsection (3), a member’s alternate is a person notified in writing to the Commission by the member or, as applicable, the member’s organization specified in subsection (3), as being qualified in the same category as the member, and who shall be appointed by the Prime Minister as a temporary member in the case of the absence or inability to act of the member concerned.”

6. The principal Act is amended, by inserting next after section 7 the following as sections 7A, 7B and 7C,

Insertion of new sections 7A, 7B and 7C.

Delegation of functions.

“7A.- (1) Subject to the provisions of this Act, the Commission may delegate to any member of the Commission or to the Executive Committee or any Committee established under section 8, the power and authority to carry out on its behalf such functions as the Commission may from time to time determine.

(2) A delegation under subsection (1) is revocable by the Commission and the delegation of the carrying out of a function shall not preclude its performance by the Commission.

Executive Committee.

7B.- (1) For the due administration of the affairs of the Commission, there is constituted a standing committee to be known as the Executive Committee.

(2) The following persons shall be members of the Executive Committee,

- (a) the Chairperson;
- (b) the Deputy Chairperson;
- (c) the Chairpersons of the Commission’s Committees appointed under section 8;
- (d) the representative on the Commission of the Ministry responsible for health; and
- (e) the Executive Director (without the right to vote).

(3) Subject to the provisions of this section and any delegation under section 7A, section 8 shall apply to the Executive Committee as it applies to committees appointed under that section.

**Functions of
Executive
Committee.**

7C. The Executive Committee shall be responsible for carrying out the following,

- (a) oversight of implementation of decisions of the National AIDS Commission;
- (b) working with and facilitating the Executive Director and staff in follow up of the Commission's decisions;
- (c) mobilizing financial and other resources for supporting the activities of the Commission;
- (d) working with other Committees and the Executive Director and staff to propose and arrange for technical assistance to support the Commission;
- (e) such other functions as may be assigned to by the Commission by terms of reference or otherwise."

7. Section 8 of the principal Act is amended by deleting from subsection (3) the word "Council" and substituting the word "Commission".

**Amendment of
section 8.**

8. Section 9 of the principal Act is amended,

**Amendment of
section 9.**

- (a) in paragraphs (a), (c), (e) and (g) by deleting the abbreviation “AIDS” wherever it appears and substituting “HIV/AIDS – TB”;
- (b) in paragraph (d), by deleting the word “facilitating” and substituting the word “advocating” and deleting the words “AIDS or HIV” and substituting “HIV/AIDS – TB”;
- (c) in paragraph (f) by deleting the words “the fight against the spread of AIDS and HIV” and substituting the words “response to the spread of HIV/AIDS – TB”.

Amendment of
section 10.

9. Section 10 of the principal Act is amended,

- (a) in paragraph (a), by deleting the abbreviation “AIDS” and substituting “HIV/AIDS – TB”; and
- (b) in paragraphs (b), (c) and (f), by deleting the words “AIDS and HIV” wherever they appear and substituting them with the words AIDS, HIV and HIV/AIDS – TB”;

Amendment of
section 20.

10. Section 20 (1) of the principal Act is amended by inserting immediately after the words “educational material” the words “, vehicles and other equipment or supplies to fulfil the objectives of the Commission.”