

BELIZE:

CLIMATE CHANGE AND CARBON MARKET INITIATIVES
BILL, 2023

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BELIZE:

BILL

for

AN ACT to develop, implement, manage and regulate mechanisms to enhance climate change resilience and low emission development for the sustainable development of Belize; to respect the objectives and principles of the international climate regime ratified in the United Nations Framework Convention on Climate Change and the Paris Agreement; to establish a market in Belize to trade carbon credits; and to provide for matters connected therewith or incidental thereto.

(Gazetted, 2023)

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:

PART I

Preliminary

Short title.

1. This Act may be cited as the,

CLIMATE CHANGE AND CARBON MARKET INITIATIVES ACT,
2023.

Interpretation.

2. In this Act—

“adaptation” means the process of adjustment in natural or human systems to actual or expected climatic conditions and their effects in order to moderate harm or exploit beneficial opportunities;

“biomass” means organic matter expressed as its equivalent dried constant mass at 80°C which contains carbon and nitrogen compounds that emit CO₂, CH₄ and N₂O when oxidised;

“carbon” means–

- (a) “black carbon” which are carbon compounds present in, as well as greenhouse gas emissions emanating from, oil, coal, natural gas, petroleum products, fossil fuel combustion, and industrial manufacturing;
- (b) “blue carbon” which are carbon compounds present in and sequestered by, as well as greenhouse gas emissions emanating from, living vegetation and organisms present below the high tide mark; and
- (c) “green carbon” which are carbon compounds present in biomass on land, in fresh water and in the soil as well as greenhouse gas emissions emanating from biomass on land in fresh water and in the soil and includes such emissions originating from the decay of organic waste during solid waste disposal;

“carbon credit” means a saleable verified emission reduction or removal credit, or an international transferred mitigation outcome or other carbon mitigation measure recognized under the standards of the Paris Agreement, which represents the sequestration of the equivalent of one tonne of carbon dioxide or carbon dioxide equivalent resulting from reduction, avoidance, or removal of greenhouse gas emissions from the atmosphere, and which can be counted towards an individual, company, country or organization’s greenhouse gas mitigation targets;

“carbon dioxide equivalent” means a metric measure used to compare the emissions from other greenhouse gases on the basis of their global-warming potential (GWP), by converting amounts of the other gases to the equivalent amount of carbon dioxide with the same global warming potential;

“carbon offsetting” means the process by which a greenhouse gas emitter or reducer with a climate change authorization permit can trade or sell related carbon credits on a carbon market with the government, an international third party, or another emitter;

“carbon trading” means the process of buying or selling certified emission reduction units;

“climate change” means human-induced change in the state of the climate which is attributable to global warming and caused by significant increases in the concentration of greenhouse gases resulting directly or indirectly from human activity, and is in addition to natural climate variability observed over decadal time periods;

“climate change authorization permit” or “permit” means an administrative act by which the competent authority authorises the implementation of a climate change project aimed at reducing emissions or increasing the absorption of greenhouse gases;

“climate change project” means any project, programme or activity aimed at reducing emissions or increasing the absorption of greenhouse gases or any project or activity that is undertaken in response to the effects of climate change to ensure climate resilience and a carbon neutral pathway for climate compatible development;

“climate change project agreement” means an agreement between the competent authority, the owners of the land, and forest resources and the project proponent relating to a climate change project aimed at reducing emissions or increasing the absorption of greenhouse gases;

“climate finance” means local, national or transnational financing drawn from public, private or alternative sources of financing that seeks to support mitigation and adaptation actions that will address climate change for the purposes of reducing greenhouse gas emissions, enhancing sinks, reducing vulnerability, enhancing resilience, and addressing loss and damage;

"competent authority" means the Government entity responsible for issuing climate change authorization permits;

“Council” means Belize National Climate Change Council established under section 4 of this Act;

“Department” means the Climate Change Department established under section 6 of this Act;

“double counting” means counting a single GHG reduction or removal, which is achieved through a mechanism issuing units, more than once towards attaining mitigation pledges or financial pledges for the purpose of mitigating climate change;

“emissions” means the release of greenhouse gases and/or their precursors into the atmosphere over a specified area and period of time which is attributable to human activities, including the burning of fossil fuels, deforestation, land use, land use changes, livestock production, fertilization, waste management, and industrial processes;

“emission reductions” means the anthropogenic removal or sequestration of one or more greenhouse gases from the atmosphere, or the avoidance of one or more emissions;

“free prior and informed consent” means consultative process to obtain consent of potentially affected parties by engaging in an open and informed dialogue;

“Greenhouse gases” or “GHGs” means the atmospheric gases responsible for causing global warming that leads to climate change, including those gaseous constituents of the atmosphere, both natural or anthropogenic, that absorb and re-emit infrared radiation, including but not limited to carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), nitrogen trifluoride (NF₃), hydrofluorocarbon (HFCs), perfluorocarbon (PFCs), sulfur hexafluoride (SF₆), and indirect greenhouse gases;

“IPCC” means Intergovernmental Panel on Climate Change;

“Kyoto Protocol” means the legally binding international treaty on the reduction of carbon dioxide emissions and the presence of green houses gases, which was ratified by Belize on 26th September 2003;

“Measurement, Reporting and Verification” or “MRV” means a practice integrating three independent, but related, processes to provide data collection and analysis to track progress on mitigation, adaptation, and means of implementation;

“Minister” means the Minister responsible for Climate Change;

“Ministry” means the Ministry responsible for Climate Change;

“mitigation” means human intervention that seeks to prevent, slow down, or reduce current and future greenhouse gas emissions, or enhance sinks for greenhouse gases;

“NDC” or “Nationally Determined Contribution” means a set of actions communicated by countries to reduce greenhouse gas emissions and adapt to the impacts of climate change;

“national MRV system” or “national Measurement, Reporting, and Verification system” means a set of methods, databases, procedures, activities and institutional arrangements platform for measuring, reporting and verifying greenhouse gas emission, mitigation, adaptation actions, and related information;

“national registry” means the official database containing all information and data related to climate change projects, including greenhouse gas emissions and absorptions;

“Paris Agreement” means the legally binding international treaty on climate change, signed and ratified by Belize on the 22nd April 2016;

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“prescribed authority” means,

- (a) a local authority including a city council, town council or village council;
- (b) a public statutory corporation or body; or
- (c) a body corporate or an unincorporated body established for a public purpose, which may be prescribed by the Minister by Order published in the *Gazette*;

“REDD+” or “Reducing Emissions from Deforestation and Forest Degradation” means an international mitigation effort to create financial value for the carbon stored in forests that offers incentives for developing countries to reduce emissions from forested lands by reducing deforestation and degradation, and enhance removals through forest conservation, sustainable forest management, and enhancement of forest carbon stocks as identified by the UNFCCC and the Paris Agreement;

“removal of emissions” means the process of removing greenhouse gasses from the atmosphere as a result of deliberate human activities, including enhancing biological sinks of CO₂;

“reservoir” means a component of the climate system where a greenhouse gas or a precursor of a greenhouse gas is stored;

“sink” means any process, activity, or mechanism which removes a greenhouse gas, an aerosol, or a precursor of a greenhouse gas from the atmosphere;

“source” means any process or activity which releases a greenhouse gas, an aerosol, or a precursor of a greenhouse gas into the atmosphere; and

“UNFCCC” means United Nations Framework Convention on Climate Change.

PART II

Scope

Scope.

3.—(1) The provisions of this Act are applicable to carbon credits in respect of everything done in, on, over, above, or below the land and airspace of Belize, including—

- (a) its maritime boundary; or

- (b) over any waters which Belize exercises or claims jurisdiction or sovereign rights, including the seabed and subsoil underlying such waters.

(2) Carbon credits constitute intangible property PROVIDED THAT such credits are definable, identifiable by third parties, capable in its nature of assumption by third parties, and have some degree of permanence or stability.

PART III

Establishment, Functions and Meetings of the Belize National Climate Change Council

4. A body to be known as the Belize National Climate Change Council shall be and is hereby established for the purposes of this Act.

Establishment of
the Belize
National Climate
Change Council.
Composition of
the Council.

5.-(1) The Council shall be comprised of the following members, who shall be appointed by the Minister—

- (a) the Chief Executive Officer of the Ministry responsible for Climate Change, or a duly appointed representative thereof;
- (b) the Chief Executive Officer of the Ministry responsible for Agriculture, or a duly appointed representative thereof;
- (c) the Financial Secretary of the Ministry responsible for Finance, Economic Development, and Investment, or duly appointed representative thereof;
- (d) the Chief Executive Officer of the Ministry responsible for Natural Resources, or duly appointed representative thereof;
- (e) the Chief Executive Officer of the Ministry responsible for Youth, Sports and Transport, or duly appointed representative thereof;
- (f) the Chief Executive Officer of the Ministry responsible for Public Utilities, or duly appointed representative thereof;
- (g) the Chief Executive Officer of the Ministry responsible for Blue Economy, or duly appointed representative thereof;
- (h) a representative from the private sector nominated jointly by Belize Chamber of Commerce and Industry & Belize Business Bureau;

- (i) a representative from a tertiary level institution;
- (j) a representative from Non-Governmental Organizations;
and
- (k) the Chief Climate Change Officer.

(2) The Chief Climate Change Officer shall be an ex-officio member and the Secretary to the Council.

(3) The Chief Executive Officer of the Ministry responsible for Climate Change shall be the Chairperson of the Council.

Functions of the Council.

6.—(1) The functions and duties of the Council shall be—

- (a) to encourage and foster national inter-ministerial coordination on climate change matters in Belize;
- (b) to provide strategic guidance on the implementation of any national strategy, policy, roadmap, action and equivalent to ensure continued sustainable development in Belize;
- (c) to provide strategic direction and guidance on the development of national positions on climate change issues;
- (d) to advise on and facilitate the revision and approval of project concepts and proposals for the implementation of adaptation and mitigation actions for any projects;
- (e) to establish working groups and other entities to assist with the implementation of these functions;
- (f) to advise on the eligibility criteria for climate change projects in consultation with the Ministry and the Department;
- (g) to determine and approve any and all methodologies, approaches, and formulas to be used in the calculation of carbon credits upon the recommendation of the Climate Change Department;
- (h) to monitor and evaluate outputs from the executing bodies of the national MRV system, including the Sectoral MRV Programmes or Units, the National Authority and any other national institutions involved in the provision of information and implementation of climate change measures;

- (i) any other tasks or activities within UNFCCC and the Paris Agreement;
- (j) to provide guidance to the Department for the establishment of national objectives, goals and targets to make Belize a low-emission and climate-resilient country; and
- (k) to advise the the Department on other climate change related matters.

(2) The Council may establish working groups to effectively carry out its functions and duties.

7.—(1) The Council shall meet as frequently as its business requires and at such time and place as may be determined from time to time, but such meeting shall not be held less than once every three months.

Meetings of the Council.

(2) The Chairperson shall preside at all meetings of the Council and if for any reason the Chairperson is unable to preside at any meeting, the members present shall elect one of their number to preside at the meeting.

(3) The quorum at any meeting of the Council shall be fifty percent plus one.

(4) A decision of the Council shall be by majority of the members present and voting at the meeting.

(5) In the case of an equality of votes, the Chairperson of the meeting at which the vote is taken shall have a second or casting vote in addition to his original vote.

(6) The Secretary of the Council shall ensure that proper records of the Council's meetings and decisions are kept.

(7) The Council may invite ad-hoc observers to the meeting.

PART IV

Establishment and Functions of the Climate Change Department

8.—(1) For the purposes of this Act and any regulations made thereunder, there shall be established, under the Ministry responsible for Climate Change, a department to be known as the Climate Change Department.

Establishment of the Climate Change Department.

(2) The Department shall be headed by a public officer to be known as the Chief Climate Change Officer who shall be appointed by the Public

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Service Commission in accordance with section 106 of the Belize Constitution.

(3) There shall be appointed by the Public Services Commission such other climate change officers, inspectors, and other staff having suitable qualifications as may be necessary for carrying out the provisions of this Act and any regulations made thereunder.

Functions of the Department.

9.—(1) The Department shall—

- (a) communicate, coordinate, and mainstream climate change related issues and implementing the directives of the Council;
- (b) lead the development and implementation of the NDC by formulating goals with other state institutions, civil societies and the private sector with advice from other national institutions if necessary;
- (c) coordinate the formulation of all climate change related policies, strategies, and plans as well as any other process and instruments related to climate change and its attributions for consideration of the Council;
- (d) develop, periodically update, publish and make available the national inventory of anthropogenic emissions by sources and removals by sinks of all projected greenhouse gases in accordance with international reporting practice;
- (e) formulate, implement, publish, and regularly update national mitigation and adaptation measures;
- (f) participate in the development of, and review of, regional mitigation and adaptation measures and its subsequent adoption and national implementation;
- (g) promote and cooperate in mitigating climate change through addressing anthropogenic emissions by sources and removals by sinks of all projected greenhouse gases and measures to facilitate adequate adaptation to climate change;
- (h) promote and cooperate in the development, application, and dissemination of practices and processes that control, reduce, or avoid anthropogenic emissions of projected greenhouse gases in all relevant regulated sectors, including the transfer of technologies;

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- (i) promote sustainable management and cooperation in the conservation and enhancement, as appropriate, of sinks and reservoirs of all projected greenhouse gases, including in biomass, forests and oceans;
 - (j) monitor the receipt of donor funding, such as results-based funding, for mitigation activities and other national or international climate-compatible development programs;
 - (k) formulate, participate, and coordinate national positions in relation to international negotiations on climate change and on national participation in the Conferences of the Parties under the UNFCCC, the Kyoto Protocol, and the Paris Agreement;
 - (l) facilitate Belize's effective participation in the UNFCCC and the Paris Agreement and other related bi-lateral and multi-lateral programs and activities;
 - (m) coordinate the implementation of any relevant obligations of Belize and give effect to Belize's national commitments, voluntary or otherwise, under the UNFCCC, the Kyoto Protocol and the Paris Agreement;
 - (n) direct and coordinate the national MRV system, across all sectors, and actions, including but not limited to adaptation and mitigation;
 - (o) support in the preparation and implementation all national MRV Unit or Program mandates;
 - (p) engage and coordinate with other departments, ministries, agencies, and other entities for the formulation of reports and data;
 - (q) develop or update a plan known as the resiliency building action plan that prescribes measures for all climate resiliency building activities every five years;
 - (r) promote the mainstreaming of climate resiliency into national development plans and policies and its integration in the national budget;
 - (s) advise the government on capacity building, institutional, and other resource requirements needed to fully implement the policies and strategies related to climate change and ensure that the climate change priorities are aligned with Belize's medium term and long term development strategies;

- (t) monitor the implementation of this Act and any regulations made thereunder and take any necessary action to enforce its provisions; and
- (u) do all things that are necessary, incidental or conducive to the attainment of its functions under this Act.

(2) Any resiliency building action plan developed by the Department, in accordance with sub-section (1)(q), shall be submitted to the Council for review and shall be approved by the Cabinet.

PART V

Establishment and Functions of the National Transparency Unit and National MRV System

Establishment of the National Transparency Unit.

10.—(1) There shall be established, within the Department, a unit to be known as the National Transparency Unit comprising of, but not limited to, the following officers—

- (a) a Mitigation Officer;
- (b) a MRV Officer;
- (c) a Quality Assurance/Quality Control Officer;
- (d) a Data Collector; and
- (e) a Data Compiler.

National MRV system.

11.—(1) The National Transparency Unit shall direct and coordinate the national MRV system in collaboration with the leads of all sectoral Ministries and relevant national institutions involved in the provision of information and implementation of climate change measures.

- (2) The National MRV system shall take into consideration the—
- (a) national inventory of greenhouse gas emissions;
 - (b) adaptation actions;
 - (c) verification of information; and
 - (d) National Registry System.

(3) The National MRV System shall be applicable to any person who generates or removes greenhouse gases from the atmosphere.

(4) The leads of all sectoral Ministries and relevant national institutions shall report greenhouse gas emissions generated, GHG mitigation actions, adaptation actions, and all types of climate financing throughout the country to the Department and the Transparency Unit.

12.—(1) The National Transparency Unit shall prepare the national inventory of greenhouse gas emissions in accordance with the guidelines and methodologies established by the UNCCC, the Paris Agreement, and the IPCC.

National inventory of greenhouse gas emissions.

(2) The national inventory of greenhouse gas emissions shall be designed to—

- (a) establish the national situation in terms of greenhouse gas emissions and carbon sequestration;
- (b) prepare consistent information documents in accordance with the international commitments of Belize;
- (c) verify the evolution of the national situation and its conformity with the international commitments of Belize;
- (d) build an adequate strategy to combat climate change; and
- (e) evaluate the potential effectiveness of the planned measures to ensure their relevance and effectiveness once adopted and implemented.

(3) Greenhouse gas emissions shall be calculated annually and the national greenhouse gas inventory shall be published every two years with the methodology proposed by the IPCC for greenhouse gas inventories.

13.—(1) The Transparency Unit shall validate the information submitted to the national MRV system, in accordance with the standards established by the IPCC, to ensure the quality of the data provided, collected and processed.

Validation of information.

(2) The Department shall prepare an annual report containing information necessary to track progress made in implementing and achieving Belize's NDC and report on any support received and shall submit the report to the Council.

(3) Annual reports shall be made available and be publicly accessible as part of the National MRV system.

PART VI

*National Registry System*National
Registry System.

14.—(1) The National Registry System is hereby established, as a registration platform for any GHG mitigation projects and initiatives throughout Belize, to monitor and track the implementation of the national contribution to climate change.

(2) The Department shall manage the National Registry System.

(3) The National Registry System shall serve as the Designated Operating platform in accordance with Article 6 of the Paris Agreement.

(4) The National Registry System shall maintain a register of—

- (a) emissions reduction units generated from projects, programmes or activities;
- (b) the permits granted to participate in an initiative under this Act;
- (c) the number of carbon credits issued or recognized by Belize;
- (d) the issuance, transfer, cancellation and addition of emission allocations, carbon credits and any carbon credits issued or recognized by Belize from a national GHG registry account;
- (e) the voluntary carbon credits and emissions reduction units issued under an approved international emissions reduction standard in relation to an emissions reduction project, programme or activity in Belize; and
- (f) the Belize Mitigation Outcome Units.

Registrar.

15.—(1) The Chief Climate Change Officer shall be the Registrar of the National Registry System and shall—

- (a) comply with any obligations as is required of the Registrar in accordance with the Paris Agreement;
- (b) implement measures to ensure the confidentiality of the information it collects; and
- (c) submit to the Council periodically or, as may be requested by the Minister, a report of the information maintained in the registry.

16. The Minister may make regulations for the modalities, procedures, and guidelines for the coordination and operation of the National Registry System.

Modalities, procedures and guidelines.

PART VII

Carbon Trading Market

17. This Act and any regulations made thereunder shall be in compliance with the fundamental principles enshrined in the UNFCCC and the Paris Agreement, including but not limited to—

Principles.

- (a) all transactions in carbon trading, as carried out under this Act, shall result in the additional effect of a reduction of greenhouse gas emissions;
- (b) all mitigation outcomes which are reported under the requirements of this Act shall be accounted for in tonnes of carbon dioxide equivalent;
- (c) all climate change projects shall ensure that emissions are kept out of the atmosphere for a reasonable length of time; and
- (d) all emission reductions shall be carefully recorded and documented for every offset scheme, utilizing appropriate accounting terms, corresponding adjustments, and location of offset as required by the UNFCCC and other standard bodies.

18.—(1) No person, including but not limited to a private individual, company, organization or country, shall double count the same emission reductions towards their emission reduction commitments generated in Belize.

Avoidance of double counting.

(2) The Department shall ensure that corresponding adjustments are applied to ensure that there is no increase in net emissions.

(3) Any person that engages in double counting commits an offence and shall be liable on summary conviction to a fine not exceeding thirty thousand dollars or imprisonment for a term not less than six months and not exceeding five years, or to both such fine and imprisonment.

19.—(1) No person shall engage in the trade or transfer of credits resulting from mitigation outcomes achieved in Belize without first applying to the Department and obtaining written formal consent.

Trade or transfer of carbon credits.

(2) Any person applying for written consent shall pay the application and processing fee as may be prescribed.

(3) An application for written consent submitted to the Department for a climate change project shall—

- (a) be in writing;
- (b) explain and define the land holder's rights and benefits, including monetary and other benefits, if any, to be received by the land holders;
- (c) specify the nature of the project in the area covered by the agreement;
- (d) specify a term of sufficient duration based on the best available science in order to allow for proper project management measures to be carried out to completion;
- (e) be accompanied by a map clearly showing the boundaries of the area covered by the climate change project agreement;
- (f) specify any other climate compatible or green growth-related land use options, if any;
- (g) be accompanied by a stakeholder engagement and awareness plan specific to the project area land holders and land holder representatives;
- (h) contain provisions that ensure compliance with safeguards or requirements to verify that the actions or activities carried out to receive the benefits do not cause adverse social and environmental impacts; and
- (i) indicate the anticipated sales price of the carbon credit and the intended buyer or market where the carbon credit will be sold.

Requirement for consent.

20. Before engaging in any climate change project, the consent of all landowners whose property will be used in relation to the climate change project shall be obtained in writing.

Rights under a climate change project agreement.

21.—(1) Where the Department or any person enters into a climate change project agreement,

- (a) subject to this Act and the terms and conditions of the agreement, the Department or any person may assign land-

user rights, other than land ownership rights, acquired under the agreement to one or more other persons; and

- (b) for the purposes of exercising project rights, the Department or any person may, according to the terms of the agreement and in consultation with any relevant agencies–
 - (i) enter on land covered by the agreement; and
 - (ii) build, maintain and use roads, wharves, bridges, buildings and other infrastructure on land covered by the agreement.

(2) The rights of any landholder shall be respected when dealing with any climate change project.

22. Any person who engages in a climate change related project shall use every reasonable means, in accordance with approved methodologies, to quantify the gross income and present an annual report before or by 31st March of each calendar year to the concerned landholders and the Department.

Requirement for annual report.

23.–(1) Where the Government participates in any transaction in the sale of credits as it relates to any climate change related projects including international REDD+ programmes, the Government is to be taken to have the authority of the land holder to sell and transfer all carbon sequestered by the forest, including in the form of emissions reductions, Belize Mitigation Outcome Units or carbon sequestration resulting from that programme,

Participation in any transaction in the sale of credits.

Provided that–

- (a) the Ministry has the free, prior and informed consent of the land holders;
- (b) the Government may compensate any land holder with forest carbon included in the transaction under an approved benefits sharing plan; and
- (c) the Ministry has considered–
 - (i) the market value of the emissions reductions or Belize Mitigation Outcome Units at the time of evaluating the proposed transaction;
 - (ii) the impact that such a transaction will have on Belize’s NDC; and

- (iii) any other necessary arrangements entered into with land holders.

(2) The Minister may make regulations to further define and regulate carbon benefits institutional arrangements, participation and benefit sharing or the allocation of incentives for actions against climate change.

PART VIII

Offences and Penalties

Failure to apply for written consent.

24. Any person that engages in the trade or transfer of credits resulting from mitigation outcomes achieved in Belize without first applying to the Department and obtaining written formal consent commits an offence and shall be liable on summary conviction to a fine not exceeding thirty thousand dollars, or to imprisonment for a term not less than six months and not exceeding five years, or to both such fine and imprisonment.

Offence of tampering.

25. Every person who interferes or tampers with or makes any unauthorized alterations to any permit commits an offence, and is liable on summary conviction to a fine of not less than thirty thousand dollars or imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

Submission of false statement or information.

26.—(1) Any person who, whether for himself or for another person,

- (a) makes a statement or representation which is false;
- (b) furnishes a document or information which is false; or
- (c) uses or furnishes a false, falsified or invalid foreign permit or one altered without authorization,

commits an offence and is liable on summary conviction to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

(2) Any permit in relation to which an offence under sub-section (1) has been committed shall be void.

Offence of obstruction.

27. Every person who assaults, obstructs, or hinders an authorised officer in the execution of his duty under this Act or any regulations made thereunder commits an offence and shall be liable on summary conviction to a fine not exceeding thirty thousand dollars, or to imprisonment for a term not less than six months and not exceeding five years, or to both such fine and imprisonment.

- 28.** Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, chief executive officer, manager, secretary or other similar officer or servant of the body corporate, such director, chief executive officer, manager, secretary or other similar officer or servant shall be deemed to have committed an offence against this Act and shall be liable to be proceeded against and punished accordingly, in addition to or together with the body corporate.
- Offence by a corporation.
- 29.** A person who aids and abets the commission of any offence under this Act commits an offence and is liable on summary conviction to a fine of not less than thirty thousand dollars or imprisonment for a period not exceeding six months or to both such fine and imprisonment.
- Offence of aiding and abetting.
- 30.** A prosecution for an offence under this Act may be commenced within two years after the commission of the offence or within two years after the Department becomes aware of the offence.
- Limitation period.
- 31.** A person who commits an offence under this Act for which no penalty is specifically provided shall be liable on summary conviction to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.
- General penalty.
- 32.** All offences shall be punishable on summary conviction on information which may be laid in writing by the Chief Climate Change Officer or any person authorised by him.
- Leave for prosecution.
- 33.**—(1) The Chief Climate Change Officer, the Council, designated officer, or any person acting under a direction given by the Chief Climate Officer or assisting the Chief Climate Officer shall not be personally liable for any loss or damage suffered by any person, directly or indirectly, in consequence of anything done in good faith under this Act, including but not limited to—
- Exclusion of liability.
- (a) damage, delay, or loss as a result of the revocation, suspension, or modification of a permit, unless otherwise provided under this Act; and
- (b) costs relating to any inspection, investigation and verification of permits carried out by the Department or customs officer under this Part, including the costs of storage during the period of verification.
- (2) The costs referenced in sub-section (1)(b) shall be recoverable by the Government as a civil debt.

PART IX

Miscellaneous

Power to conduct inspections.

34.—(1) The Department or any authorised officer may conduct regular inspection of the premises of any person engaging in a climate change related project, including the inspection of any books, records or accounts.

(2) The Department or any authorised officer shall not be required to give prior notice of any inspection conducted pursuant to sub-section (1).

(3) A person who refuses to provide access or facilitate such inspection by the Department or an authorized person commits an offence.

Requests for information.

35.—(1) The Department may request, in writing, from any Ministry, governmental department, or prescribed authority, such document or information as may be reasonably required to fulfil any of the functions of the Department.

(2) A request shall provide such information concerning the document as is reasonably necessary to enable a responsible officer of the Ministry, governmental department, or prescribed authority, as the case may be, to identify the document or information.

(3) It shall be the duty of a Ministry, governmental department, or prescribed authority to assist the Department in fulfilling any request.

Agreements with private bodies and other entities.

36. The Department may enter into data sharing agreements and other agreements necessary with private bodies and other entities, as the case may be, for the acquisition of information in fulfilling the functions of the Department.

Regulations.

37.—(1) The Minister may make Regulations from time to time to provide for—

- (a) a matter that is necessary or desirable for the purpose of implementing the UNFCCC;
- (b) pre-conditions for the grant of permits;
- (c) the presentation and verification of a permit issued by the Department or a competent authority, as the case may be, where none is expressly required under this Act for the importation or exportation of any specimen or prior to the issuance of a permit by the Department;
- (d) disqualifications from obtaining registration or permit;

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- (e) the manner of appeals against decisions of the Department relating to registration or permit;
 - (f) the prohibition or restriction by way of a quota system;
 - (g) the terms and conditions for particular permits;
 - (h) the criteria for selection;
 - (i) taxes and fees payable;
 - (j) the factors the Department or the Council shall take into consideration in making certain findings under this Act;
 - (k) the requirements and procedure for registration with the Department; and
 - (l) anything required to be prescribed under this Act.

(2) Any Regulations made by the Department, under sub-section (1) of this section, may provide that a contravention thereof shall constitute an offence punishable on summary conviction to a fine of thirty thousand dollars or to imprisonment for three months or to both such fine and imprisonment.

38.—(1) Any person engaged in a climate change project or in the trade and transfer of credits at the time of the commencement of this Act shall register their existing project with the Department within six months of commencement.

Transition.

(2) A detailed description of the project including the background, scope of trade, area of land, sales market and price, methodologies used in calculation, and supporting land tenure documents and agreements shall be submitted when registering the existing project.

(3) Any person who intend to modify or change an existing project in any way or form shall apply for written consent from the Department in accordance with section 19.

39. This Act shall come into force on a day appointed by the Minister by Order published in the *Gazette*.

Commencement.