



BELIZE

**PROTECTED AREAS CONSERVATION TRUST ACT
CHAPTER 218**

REVISED EDITION 2020

**SHOWING THE SUBSTANTIVE LAWS AS AT
31ST DECEMBER, 2020**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020.

This edition contains a consolidation of amendments made to the law by Act No. 18 of 2015 and No. 26 of 2017.



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CHAPTER 218

PROTECTED AREAS CONSERVATION TRUST

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CHAPTER 218**PROTECTED AREAS CONSERVATION TRUST**

15 of 1995.

[1st June, 1996]

40 of 2002.

18 of 2015.

26 of 2017.

S.I. 76 of 1996.

S.I. 80 of 2015.

PART I*Preliminary*

Short title. **1.** This Act may be cited as the Protected Areas Conservation Trust Act.

Interpretation. **2.** In this Act, unless the context otherwise requires—

“Board” means the Board of Directors established under section 4;

“Chairperson” means the Chairperson of the Board of Directors;

40 of 2002. “concession arrangements” means formal arrangements made by a legally recognised management organisation of a protected area in Belize with groups of people, or with companies or individuals, allowing such people, companies or individuals to conduct business within the protected area;

40 of 2002. “cruise ship” means a sea vessel which accommodates visitors on board for lodging and is within Belize’s inland or territorial waters for less than twenty-four hours, but does not include a live a board vessel;

“Minister” means the Minister for the time being responsible for Natural Resources;

“natural resources” means any part of the natural environment such as soil, water, minerals, flora, fauna, rocks;

“National Protected Areas System” means the National Protected Areas System established under the National Protected Areas System Act; 18 of 2015.
CAP. 215.

“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; 18 of 2015.
CAP. 215.
CAP. 330.
CAP. 213.

“Minister” means the Minister for the time being responsible for protected areas; 18 of 2015.

“non-governmental organisation” has the meaning assigned in section 3 of the Non-Governmental Organisations Act; 18 of 2015.
CAP. 315.

“recreation related licence fees” means fees charged to a person by the managing authority of a protected area for various recreational uses made by that person within the protected area; 40 of 2002.

“Trust” means the Protected Areas Conservation Trust established under section 3 of this Act; and

“Trust Fund” means the Protected Areas Conservation Trust Fund established under section 20 of this Act.

PART II

Establishment of Trust and Board of Directors

3.-(1) There shall be established a body to be called the Protected Areas Conservation Trust which shall consist of a Board of directors established under section 4. Establishment of Trust.

(2) The Trust shall be a body corporate, with perpetual succession and a common seal, and shall be capable of acquiring, holding, and disposing of real and personal property, and of suing and being sued, and of doing and suffering all other things that bodies corporate may lawfully do and suffer.

Directors of
Trust.
40 of 2002.
18 of 2015.

4.-(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,

provided that the non-government organizations shall 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.

(2) The Board shall have the executive control and management of the affairs of the Trust, and shall exercise and perform the functions, powers, and duties of the Trust on its behalf, and shall be responsible for its effective and efficient administration.

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

18 of 2015.

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

Appointment of
directors of the
Board.
18 of 2015.

5.—(1) The members of the Board referred to under section 4 (1)(b) or (c) 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 section 4(1)(c) shall be nominated by the respective umbrella non-governmental organizations and appointed by the Minister.

(3) The member of the Board referred to under section 4 (1)(d) 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.

Term of office of
directors.
18 of 2015.

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.

Extraordinary
vacancies.

7.—(1) A director may at any time resign his office by delivering a notice in writing to that effect to the Board.

(2) A director may at any time be removed from office for disability, neglect of duty or misconduct.

(3) Where a director dies, resigns, or is removed from office, the vacancy occurring shall be called an extraordinary vacancy.

(4) On the occurrence of an extraordinary vacancy, the Board shall forthwith notify the person or body by whom the director vacating office was selected or elected, of the vacancy.

(5) An extraordinary vacancy shall be filled in the same manner as the appointment or election of the director vacating office, and the person filling such vacancy shall hold office for the remainder of the period which the member who has vacated his seat would have held office if he had not vacated his seat.

8.—(1) The first meeting of the Board shall be held as soon as practicable after all members have been appointed.

Meetings of
Board.

(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.

18 of 2015.

(2) Subsequent meetings of the Board shall be held at such times and places as the Board determines.

(3) Notwithstanding sub-section (2), the Chairperson shall at any time, whenever required in writing to do so by any three directors, call a special meeting of the Board.

(4) The Chairperson of the Trust shall give to every director not less than seven days' notice in writing of every meeting of the Board and of the business to be transacted at the meeting.

(5) No business may be transacted at a special meeting of the Board unless it is specified in the notice required under sub-section (4), or all the directors agree to its transaction at that meeting.

(6) At every meeting of the Board, six directors shall form a quorum.

40 of 2002.

(7) The Chairperson shall preside at every meeting of the Board.

(8) Where for any reason, the Chairperson is unable to preside at any meeting of the Board—

- (a) the Vice-Chairperson shall preside if he is able to do so; and
- (b) if the Vice-Chairperson is unable to preside, then the directors present shall elect one of their number to preside.

(9) A *pro tem* Chairperson shall have all the powers of the Chairperson at that meeting, including the power of exercising a casting vote in addition to his original vote.

(10) No act done by a *pro tem* Chairperson shall in any proceedings be questioned on the ground that the occasion for his so acting had not arisen or had ceased.

(11) Every question before a meeting of the Board shall be decided by a majority of the votes of the directors present at the meeting.

(12) On every question before a meeting, the person presiding shall have a deliberative vote, and in the case of an equality of votes he shall also have a casting vote.

(13) A resolution signed or assented to by letter or telegram by every director shall have the same effect as a resolution duly passed at a meeting of the Board.

(14) Subject to the other provisions of this Act, the Board may regulate its own proceedings as it thinks fit.

Board protected
by Public
Authorities
Protection Act.
CAP. 31.

9. The Board shall be entitled to the same protection under the Public Authorities Protection Act as if it were included in the definition of “public authority” given in section 2 of that Act,

and the place at which the Board shall hold its meetings shall be deemed to be the “abode” of the Board within the meaning of the said Act.

10.—(1) The Board may from time to time, in respect of any particular matter or class of matters, and in writing, delegate to any director or to the Executive Director of the Trust, any of its functions under this Act except this power of delegation and the following functions—

Delegation of powers.

- (a) approving annual budgets or programme of activities;
- (b) making regulations;
- (c) carrying out activities which require off-budget expenditures.

(2) Subject to any general directions given to him by the Board, the person to whom any powers are so delegated may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this Act and not by delegation.

(3) Every person purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(4) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Board.

11. No director shall be personally liable for any act or omission of the Trust, or of the Board, or of any director, or officer of the Trust, if the act or omission is made in good faith in the course of operations of the Trust, or of the Board.

Protection of directors.

Remuneration of
directors.

12. The Chairperson and other members of the Board shall be compensated for reasonable costs incurred for attending Board meetings or conducting other business of the Board.

Rules of the
Trust.

13.-(1) The Board may from time to time make rules of the Trust, not inconsistent with this Act, for all or any of the following purposes—

- (a) regulating the proceedings of the Board;
- (b) providing for the custody of the property of the Trust, and the custody and use of the common seal of the Trust;
- (c) regulating the terms and conditions of employment of persons appointed under section 14;
- (d) regulating the manner in which the Trust Fund shall be dealt with;
- (e) providing for such other matters as may be necessary or expedient for the carrying out of the functions of the Trust.

(2) Notice in writing of every proposed resolution to make rules under this section or for the amendment or revocation of any rule so made (including a copy of the proposed rules, amendment, or revocation), shall be given to every director not less than twenty-one days before the meeting at which the proposal is to be moved, but an inadvertent failure to comply with this subsection shall not invalidate the making, amendment, or revocation of any rule at that meeting.

Appointment of
Executive
Director and
other staff.
40 of 2002.

14.-(1) The Board, with the concurrence of the Minister, shall employ on such terms and subject to such conditions as the Board thinks fit, an Executive Director.

(1A) The Board may appoint and employ such other officers and employees as may be necessary for the administration of the affairs of the Trust. 40 of 2002.

(2) The Executive Director shall be the chief administrative officer of the Trust and, subject to the other provisions of this Act, shall be responsible to the Board for the efficient and economical administration of the affairs of the Trust.

(3) Subject to the rules of the Trust, the Board may from time to time enter into contracts with persons, on such terms and conditions as it thinks fit, to provide such services or perform such work for the Trust as the Board may require.

(4) Subject to the rules of the Trust, there shall be paid to every person engaged on contract under sub-section (4) such remuneration as the Board may determine.

(5) The Board shall supervise the Executive Director in the execution of his functions and responsibilities under this Act.

(6) The Board shall have the power to dismiss the Executive Director, and also to dismiss other staff upon the recommendation of the Executive Director.

15.—(1) The Board shall appoint a body to be called “the Honorary Board” which shall consist of not more than five and not less than three persons. Honorary Board. 40 of 2002.

(2) The functions of the Honorary Board are—

- (a) to enhance and portray the role of the Trust to members of the general public or particular groups;
- (b) to create and build a positive image of the Trust; and

- (c) to assist, within and without Belize, in raising funds for the use of the Trust;

(3) The Honorary Board shall consist of persons such as the Governor-General or persons who can attract or raise donations for the Trust Fund from within or without Belize, and representatives of prominent and established national and international organizations.

PART III

Functions and Powers of Trust and establishment of Advisory Council

Functions of the Trust.
18 of 2015.

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 sub-section (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;
 - (ii) reviewing and approving reports to be conducted at least every five years on the performance of the National Protected Areas System including the financial scorecard and management effectiveness of the National Protected Areas System;
- (e) to ensure the financial sustainability of the National Protected Areas System by—
 - (i) setting strategic priorities for the development, mobilization and allocation of financial resources for the National Protected Areas System;
 - (ii) allocating financial resources across the National Protected Areas System based on the criteria established for the system;
 - (iii) developing and approving standards, guidelines and procedures to ensure efficient use of financial resources within the National Protected Areas System;
 - (iv) serving as the lead entity for moving the National Protected Areas System towards financial sustainability; and

- (v) coordinating the implementation of all strategies aimed at making the National Protected Areas System financially sustainable;
- (f) conducting periodic protected areas management capacity assessment, prioritizing capacity needs for managing the system and ensuring that the right resources and partnerships are developed to create this capacity;
- (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.

Schedule.

(3) Sub-section (2)(g) 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.

CAP. 331.

(4) In sub-section (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.

17.—(1) The Trust shall have all the powers that are reasonably necessary or expedient to enable it to carry out its functions under this Act.

Powers of the Trust.

(2) In particular, but without limiting the generality of its powers under sub-section (1), the Trust may do all or any of the following things—

18 of 2015.

- (a) acquire by purchase, lease, exchange, bailment, gift, or otherwise, any interest in land or any other form of property;
- (b) dispose of any of its property by sale, lease, exchange, or bailment;
- (c) engage any person or body to undertake the management, alteration, development, improvement, repair, or maintenance of any of its property;
- (d) publish reports, recommendations and other information relating to any functions of the Trust.

(3) Notwithstanding sub-section (2)(b), where any land has been transferred to the Trust by way of gift, the Board shall not dispose of that land by way of sale or exchange unless it has first offered the land, on such terms and conditions as the Board

thinks fit, to the donor or to the beneficiaries of the donor's estate.

PART IV

Establishment of Finance and Audit Committee, Technical Committee on Protected Areas and other Board Committees

Finance and
Audit
Committee.
18 of 2015.

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.

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—

Technical
Committee on
Protected Areas.
18 of 2015.

(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 sub-section (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.

Administrative,
technical and
scientific
committees.
18 of 2015.

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.

(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 reports 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 paragraphs (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 sub-section (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.

19. *Repealed.*

18 of 2015.

20.—(1) There is hereby established a fund to be known as the Protected Areas Conservation Trust Fund, which shall be the fund of the Trust.

Establishment of
Trust Fund.

(2) The Trust Fund shall be a dedicated Fund which shall be separate from any general funds of the Government.

(3) The Trust Fund shall be exclusively dedicated to the conservation and management for sustainable use of the cultural and natural resources of Belize.

(4) The Trust Fund shall be a supplement and not a replacement for Government funds of recurrent or capital allocations which are needed for the standard operations and functions of its departments and divisions responsible for providing, managing and maintaining protected areas and resources.

Revenues of
Trust Fund.
40 of 2002.

21.—(1) The revenues of the Trust Fund shall consist of the following money—

(a) revenues derived from a conservation fee imposed under section 33;

40 of 2002.

(b) twenty *per centum* of all concession fees on concession arrangements within protected areas made by the management of the protected areas;

40 of 2002.
18 of 2015.

(ba) twenty *per centum* of all recreation-related licence fees and permit fees in conjunction with protected areas;

40 of 2002.
18 of 2015.

(bb) fifteen *per centum* of cruise ship passengers head tax;

(c) all income derived from the investment of money by or on behalf of the Trust under this Act;

(d) all income derived from the administration of property held by or on behalf of the Trust;

- (e) any money paid to the Trust in the form of an annuity or with an express direction by the donor that it is to be applied as income;
- (f) all other money not forming part of the Endowment Fund established under section 30;
- (g) any other money lawfully contributed, donated, or bequeathed to the Trust or received by the Trust from any other source.

(2) The fees referred to in sub-section (1)(b), (ba) and (bb) shall be collected by the managing authority of the protected area, or by the captain of the cruise ship or its agent concerned, and shall be payable to the Trust upon demand. 40 of 2002.

(3) In default of payment of the fees referred to in sub-section (2), it shall be lawful for the Trust to assess the uncollected amount, and such amount shall be a debt due and owing to the Fund and may be enforced as a civil debt in any competent court of law, 40 of 2002.

Provided that the managing authority of the protected area, or the captain or agent of a cruise ship, if dissatisfied by any assessment made by the Trust under sub-section (3), shall have the right to appeal against the assessment to the Board, whose decision shall be final, and all civil actions in a court of law in respect of such assessment shall be stayed until the determination of the appeal by the Board.

(4) *Repealed.* 18 of 2015.

(5) *Repealed.* 18 of 2015.

22.—(1) The Board shall, by a resolution of the Board, open and maintain at such bank or banks as it may from time to time determine, accounts for the funds of the Trust. Trust Fund account. 40 of 2002.

(2) The Central Bank of Belize shall be the trustee of the Trust Fund and shall be its fiduciary manager.

(3) All money forming part of the Trust Fund shall, as soon as practicable after it is received by any proper officer of the Trust, be paid into the Trust Fund account.

(4) No money shall be paid out of the Trust Fund account except with the authority, and in accordance with any general or special directions, of the Board.

(5) The Trust Fund account may only be operated on by cheque or other negotiable instrument (not being a promissory note or bill) signed by a director or other officer of the Trust who is authorized by the Board to sign cheques drawn on the account, and countersigned by any other director or officer of the Trust who is authorized by the Board to sign such cheques.

Powers of
investment.

23.—(1) The Trust may make investments only after consultation with and upon the recommendation of a professional financial management institution or firm selected by the Board.

(2) Any director of the Board who has an interest in any project submitted for approval to the Board shall not vote on that project.

Disbursement of
the Trust Fund.
40 of 2002.
18 of 2015.

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.

(2) The Board may request that any proposal requiring multiple year or recurrent funding shall be supported by a precise statement of the organizational and programmatic goals of the potential recipient.

25.—(1) Moneys of the Trust Fund may be used to cover administrative, management and operational costs and capital expenditures of the Trust Fund and such moneys shall be subject to an annual maximum which shall be determined by the Board.

Moneys of the Trust Fund.
40 of 2002.

(1A) The Executive Director shall, with the approval of the Board, open and maintain, at such bank or banks as he may from time to time determine, accounts of the Trust referred to in section 22 (1) to cover the expenses referred to in sub-section (1).

40 of 2002.

(2) The total distribution of moneys from the Trust Fund shall not exceed the amount on deposit as held in the Trust Fund.

26. Any Trust moneys which have been allocated on a given project and which have not been expended on such project shall be returned to the Trust Fund for reallocation or reinvestment.

Return of unexpended money.

27. The Board shall arrange for an annual evaluation of the Trust's administrative operations and such evaluation shall coincide with its annual audit.

Evaluation of administrative operations.

28.—(1) Every three years, a more comprehensive evaluation of the administration and operations of the Trust, along with a field audit of projects supported by the Trust shall be conducted.

Further evaluation of Trust operations.

(2) Such evaluation shall be carried out by an independent evaluating team of not more than five professionals from relevant technical fields.

(3) The evaluating team shall be appointed by the Minister of Finance.

18 of 2015. (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.

40 of 2002.
18 of 2015. (5) A report of the evaluation carried out under this section shall be submitted to the Minister, the Board, and the Honorary Board within six months of completion of such evaluation.

How Trust
moneys to be
expended. **29.** Subject to section 25, moneys of the Trust Fund shall be expended only to meet the objects and purposes authorized by this Act and to repay principal and interest on loans.

Endowment
Fund. **30.**—(1) The Board shall establish an Endowment Fund in conjunction with the Trust Fund.

(2) The Endowment Fund shall receive no less than five *per centum* of the total revenue derived from the Trust Fund during each fiscal year.

(3) Only interest from the Endowment Fund shall be expended.

(4) The Endowment Fund shall be drawn on only in emergencies, contingencies and for such purposes as the Board may determine and only upon unanimous agreement of the full Board.

(5) The Board shall determine the management and investment of the Endowment Fund.

Accounts. **31.**—(1) The Board shall keep full and correct accounts of all money received and expended by the Trust.

(2) An annual audit of accounts shall be carried out by an independent auditing firm to be appointed by the Board.

(3) The completed annual audit report shall be submitted to the Board within one month of the anniversary date of inscription of the Trust Fund.

(4) The Board shall prepare a statement of the assets and liabilities of the Trust as at the end of each financial year and forward the same to the Central Bank of Belize as the trustee of the Trust Fund.

(5) At the beginning of each financial year, the Board shall prepare a budget which shall be divided into two components—

- (a) the programme budget which will include an estimated amount for project grants, loans, endowment contributions; and
- (b) the operational budget which will include monitoring and evaluation, financial and investment assistance, capital expenditures and general operations.

32.—(1) The Board shall establish a Protected Areas Conservation Trust Foundation in conjunction with the Trust to receive gifts and donations which cannot be received directly by the Trust Fund, and to raise funds to promote conservation and management, for the sustainable use of natural and cultural resources of Belize.

Establishment of
Foundation.
40 of 2002.

(2) The Foundation shall be independent of control from the Government, the Trust Fund or any other institution.

40 of 2002.

(3) The Board of Directors of the Foundation shall consist of—

40 of 2002.

- (a) a representative selected by—
 - (i) the Belize Audubon Society;
 - (ii) the Programme for Belize;

- (iii) the Trust Fund;
 - (iv) the Toledo Institute of Development and Environment;
 - (v) the Ministry responsible for protected areas; and
 - (vi) the Executive Director, who shall be an *ex-officio* member; and
- (b) other representatives of such organisations and bodies as may be admitted to membership of the Board of Directors of the Foundation through contractual or other legally binding arrangements,

18 of 2015.

and the total number of Directors of the Foundation shall not at any one time exceed eleven.

Collection of
conservation fee
and development
fee.
26 of 2017.

33.—(1) Subject to the provisions of this section, there shall be levied and collected from every non-Belizean person departing from any air, land or sea border point, a fee, to be known as a “conservation fee”, equivalent to seven dollars and fifty cents in Belizean currency.

26 of 2017.

(1A) Subject to the provisions of this section, there shall be levied and collected from every non-Belizean person departing from any air border point, a fee, to be known as a “development fee”, equivalent to thirty-two dollars and fifty cents in Belizean currency.

40 of 2002.
26 of 2017.

(2) The fees mentioned in sub-sections (1) and (1A), respectively, of this section, shall not be payable by—

18 of 2015.

- (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 S.I. 73 of 2000.
- (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. CAP. 50.
- (3) The fees mentioned in sub-section (1) and (1A), respective, shall be collected as follows— 26 of 2017.

 - (a) in the case of a person departing from Belize by air, by the airline or its agent concerned responsible for the carriage of that person;
 - (b) in the case of persons departing Belize by sea, other than cruise ship passengers, by the captain of the sea vessel or boat or by the immigration officer charged with the inspection of such vessel; 40 of 2002.
 - (c) in the case of persons departing Belize by road, by the Border Management Agency or any other legally authorized agent. 40 of 2002.
18 of 2015.
- (4) The conservation fee collected under this section shall be paid monthly within thirty days from the last day of any preceding calendar month period of collection to the Executive Director of the Trust to the credit of the Trust Fund established under section 20 of this Act. 18 of 2015.
- (4A) The development fee shall be paid monthly within thirty days from the last day of any preceding calendar month period of collection to— 26 of 2017.

- (a) the Accountant General; or
- (b) the Executive Director of the Trust for onward submission to the Accountant General,

for the credit of the Consolidated Revenue Fund.

40 of 2002.
26 of 2017.

(5) Where an airline or its agent or the captain of a sea vessel or boat, as the case may be, fails to collect or to pay the conservation fee levied under this section to the Executive Director of the Trust or the development fee levied under this section to the Accountant General, or as the case may be, the Executive Director of the Trust for onward transmission to the Accountant General, such airline and its agent or the captain of the cruise ship, as the case may be, shall—

18 of 2015.

- (a) be liable to pay such sum, plus interest thereon at the rate of ten *per centum* per month of the amount due which may be recovered as a civil debt; and
- (b) be guilty of an offence and be liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment.

26 of 2017.

(6) The Minister may, after consultation with the Minister of Finance, by Order published in the *Gazette*, vary from time to time the conservation fee or development fee payable under this section.

(7) Every Order made under sub-section (6) shall, as soon as may be after the making thereof, be laid before the House of Representatives and shall be subject to negative resolution.

(8) The conservation fee and development fee, respectively 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.

18 of 2015.
26 of 2017.

S.I. 73 of 2000.

(9) For the purposes of this section a person is non-Belizean if the person is neither a citizen nor legal permanent resident of Belize.

26 of 2017.

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.

User fees, visitor fees, concessions.
18 of 2015.

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

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

CAP. 331.

PART V

Miscellaneous

34.—(1) The Trust shall prepare a National Strategic Protected Areas Conservation Trust Plan (hereinafter referred to as “the Plan”) once in every five years, with the assistance of appropriate professional and technical planners who may be contracted by the Board.

National Strategic Plan.
18 of 2015.

(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.

18 of 2015.
CAP. 215.
CAP. 213.
CAP. 210.

40 of 2002. (2A) The Plan that is prepared shall be presented to the general public in a forum so that consultations, suggestions and endorsements can be made.

(3) The Plan shall outline policies and strategic directions to achieve the Trust's objectives.

40 of 2002. (4) The Plan shall be approved by the Board and shall be submitted to Cabinet for approval and endorsement.

18 of 2015. (5) The initial Plan shall be adjusted to a time-frame which will coincide with the five year medium term development strategy and plan.

18 of 2015. (6) All activities which are funded by the Board shall be in accordance with the objectives of the Plan.

Activities to be funded by Trust Fund.
40 of 2002. **35.**—(1) A recipient of Trust moneys may include registered management organizations of protected areas, non-governmental organizations, community based organizations and governmental agencies which are involved in the conservation and management, for sustainable use, of Belize's natural resources and protected areas, and the moneys of the Trust Fund may also be used for donations to individuals for scholarship assistance with respect to protected areas management or such other fields that complement the objectives of the Trust and for other donations that the Board deems appropriate.

18 of 2015. (2) The Board shall, after consultation with the Technical Committee on Protected Areas, establish the criteria which shall determine which activities shall qualify for funding by the Trust Fund.

Schedule. (3) The activities which are eligible for funding, as well as those which do not qualify for funding, shall be as set out in the Schedule of this Act.

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

Register of
Protected Areas.
18 of 2015.

- (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.
18 of 2015.

- (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.

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.

Report on
protected areas.
18 of 2015.

35D. The Manager of every protected area shall provide such information as may be requested by the Trust in order for the

Provision of
information.
18 of 2015.

Trust to compile the Register of protected areas under section 35A or to prepare the report under section 35B.

Regulations.
18 of 2015.

36.—(1) The Minister may make regulations for the better carrying out of, or giving effect to, the provisions of this Act.

(2) Without prejudice to the foregoing, regulations made under sub-section (1) may provide for—

(a) establishing a ceiling on total funds to be used under section 25;

(b) the management, administration and function of the Trust Fund;

18 of 2015.

(c) appropriate training and orientation programmes for any members of the Board where necessary;

18 of 2015.

(d) *Repealed.*

18 of 2015.

(3) Regulations made under this section and section 13 shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

Amendment of
Schedule.

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

Amendment by
Order.
18 of 2015.

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

Exemption from
income tax, etc.

38.—(1) The Trust shall be exempt from the payment of income tax and property tax.

(2) All instruments executed by or on behalf of the Trust shall be exempt from stamp duty.

Orders to be
made by S.I.

39. The power to make an Order under this Act shall be exercisable by statutory instrument.

SCHEDULE¹

[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;

¹ This Schedule was repealed and replaced by Act No.18 of 2015.

- (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 areas.
- 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 nongovernmental 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.