



BELIZE

**PROTECTED AREAS CONSERVATION TRUST ACT
CHAPTER 218**

REVISED EDITION 2003

SHOWING THE SUBSTANTIVE LAWS AS AT 31ST MAY, 2003

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 2000.

This edition contains a consolidation of the following laws-	Page
ARRANGEMENT OF SECTIONS	3
PROTECTED AREAS CONSERVATION TRUST ACT	6
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CHAPTER 218

PROTECTED AREAS CONSERVATION TRUST

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CHAPTER 218

PROTECTED AREAS CONSERVATION TRUST

15 of 1995.
40 of 2002.
Commencement.
[1. 6. 1996]
S.I. 76 of 1996.

[2nd January, 1996]

PART I

Preliminary

Short title and commencement.

1. This Act may be cited as the Protected Areas Conservation Trust Act and shall come into force on a day to be appointed by the Minister by Order published in the *Gazette*.

Interpretation.

2. In this Act, unless the context otherwise requires:-

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

“Chairman” means the Chairman 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;

“Council” means the Advisory Council established under section 18 of this Act;

“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 liveaboard vessel; 40 of 2002.

“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;

“protected area” means an area declared to be a protected area by the Minister, or the Minister responsible for the protection of marine areas; 40 of 2002.

“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;

“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 below. 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.

4. (1) There shall be a Board of directors of the Trust composed of eleven members as follows:

- (a) two members, of which one shall represent the Belize Alliance of Conservation Non-Governmental Organisations (BACONGO), and the other shall represent a community-based organization who shall
 - (i) be selected by the Minister from Community-based organizations in Belize; and
 - (ii) hold office for not more than two consecutive terms;
- (b) one member representing the Belize Audubon Society;
- (c) one member representing the Belize Tourism Industry Association;
- (d) one member representing the Belize National Tour Operators Association;
- (e) three members representing the Government of Belize, to be appointed by the Minister from Ministries responsible for terrestrial and marine protected areas, archaeological sites and tourism;

- (f) the Financial Secretary or his nominee who shall be an *ex-officio* member with the right to vote;
- (g) the Executive Director of the Trust, who shall be an *ex-officio* member without the right to vote;
- (h) one member with a background in finance, elected by the members of the Board referred to in paragraph (a) to (f) of this subsection.

(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 any vacancy in its membership.

5. (1) The members of the Board referred to under paragraphs (a) to (d) of subsection (1) of section 4 shall be selected by their respective non-governmental association or organization network and, in respect of non-governmental organisations, only persons from Non-Governmental Organisations registered under the Non-Governmental Organisations Act shall be so selected.

Appointment of
directors of
Trust.
40 of 2002.

CAP. 315.

(1:01) The members of the Board referred to under paragraph (e) of subsection (1) of section 4 shall be selected by their respective Ministries.

40 of 2002.

(1:02) The first meeting of the Board, composed of the members referred to in paragraphs (a) to (g) of subsection (1), shall be held within fourteen days of the commencement of this section, and the only business to be transacted at that meeting shall be the election of the member of the Board referred to in paragraph (h) of subsection (1) of section 4.

40 of 2002.

(2) The Chairman and Vice-Chairman of the Board shall be elected from and by the voting Board members.

Term of office of directors.

6. The Chairman, Vice-Chairman and other members of the Board shall hold office for such period, not exceeding two years, as may be fixed at the time of their appointment, and shall be eligible for re-election.

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.

40 of 2002.

(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.

Meetings of Board.

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

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

(3) Notwithstanding subsection (2) of this section, the Chairman shall at any time, whenever required in writing to do so by any three directors,

call a special meeting of the Board.

(4) The Chairman 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 subsection (4) of this section, 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 Chairman shall preside at every meeting of the Board.

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

(i) the Vice-Chairman shall preside if he is able to do so; and

(ii) if the Vice-Chairman is unable to preside, then the directors present shall elect one of their number to preside.

(9) *Pro tem* Chairman 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.

(10) No act done by a *pro tem* Chairman 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.

Delegation of
powers.

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:

- (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.

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

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: Rules of the Trust.

- (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.

40 of 2002.

(1:01) The Board may appoint and employ such other officers and employees as may be necessary for the administration of the affairs of the Trust.

(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 subsection (4) of this section 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 function 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

16. (1) The general functions of the Trust shall be to encourage and promote, for the benefit and enjoyment of the present and future generations of the people of Belize, the provision, protection, conservation and enhancement of the natural and cultural resources of Belize. Functions of the
Trust.

(2) In particular, but without limiting the general functions described in subsection (1) of this section, the Trust may, where it deems necessary:-

- Schedule.
- (a) distribute from the Trust Fund such grants as it thinks fit to encourage, promote, and assist the undertaking by suitable persons and bodies of any research, studies or other activities relating to the nationwide effort to establish, operate, maintain and enhance protected areas, and other natural and cultural protected resources for the purposes of conservation, maintenance of biodiversity, protection of ecological processes and for recreational enjoyment;
 - (b) assist in the funding of activities which are eligible for funding under the Schedule to this Act;
 - (c) perform any other functions which may be necessary for the effective functioning of the Trust Fund.

Powers of the Trust.

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.

(2) In particular, but without limiting the generality of its powers under subsection (1) of this section, the Trust may in consultation with the Advisory Board, do all or any of the following things:

- (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 paragraph (b) of subsection (2) of this section, 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 Advisory Council

18. (1) There shall be appointed by the Minister an Advisory Council (hereinafter called "the Council") consisting of eleven members as follows:-

Establishment of
Advisory
Council.
40 of 2002.

- (a) one member selected by the Coastal Management Institute;
- (b) one member selected by the Belize Fishermen Cooperative Association;
- (c) one member selected by the Belize Tourism Board;
- (d) one member selected by the Association of National Development Agencies (ANDA);
- (e) one member with a background in finance elected by the members of the Council at the first meeting of the

Council;

- (f) two members with qualifications and expertise in the scientific or technical fields, or in natural resource management or project administration, elected by the members of the Council at the first meeting of the Council;
- (g) one member from a tertiary level institution elected by the members of the Council at the first meeting of the Council; and
- (h) three members from the Government of Belize representing the Ministries responsible for tourism, archaeology, terrestrial and marine protected areas;

(2) Where subsection (1) provides that a member of the Council shall be selected by a non-governmental association or organisation, such member shall be selected by the appropriate non-governmental association or organization network and, in respect of non-governmental organisations, only persons from non-governmental organisations registered under the Non-Governmental Organisation Act shall be elected.

(3) No member of the Board shall be eligible for appointment to the Council.

(4) The Council shall appoint one of their members to be the Chairman and another member to be the Vice-Chairman.

(5) The Chairman and Vice-Chairman and other members of the Advisory Council shall hold office for such period not exceeding two years as may be fixed at the time of their appointment, and shall be eligible for re-election.

(6) In the absence of the Chairman for any reason whatever, the Vice- Chairman shall act as the Chairman.

(7) Where for any reason, the Chairman or Vice Chairman is unable to preside at any meeting of the Council, the members present shall elect one of their number to preside at that meeting.

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

(9) Any vacancy occurring in the Council shall be filled in the same manner as the appointment or election of the member vacating office.

(10) The quorum for any meeting of the Council shall be six members. The decision of the majority present at any meeting shall be the decision of the Council.

(11) The Council shall maintain proper records of its proceedings.

(12) Any member of the Council who has a direct interest in any project submitted for evaluation by the Council shall not vote on that project and shall not be present when the Council votes on the project. 40 of 2002.

19. (1) The functions of the Council shall be to: Functions of the Council.

(a) advise the Board on technical, administrative and other matters;

(b) coordinate the preparation of the National Strategic Trust Plan under section 34;

(ba) advise the Board on areas of improvement for the Trust's grant award programme; 40 of 2002.

- 40 of 2002. (bb) evaluate project proposals according to the selection criteria agreed upon by the Council;
- 40 of 2002. (bc) advise the Board on potential projects that are eligible for grant funding;
- (c) advise the Board on any other matter with a view to enabling the Board to perform its functions and to administer the Trust in a most efficient and effective manner;
- (d) perform any other duties as may be assigned to it by this Act or any regulations made thereunder.

(2) In this Part, “Chairman” means the Chairman of the Advisory Council established under this Part.

PART V

Financial Provisions, Accounts and Reports

- Establishment of Trust Fund. 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.
- (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.

- | | | | |
|-----|------|--|-------------------------------------|
| 21. | (1) | The revenues of the Trust Fund shall consist of the following money: | Revenues of Trust Fund. 40 of 2002. |
| | (a) | revenues derived from a conservation fee imposed under section 33; | |
| | (b) | twenty <i>per centum</i> of all concession fees on concession arrangements within protected areas made by the management of the protected areas; | 40 of 2002. |
| | (ba) | twenty <i>per centum</i> of all recreation-related licence fees in conjunction with protected areas; | 40 of 2002. |
| | (bb) | twenty <i>per centum</i> of cruise ship passengers head tax; | 40 of 2002. |
| | (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. | |

40 of 2002. (2) The fees referred to in subsection (1) (b), (ba) and (bb) above 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 subsection (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:

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 subsection (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.

40 of 2002. (4) Any organization responsible for managing any protected area shall, upon the commencement of this section, retain that *per centum* of the entrance, admission or access fees paid by members of the public in order to obtain admission to the protected area that is payable to the Trust Fund under this Act or any other law.

40 of 2002. (5) The money collected and retained by an organization under subsection (4) shall be applied towards the maintenance and upkeep of the protected area where it was collected.

Trust Fund
account.
40 of 2002. 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.

(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.

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.

Powers of investment.

(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.

24. (1) Moneys from the Trust Fund may be awarded to recipients based upon merit through a competitive proposal process to achieve the goals and objectives of the Trust, or through assessments and management plans made on protected areas and provided that the recipients meet the criteria required by the Board, or such moneys may be awarded based on a procedure identified by a donor.

Disbursement of the Trust Fund. 40 of 2002.

(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

Moneys of the Trust Fund. 40 of 2002.

Fund and such moneys shall be subject to an annual maximum which shall be determined by the Board.

40 of 2002.

(1:01) 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 subsection (1).

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

Return of unexpended money.

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.

Evaluation of administrative operations.

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

Further evaluation of Trust 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.

(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.

(4) Any person who is in any way associated with the Trust either as a member of the Board of Advisory Council, or as a direct or indirect beneficiary shall not be appointed to the evaluating team.

40 of 2002.

(5) A report of the evaluation carried out under this section shall be submitted to the Minister, the Board, the Council, Trustees of the

Foundation and the Honorary Board within six months of completion of such evaluation.

29. Subject to section 25 of this Act, 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. How Trust moneys to be expended.

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

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

(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:

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

40 of 2002.

Establishment of
Foundation.
40 of 2002.

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.

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:

- (a) a representative selected by -
 - (i) the Belize Audubon Society; and
 - (ii) the Programme for Belize; and
 - (iii) the Trust Fund; and
 - (iv) the Toledo Institute of Development and Environment; and
 - (v) the Ministry responsible for protected areas;

and

(vi) the Executive Director of the Trust who shall be an *ex-officio* member and shall sit as recording secretary of the Foundation; 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 being arrangements,

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

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 equivalent to seven dollars and fifty cents in Belizean currency. Collection of conservation fee.

(2) The fee mentioned in subsection (1) shall not be payable by: 40 of 2002.

(a) persons exempted from paying departure tax under the Departure Tax Act; CAP. 50.

(b) members of the crew of an aircraft departing Belize;

(c) visitors who are bona fide residents of border towns and villages.

(3) The conservation fee payable under subsection (1) above shall be collected as follows:

(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;

40 of 2002.

(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 legally authorised agent in charge at the border point.

(4) The conservation fee collected under this section shall be paid to the Executive Director of the Trust to the credit of the Trust Fund established under section 20 of this Act.

40 of 2002.

(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, such airline and its agent or the captain of the cruise ship, as the case may be, shall:

(a) be liable to pay such sum, 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.

(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 payable under this section.

(7) Every Order made under subsection (6) above 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 levied under this section shall be in addition to the departure tax levied under the Departure Tax Act. CAP. 50.

PART VI

Miscellaneous

34. (1) The Council 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 on the recommendation of the Council. National Strategic Plan.

(2) The Department responsible for the management of protected areas under the National Parks System Act and the Department responsible for administering the Fisheries Act and the Coastal Zone Management Act shall provide technical and administrative support to the Council in the preparation of the Plan. 40 of 2002. CAP. 215. CAP. 210. CAP. 329.

(2:01) The Plan that is prepared shall be presented to the general public in a forum so that consultations, suggestions and endorsements can be made. 40 of 2002.

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

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

(5) The initial Plan shall be adjusted to a time-frame which will coincide with the five year Macro Economic Development Plan of Belize.

(6) All projects 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 compliment the objectives of the Trust and for other donations that the Board deems appropriate.

(2) The Board shall, after consultation with the Council, 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.

Regulations.

36. (1) The Board 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 subsection (1) above 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;
- (c) appropriate training and orientation programmes for any members of the Board or Council where necessary;

(d) the functions and activities of the Foundation established under section 32 of this Act.

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

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

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

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

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

40 of 2002.

SCHEDULE

[Sections 16 (2) (a), 35 (3) and 37]

Activities which qualify for Trust funding

1. Protected Area 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 provided for sustainable use of their resources;
 - (d) monitoring and surveillance activities that ensure compliance to management plans that have been developed and are being implemented in protected areas;
 - (e) institutional strengthening for the management of protected areas via training to management and technical personnel;
 - (f) protected area visitor use surveys;
 - (g) protection of 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 centers 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:

- (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 of Belize;
- (c) posters, leaflets and newsletters aimed at generating public awareness on the need to protect and preserve the natural resources;
- (d) other media that inform 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 compliment 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 organizations involved in protected areas management and conservation via technical assistance;
- (f) minimal infrastructure and capital equipment for non-governmental organizations involved in protected areas management and conservation.

Activities in general outside of the grant program which 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 fields of study that compliment the Trust's mission.
- (d) Technical assistance in all relevant areas above.

Activities not to be funded:

Activities which are not eligible for Trust funding include:

1. Salaries for established staff of Government of Belize agencies.
 2. Core or permanent staff of non-governmental organizations.
 3. Recurrent expenses of Government of Belize agencies and non-governmental organizations.
 4. Funding for private organizations which are organized for profit.
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