

BELIZE:

NATIONAL PROTECTED AREAS SYSTEMS BILL, 2024

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SCHEDULE

BELIZE:

BILL

for

AN ACT to repeal and replace the National Protected Areas Systems Act, Chapter 215 of the Substantive Laws of Belize, Revised Edition 2020, to provide for the establishment of the National Biodiversity Office and maintain a coordinated management of a system of protected areas that is representative of internationally agreed categories, effectively managed, ecologically based, consistent with international law, and based on best available scientific information and the principles of sustainable development for the economic, social and environmental benefit of present and future generations of Belize; and to provide for matters connected therewith or incidental thereto .

(Gazetted, 2024)

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:

Short title.

1. This Act may be cited as the

National Protected Areas Systems Act, 2024

Interpretation

2. In this Act, unless the context otherwise requires

“archaeological reserve” means an area of land declared as an archaeological reserve under section 59 of the National Institute of Culture and History Act;

“authorized officer” means any person appointed or otherwise authorized to enforce the provisions of

- (a) this Act, as a biodiversity officer or otherwise;
- (b) the Forests Act, as forest officer or otherwise;
- (c) the Fisheries Resources Act, as fisheries officer or otherwise;
- (d) protected area park officer or otherwise;

and includes a police officer, coast guard, Belize Defence Force, and customs officer, duly acting as such;

“biological corridor” means a geographically defined area that provides connectivity between landscapes, ecosystems and habitats, natural or modified, and ensures the maintenance of biodiversity and ecological and evolutionary processes;

“co-managing entity” means a conservation organization or a private sector entity appointed to co-manage a public protected area under this Act;

““Community Based Organization” means a small non-governmental organization operating at the community level” (UN-CBD);

““Concession agreement” 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”;

“conservation organization” means

- (a) a company that is registered under the Companies Act as a non-profit company, or
- (b) a group of persons including a community-based organization,

having as its principal object the promotion or encouragement of the carrying out of any conservation purpose in relation to land, sea or freshwater generally or to any particular land, sea or freshwater;

“conservation purpose” includes any one or more measures to -

- (a) protect ecologically viable areas representative of both Belize’s biological diversity and its natural landscapes or seascapes in a system of protected areas;
- (b) preserve the ecological integrity of areas described in paragraph (a);
- (c) conserve biodiversity in areas described in paragraph (a);
- (d) protect areas representative of all ecosystems, habitats and species naturally occurring in Belize;
- (e) protect Belize’s threatened or rare species;
- (f) protect an area which is vulnerable or ecologically sensitive;
- (g) assist in ensuring the sustained supply of environmental goods and services; or
- (h) rehabilitate and restore degraded ecosystems and promote the recovery of endangered and vulnerable species;

“Commission” means the National Protected Areas Commission, established under section 10;

“fish” means the same as in the Fisheries Resources Act, Chapter 210 of the Laws of Belize, Revised Edition 2020;

“Fishery area” means the same as in the Fisheries Resources Act, Chapter 210 of the Laws of Belize, Revised Edition 2020;

“fishing” means the same as in the Fisheries Resources Act, Chapter 210 of the Laws of Belize, Revised Edition 2020;

“Forest Produce” means the same as in the Forest Act, Chapter 213 of the Laws of Belize, Revised Edition 2020;

“forest reserve” means the same as in the Forests Act, Chapter 213 of the Laws of Belize, Revised Edition 2020;

“hunt” means to kill, take, or molest by any method and includes attempting to kill, take or molest by any method species of wildlife;

“managing entity” means the conservation organization, body or individual responsible for the management of a private protected area;

“marine reserves or inland water reserves” means the same as in the Fisheries Resources Act, Chapter 210 of the Laws of Belize, Revised Edition 2020”

“Minister” means the Minister responsible for fisheries or the Minister responsible for forestry, wildlife and biodiversity, as the case may be, and Ministry shall be construed accordingly;

“national park” means any area established as a national park in accordance with the provisions of this act for the protection and preservation of natural and scenic values of a national significance for the benefit and enjoyment of the general public;

“nature reserve” means any area reserved as a scientific reserve in accordance with the provisions of this act for the protection of nature, be it biological communities or species and to maintain natural processes in an undisturbed state in order to have ecologically representative examples of the natural environment available for scientific study, monitoring, education and the maintenance of genetic resources;

“natural monument” means any area reserved for the protection and preservation of nationally significant natural features of special interest or unique characteristics to provide opportunities for interpretation, education, research and public appreciation;

“NGO” means a non-governmental organisation registered under the Non-Governmental Organisations Act;

“National Protected Areas System” means the National Protected Areas System established under section 4;

“National Protected Areas System Plan” has the meaning given in section 6;

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

“private land” means land including cayes or parts thereof owned by or leased to any private person or body of persons, including collectively held land;

“private protected area” means any private land declared to be a protected area under this Act;

“protected area” means an area, falling within any classification specified in section 8, and declared as so classified whether pursuant to this Act, the Forests Act, the Fisheries Resources Act or the National Institute of Culture and History Act or any statutory modifications thereof for the time being in force;

“protected area offence” means an offence in contravention of this Act, the Fisheries Resources Act, or the Forests Act associated with protected areas;

“protected area park officer” means a person hired by the co-managing entity to be a park officer or for the purpose of carrying out enforcement duties in fulfilment of obligations under a co-management agreement;

“protected landscape” and “protected seascape” mean respectively an area declared as a protected landscape or an area declared as a protected seascape, because of

- (a) its distinct character with significant ecological, biological, scenic value, and
- (b) the fact that safeguarding the integrity of the interaction of humans and nature is vital to protecting and sustaining the area and its associated nature conservation and other values;

“public managing entity” means the National Biodiversity Office, Forest Department and the Fisheries Department;

“public managing entity head of department” means

- i. Chief Biodiversity Officer established under section 15(2) the National Protected Areas Systems Act; or
- ii. Fisheries Administrator established under section 4(2) of the Fisheries Resource Act; or
- iii. Chief Forest Officer established under the Forest Act;

as the case may be.

“Research” means the collection, analysis or utilization of biological specimens, data and information through investigation, experimentation, biological monitoring or meta-analyses for the purposes of applying the knowledge derived therefrom primarily for the advancement of scientific knowledge, testing theories, or informing adaptive management.

“scenic landscape of geomorphic significance” means pleasing views of the natural features of an area of land, including

- (a) physical elements of landforms, such as mountains and hills, water bodies such as rivers, lakes, ponds and the sea;
- (b) living elements of land including indigenous vegetation;
- (c) human elements including different forms of land use;
- (d) transitory elements such as lighting and weather condition; and
- (e) the scientific study of these landforms and the processes that shape them;

“spawning aggregation site” means the place where important aquatic and terrestrial species of animals congregate to engage in reproductive activities and which is declared as such under the Fisheries Resources Act;

“special management area” means an area so declared under this Act for the protection of biological corridors, critical nesting, roosting or congregation areas requiring active management;

“traditional use” means practises, behaviours and customs local communities engage in and as identified in approved management plans;

“wildlife” means the same as in the Wildlife Protection Act;

“wildlife sanctuary” includes a Wildlife Sanctuary 1 and Wildlife Sanctuary 2, except where otherwise stated;

“Wildlife Sanctuary 1” means any area reserved as a nature reserve under this Act for the protection of nationally significant species, groups of species, biotic communities or physical features of the environment requiring specific human manipulation for their perpetuation;

“Wildlife Sanctuary 2” shall be similarly construed as “Wildlife Sanctuary 1”, except that established traditional community use, including harvesting on the basis of a sustainable use plan, is permitted.

Application and
Scope of Act

3. Except where otherwise stated, this Act shall not apply –
- (a) in relation to any archaeological reserve or ancient monument or antiquity, the care or control or management of which is regulated under the National Institute of Culture and History Act; or
 - (b) in relation to any such archaeological reserve or ancient monument or antiquity, in any manner inconsistent with regulation under the National Institute of Culture and History Act.

Extent of the
National
Protected Areas
System.

4. All protected areas are hereby established collectively as the National Protected Areas System.

PART II

Objective and National Policy on Protected Areas

Objectives of
Act.

5. The objectives of this Act are to-
- (a) establish a national protected areas system;

- (b) promote long-term conservation, management, and sustainable use of Belize’s protected areas;
- (c) promote conservation of ecologically viable areas representative of Belize’s biological diversity and its natural landscapes and seascapes;
- (d) ensure maintenance of genetic diversity and the diversity of species and habitats within these areas, including but not limited to threatened species and species of economic, social or cultural value;
- (e) ensure sustenance of the provision of ecosystem goods and services important for national development, including but not limited to timber and non-timber forest products, fish and other marine resources, genetic resources, water catchment services, removal of pollutants, soil regeneration, pollination, carbon storage, resilience and adaptability to climate change, protection against natural disasters, and natural environmental features of touristic, recreational, cultural or spiritual value;
- (f) promote the strengthening of coordination and collaboration between nature-based protected areas, and archaeological reserves, where deemed necessary.

6. -(1) The Minister may develop policies and plans for the National Protected Areas System to-

Policies and Plans.

- (a) implement legislation and regulations for the National Protected Areas System; and
- (b) update the National Protected Areas System Plan, as needed, and in any event at intervals of no longer than five years and present it to the Cabinet for approval.

(2) In subsection (1) “National Protected Areas System Plan” means the national plan for the development of protected areas prepared by the National Protected Areas Commission.

7. In discharging the duties assigned under this Act, the Minister shall-

Principles and Measures.

- (a) safeguard for all Belizeans, safe, healthy, productive, aesthetically and culturally pleasing surroundings by preserving important aesthetic and natural aspects of Belize's natural heritage classified as protected areas;
- (b) enhance national pride in and encourage stewardship of Belize's natural heritage at the national, regional, local, community and individual levels of society;
- (c) promote the widest range of beneficial uses of biodiversity without degradation, risk to health or safety, or other undesirable and unintended consequences in order to provide for sustainable economic development;
- (d) promote a balance between population and biodiversity resource use which will permit a higher standard of living and the conservation of natural resources for future generations;
- (e) enhance the quality of renewable resources and strive for the optimum use of non-renewable resources; and
- (f) have regard to Belize's commitments under the-
 - (i) United Nations Convention on Biological Diversity;
 - (ii) United Nations Framework Convention on Climate Change;
 - (iii) United Nations Convention to Combat Desertification;
 - (iv) Convention on Wetlands of International Importance Especially as Waterfowl Habitat;
 - (v) The Convention on International Trade of Endangered Species;
 - (vi) UNESCO World Heritage Convention.
 - (vii) United Nations Convention on Law of the Sea.
 - (viii) United Nations Fish Stocks Agreement.
 - (ix) FAO Code of Conduct for Responsible Fisheries.

PART III

Classification of Protected Areas

8. -(1) Protected areas shall be classified as follows:

Classification-of
Protected Areas.

- (a) national park;
- (b) nature reserve;
- (c) wildlife sanctuary 1;
- (d) wildlife sanctuary 2;
- (e) natural monument;
- (f) forest reserve;
- (g) fishery areas, marine and inland water reserves as defined under the fisheries resources act;
- (h) archaeological reserve;
- (i) private protected area;
- (j) protected landscape or protected seascape;
- (k) spawning aggregation site;
- (l) special management area;
- (m) scenic landscape of geomorphic significance;
- (n) bird sanctuaries;
- (o) public reserves.

(2) The Minister may, by Order published in the Gazette, amend or revise the classification of protected areas as set out in subsection (1), however, in so doing, the Minister shall ensure that any amended or revised classification of protected areas shall be consistent with internationally accepted standards and guidelines for applying protected areas management categories.

9. The re-classification of a protected area shall take into consideration

Re-classification
of Protected
Areas.

- (a) socio-economic aspects;
- (b) general environmental situations, such as ecosystem and species of concern; and
- € potential impact or any other factors of concern.

PART IV

National Protected Areas Commission

Establishment of
National
Protected Areas
Commission.

10. -(1) There is hereby established for the purposes of this Act an advisory body to be called the National Protected Areas Commission, in this Act called the “Commission”.

(2) The Commission shall be a corporate body with perpetual succession and a common seal.

Functions of the
Commission.

11. -(1) The Commission is established to advise the Minister on

- (a) the development of partnerships with comanagers and stakeholders for participatory protected areas management;
- (b) the development of the necessary tools and framework for multi-disciplinary capacity development for protected areas management;
- € the development of appropriate human resource capacity for managing the National Protected Areas System; and
- (d) the efficient and effective coordination with other governmental bodies to minimize conflict and address issues pertaining to protected areas;
- € Belize’s obligations under international and regional conventions relating to the National Protected Areas System;
- (f) matters pertaining to the illegal trans-boundary incursions into the National Protected Areas System; and
- (g) effective and strategic ways in which to strengthen the coordination and collaboration for the management of nature-based protected areas and culture-based protected areas, such as the Archaeological Reserves, where deemed necessary.
- (h) the performance of the public managing entities’ complying with their obligations to reporting, National Management Effectiveness.

(2) Notwithstanding anything to the contrary, the Commission shall

- (a) advise on the maintenance and extension of the National Protected Areas System, in particular, by including underrepresented ecosystems in the National Protected Areas System, in accordance with the approved process or mechanism and criteria for declaration, classification,

modification, category reclassification, management and de-reservation of private and public marine and terrestrial protected areas;

- (b) assess whether areas proposed as Private protected areas meet the criteria for participation in the National Protected Areas System and advise the Minister accordingly;
- (c) discharge such other advisory functions generally or relating to the National Protected Areas System as may be assigned to it by the Minister under this Act.

12. -(1) The membership of the Commission shall consist of the following persons, namely

Appointment and Membership of the Commission.

- (a) the person appointed by the Minister, under subsection (4), as Chairman;
- (b) ex officio members, being –
 - (i) the Chief Biodiversity Officer;
 - (ii) the Fisheries Administrator;
 - (iii) the Chief Forest Officer;
 - (iv) the Director of the Institute of Archaeology ;
 - (v) the Executive Director of PACT;
 - (vi) the Chief Executive Officer of the Coastal Zone Management Authority;
 - (vii) the Commissioner of Lands;
 - (viii) the Chief Tourism Officer;
- (c) a representative of the largest umbrella organization for non-governmental agencies involved in protected areas management, nominated by the organization;
- (d) a representative of the largest umbrella organization representing private protected areas, nominated by the organization or in the absence of an organization functioning as such, a private protected area landowner selected by the Minister;
- (e) a representative from the Association of Tertiary Level Institution of Belize;
- (f) a representative of the National Security Council; and

(g) a person from the private sector with experience in private sector investment in a natural resource-based sector.

(2) The members of the Commission, other than the ex officio members shall be appointed by the Minister responsible for forest after consultation with the Minister for Fisheries.

(3) The members other than ex officio members shall be appointed for a period of two years and shall be eligible for reappointment.

(4) The Minister responsible for forest after consultation with the Minister for Fisheries shall appoint a person, other than any specified in paragraphs (b) to (g) of subsection (1) to be Chairman of the Commission who shall serve for a period of two years but shall be eligible for reappointment.

(5) Six members, including the Chairman, shall constitute a quorum for any meeting of the Commission and in the event of an equality of votes, the person presiding at that meeting shall have a second or casting vote.

Appointment of
Experts and
Technical
Personnel.

13. -(1) The Commission may, from time to time, appoint or engage experts or persons having technical or special knowledge necessary for the purpose of assisting the Commission to discharge its functions under this Act.

(2) There shall be established a technical committee comprised of the Fisheries Department, Forest Department and National Biodiversity Office to coordinate activities across the national protected areas system including:

- (a) reviewing of management plans to ensure consistency with the National Protected Areas System Plan and priorities set for the National Protected Areas System;
- (b) coordinating and executing joint activities related to the management of the National Protected Areas System related legislation and regulation thereof;
- (c) addressing emerging protected areas system issues; and,

- (d) implementing of the National Protected Areas Policy and Plan and the ongoing management of the National Protected Areas System.
- (e) monitoring and reporting 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.
- (f) submitting 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 every three years.
- (g) ensure the financial sustainability of the National Protected Areas System by-
 - (i) developing and approving standards, guidelines and procedures to ensure efficient use of financial resources within the National Protected Areas System;
 - (ii) serving as the lead entity for moving the National Protected Areas System towards financial sustainability; and
 - (iii) coordinating the implementation of all strategies aimed at making the National Protected Areas System financially sustainable.

14. -(1) For the purposes of this Act and any regulations made thereunder, there shall be established, under the Ministry responsible for the National Protected Areas System, a department to be known as the National Biodiversity Office.

Establishment of
National
Biodiversity
Office.

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

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

(3) There shall be appointed by the Public Services Commission such other biodiversity and parks 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 and
Responsibilities
of National
Biodiversity
Office.

15. -(1) The Department shall have the following functions and responsibilities:

- (a) lead coordination and support the development of the national protected areas system and implementation of the National Protected Areas Plan in conjunction with Forest Department and Fisheries Department.
- (b) Improve efficiency in protected areas and biodiversity management through improved coordination and collaboration across government ministries and departments, NGOs and the private sector.
- (c) Mobilize efficiently, available resources and pursue grants and other concessionary financing sources for biodiversity and protected areas management thus augmenting public investments in the management of national assets and benefit to the people of Belize.
- (d) Coordinate the successful implementation of projects and activities to ensure the achievement of national development plans and international conventions including the National Biodiversity Strategy and Action Plan, National Protected Area System Plan (NPASP), Convention on Biological Diversity (CBD).
- (e) Explore and oversee the implementation of finance solutions identified in the Biodiversity Finance Plan, inter alia, debt for nature swaps, carbon credits, biodiversity offsets (compensation for planned environmental damage), tracking of green investment, green debt tax subsidy for investments in/lending to 'green projects', improvement and strengthening

of environmental funds, resource mobilization (within NBIO) and strengthening business models for protected areas

- (f) coordinate with Forest Department and Fisheries Department, the formulation of biodiversity and NPAS related policies, strategies, and plans as well as any other process and instruments related to protected areas along with other state institutions, academia, civil societies and the private sector as needed;
- (g) monitor the receipt of donor funding;
- (h) engage and coordinate with other departments, ministries, agencies, and other entities for the formulation of reports and data;
- (i) lead review and / or update National Protected Areas System Plan in coordination with Forest and Fisheries every five years;
- (j) promote the mainstreaming of biodiversity into national development plans and policies and its integration in the national budget;
- (k) advise the Commission on capacity building, institutional, and other resource requirements needed to fully implement the policies and strategies related to biodiversity and NPAS;
- (l) monitor along with Forest Department and Fisheries Department accordingly the implementation of this Act and any regulations made thereunder and take any necessary action to enforce its provisions; and
- (m) do all things that are necessary, incidental, or conducive to the attainment of its functions under this Act.

16. -(1) The Department shall maintain a register to be known as the “Register of Protected Areas” which shall

- (a) contain a list of all protected areas;
- (b) indicate the category 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;

Register of
Protected Areas.

- (e) contain any other information determined by the Commission;
and
- (f) be kept in the office of the Department.

(2) The managing entity or co-managing entity or public managing entity of every protected area shall provide such information as may be requested by the National Biodiversity Office in order for the Office to compile the Register of protected areas.”

(3) Any request for information contained in the Registry shall align with the requirements of the Freedom of Information Act and shall also take into account the sensitivity of the information requested.

PART V

General Provisions for Protected Areas

Conditions for
declaration and
alteration of new
protected areas.

17. -(1) The declaration of a new protected area, whether under this Act or under any other Act, shall be preceded by

- (a) an integrated assessment of the ecological, social and economic status of the area, potential impacts and contribution to the National Protected Areas System;
- (b) the preparation of a preliminary management plan; and
- (c) any other study, plan or requirement deemed necessary by the Minister.

(2) The alteration or reclassification of any protected area shall be preceded by the carrying out of requirements of paragraphs (a), (b) and (c) of subsection (1).

(3) The revocation of the declaration of any protected area shall be preceded by the carrying out of the requirements of paragraphs (a) and (c) of subsection (1).

18. -(1) The Minister under this Act or the appropriate Minister under the Fisheries Resources Act or the Forests Act by Order published in the Gazette may declare an area of land or water in Belize to be a protected area (listed in section 8); except for an area of land or water in Belize that may be so lawfully declared as a protected area, by any other Minister under another enactment.

Power of Minister to declare protected areas.

(2) The Minister under this Act or the appropriate Minister under the Fisheries Resources Act or the Forests Act may, by Order published in the Gazette, declare that from a specified date

- (a) the limits of any protected area shall be altered or varied; and
- (b) any protected area or part thereof shall cease to be a protected area.

(3) The declaration of an area as a protected landscape or protected seascape under paragraph (j) of section 8 (1) shall be for such period as the Minister shall approve. However, the appropriate Minister may by notice in the Gazette extend that period for a period no less than ten years.

(4) Any area declared as a Protected Area shall not be subject to any land disposition whatsoever except with the express written consent of Minister of Fisheries, Forestry or biodiversity as the case may be and the Lands Department and the Minister of Lands shall be so encumbered.

(5) Any land disposition in relation to land that has been declared as a protected area shall be void.

(6) An area ceases to be a protected landscape or protected seascape if that area is declared as or included in another protected area or part thereof.

19. The Minister under this Act or the appropriate Minister under the Fisheries Resources Act or the Forests Act may, on the advice of the Commission, make rules, including providing for offences, regarding a protected landscape or protected seascape, to restrict

Power of Minister to make rules in relation to protected landscapes.

- (a) development that may be inappropriate for the area given the purpose for which the area was declared; and

- (b) the carrying out of other activities that may impede such purpose.

Minister to seek advice before making declaration.

20. Before making a declaration of a protected area whether by the Minister under this Act or the appropriate Minister under the Fisheries Resources Act or the Forests Act, the Minister concerned shall seek, and take into consideration, the advice of the Director of the Geology and Petroleum Department and the Head of the Mining Unit as to the petroleum and mineral potential respectively of an area proposed for declaration as a protected area.

Revocation of declaration.

21. -(1) Where an area declared as a protected area no longer serves the purpose for which it was declared, the Minister under this Act or the appropriate Minister under the Fisheries Resources Act or the Forests Act shall by Order published in the Gazette, revoke the declaration; however, prior to revoking a declaration under this section, the appropriate Minister, shall hold such other public consultations with persons having an interest in the area, including users of the area.

Public Consultations and Participation.

22. -(1) Any declaration, alteration, re-classification, or revocation of a declaration, of a protected area, and the preparation of a protected area management plan, shall follow—

- (a) an integrated assessment of the ecological, social and economic status of the area, potential impacts and contribution to the National Protected Areas System; and
- (b) such consultative process as may be appropriate in the circumstances but must ensure consultation with nearby communities and affected parties of the area and follow a process of public participation in accordance with the requirements of subsection (2).

(2) In accordance with subsection (1), the Minister or the appropriate Minister under the Fisheries Resources Act or the Forests Act shall publish the intention to declare, alter, re-classify, or revoke a declaration of a protected area in two of the leading national newspapers and the government Gazette and other available media.

- (3) The publication contemplated in the subsection (2) above shall
- (a) invite members of the public and all affected persons to submit to the Commission written representations on or objections to the proposed notice within 60 days from the date of publication in the Gazette; and
 - (b) contain sufficient information to enable members of the public to submit meaningful representations or objections and must include a clear indication of the area that will be affected.

(4) The Minister or other appropriate Minister may in appropriate circumstances allow any interested person to make oral representations or objections.

(5) The Minister or other appropriate Minister shall give due consideration to all representations including community observations received or presented before publishing the relevant notice; but shall not be bound by any representation or objection given and shall make an independent determination.

23. -(1) Where it is proposed to declare any private land to be a private protected area, the Minister shall ensure that the declaration meets adequate and long-term protection of the protected area in the public interest; and such protection shall be held in perpetuity.

Declaration of
Private Protected
Area.

(2) A name given to a private protected area under subsection (1) is to include

- (a) the name of the class of that protected area; and
- (b) the prefix “private” before the class;

(3) A declaration of a private protected area under subsection (1) may only be made if the owner of the land has consented in writing to such a declaration.

(4) The owner or grantee of any private protected area so declared and registered shall be eligible for such taxation allowances or benefits or other fiscal incentives as may be prescribed in Regulations made under this Act.

Requirements for qualification as a private protected area.

24. To qualify for declaration as a private protected area, the owner of such land, or a grantee of the owner who is empowered to hold an interest in real property under the laws of Belize, shall apply for protection under any one or more of the following purposes

- (a) regulating the area as a buffer zone for the protection of a protected area;
- (b) enabling owners of land to take collective action to conserve biodiversity on their land and to seek legal recognition of their collective action;
 - (c) protecting the area if the area is sensitive to development due to its biological diversity;
- (b) (ii) natural characteristics;
 - (iii) scientific or geological value;
 - (iv) scenic and landscape value;
 - (v) biological connectivity; or
 - (vi) for provision of environmental goods and services;
- (d) protecting a specific ecosystem outside of a protected area;
- (e) ensuring that the use of natural resources in the area is sustainable; or
- (f) controlling change in land use in the area if the area is earmarked for declaration as or inclusion in a protected area.

Status of private protected area on transfer of land.

25. A protected area declared a private protected area under this section remains a protected area despite any subsequent disposition of the land or any other dealing in the land.

Activities conducted within private protected areas.

26. The activities conducted or permitted by the landowner in a private protected area shall be consistent with the classification given to that protected area and shall be required to meet the same technical and procedural requirements of a public protected area and such requirements as may be prescribed by the Minister and any change of ownership in the land shall not affect the protected status.

27. The Minister under this Act or the appropriate Minister under the Fisheries Resources Act or the Forests Act shall on recommendation of Commission declare any area of public or private land as a marine or terrestrial biological corridor being a type of special management area, for the purpose of either

Declaration of biological corridors.

- (a) linking the primary forest nodes within the National Protected Areas System;
- (b) protecting hydro-ecological systems as riparian corridors;
- (c) terrestrial and marine transboundary linkages within the wider regional biological connectivity framework; or
- (d) fulfilling Belize's regional commitment in maintaining forest connectivity as part of the Mesoamerican Biological Corridor, and its international commitment as a signatory to the Convention on Biological Diversity:

Provided that no private land shall be declared except with the prior written consent of the owner of such land.

28. -(1) The appropriate Minister shall make provisions for biological corridors in order to

Provisions for biological corridors.

- (a) retain natural vegetation;
- (b) permit activities; and
- (c) define the roles and responsibilities of management bodies and/or land owners;
- (d) ensure the protection of riparian forests within biological corridors based on the length or size of the water bodies in the area, and for the retention of a minimum percentage of forest cover within lands located within biological corridors, exclusive of the riparian buffers.

(2) Where archaeological reserves or areas under the mandate of National Institute of Culture and History are considered to be representative areas within a biological corridor, the Commission shall:

- (a) advise and request approval from the Minister responsible for this Act, and the Minister responsible for Culture, on effective ways in which to ensure the strengthening of coordination and

collaborating between relevant management entities as established under this Act, and the Institute of Archaeology, respectively,

- (b) provide guidance to the implementation of the agreed upon coordinating and collaborative mechanisms between the management entities established under this Act and the Institute of Archaeology,
- (c) monitor and assess the effectiveness of the coordination and collaboration established under paragraph (b), where it relates to the fulfilment of the objectives of this Act, and the National Institute of Culture and History Act, and
- (d) provide periodic reports on effectiveness of the coordination and collaboration to the respective Ministers.

Protection of rights on declaration or re-classification.

29. In declaring or re-classifying a protected area, the Minister or appropriate Minister under the Fisheries Resource Act or Forests Act shall ensure that existing rights on or to those protected areas are observed in respect of

- (a) renewal of encumbrances on protected areas;
- (b) rights-of-way, easements, and public throughway on land declared protected areas; and
- (c) rights-of-way through private land to protected area.

PART VI

General Management of Protected Areas

Application.

30. Except where expressly stated otherwise in this Act, this Part applies to the management of all protected areas.

Preparation of management plans.

31. -(1) The PME shall ensure that a management plan is developed and in place for all protected areas.

(2) Every management plan shall be prepared in accordance with the National Management Plan Framework and approved by the appropriate Minister.

(3) The National Management Plan Framework shall be reviewed and revised, as appropriate, every five years.

(4) In this section the reference to the National Management Plan Framework is a reference to the standardized guidelines that serve as a tool to guide protected area managers and co-managers in the development of their management plans.

32. Every managing entity, public managing entity or co-managing entity shall manage the protected area

Management criteria.

- (a) in accordance with the management plan for the area; and
- (b) in accordance with any applicable enactment or by-laws;

33. -(1) Every managing entity, public managing entity or co-managing entity shall place identification signs and regulations regarding the use of the area at all entrances to the area, including waterways where feasible.

Development of co-managed protected areas.

(2) The public managing entity shall, as soon as practicable and prior to the construction of roads, trails or visitor facilities in a protected area obtain prepare a management plan for the area for approval by the Minister.

(3) Public access and facilities shall be developed in a manner which will minimize detrimental impacts on the various resources and overall scenic values of the protected area.

(4) The appropriate Minister may, where such action is consistent with the purpose for which a protected area was established, on the advice of the public managing entity, grant licences for the provision of visitor facilities and services, which licences may, among other things, provide for-

- (a) the location, number and general specifications for the type or types of facilities to be developed;

- (b) the specific services to be provided;
- (c) approved methods of debris disposal;
- (d) sanitation and cleanliness standards;
- (e) reporting the amount of visitor use;
- (f) freedom of examination of all business records by the public managing entity responsible for the administration of the protected area.

Power to enter into co-management agreements.

34. -(1) The Minister under this Act or the appropriate Minister under the Fisheries Resources Act or the Forests Act may enter into an agreement with an NGO, or another organization, local community, or other party for

- (a) the co-management of the area by the parties; or
- (b) the regulation of human activities that affect the environment in the protected area.

(2) Co-management in paragraph (a) shall not lead to the duplication or fragmentation of management functions and shall be formalized through a co-management agreement.

(3) Every co-managing entity, in relation to the scope and function of its co-management agreement of the area under co-management, has the power to appoint a person as an authorized officer to assist in the enforcement of any provisions of this Act and/or the Fisheries Resources or Forest Act respectively or any of its regulations.

(4) The PME shall vet and approved persons appointed by the CME as authorized officers prior to such persons being appointed.

(5) A public managing entity is responsible for the supervision of a co-managing entity.

(6) The co-managing entity shall be responsible for the implementation of its management plan for the area under co-management and shall comply with all the conditions and requirements of the co-management agreement.

35. -(1) A co-management agreement may provide for
- (a) the delegation of powers by the public managing entity to the other party to the agreement;
 - (b) the use of biological resources in the area;
 - (c) access to the area;
 - (d) occupation of the protected area or portions thereof;
 - (e) development of economic opportunities within and adjacent to the protected area;
 - (f) development of local management capacity and knowledge exchange;
 - (g) financial and other support to ensure effective administration and implementation of the co-management agreement; and
 - (h) any other relevant matter.

Co-management Agreement.

(2) A co-management agreement shall be consistent with the other provisions of this Act.

36.- (1) If the managing entity, or co-managing entity of a protected area is not performing its duties in terms of the management plan for the area, or is underperforming with regard to the management of the area or its biodiversity, the appropriate Minister shall

Default by managing entity, public managing entity or co-managing entity.

- (a) notify the managing entity, or co-managing entity in writing of the failure to perform its duties or of the underperformance; and
- (b) direct the managing entity, or co-managing entity to take corrective steps as set out in the notice within a specified time.

(2) If the managing entity or co-managing entity fails to take the required steps, the appropriate Minister may decide that-

- (a) a co-management agreement may be entered into with another conservation organization or with a community based organization;
- (b) deregister the areas as a private protected area unless the landowner takes the required steps as required by the appropriate Minister.

(3) If the managing entity of a private protected area fails to take the required steps, the appropriate Minister may,

- (a) determine the management actions needed for compliance with the management plan, including restoration if environmental damage has occurred as a direct result of non-compliance
- (b) impose financial penalties on the managing entity to cover the costs identified under subsection(3)(a) immediately above.

(4) A person aggrieved by the Minister's decision under subsection (2) (a) or (b) or (3) (a) or (b) may seek legal redress in the Supreme Court.

PART VII

National Parks, Nature Reserves, Wildlife Sanctuaries and Natural Monuments

Administrator of National Parks, etc.

37. The Chief Biodiversity Officer shall be responsible for the administration of national parks, wildlife sanctuaries, natural monuments and nature reserves, special management areas established under this act, biological corridors and private protected areas.

Rules and Orders.

38.- (1) The appropriate Minister may from time to time make rules and orders published in the Gazette for the proper conduct and good management of any national parks, wildlife sanctuaries, natural monuments and nature reserves, special management areas established under this act, biological corridors and private protected areas –

- (a) prohibit overnight camping;
- (b) prohibit camping in unauthorized areas;
- (c) establish hours when any area will be open to the public;
- (d) prohibit open fires in specified areas and regulate the lighting of open fires anywhere within the park, reserve, sanctuary or other area covered by this Act.
- (e) prohibit the use of vehicles on foot trails;
- (f) prohibit the landing of aircraft except on areas provided for such for approval purposes;
- (g) limit the use of vehicles to established roads;

- (h) prohibit the setting off of fireworks of any description or the making of any type of noise whatsoever;
- (i) require that any dog brought into the area be kept on a leash not over four feet (1.2 meters) long;
- (j) prohibit the playing of radios, tape players, and musical instruments altogether or in a manner which is disturbing to other visitors;
- (k) prohibit any act that detracts from the good order or general enjoyment of the area;
- (l) prohibit the selling of any food, beverage or goods except by licensed parties.

(2) The contravention of any rule or order made under this section shall constitute an offence.

39. (1) Except as may be otherwise provided in this Act-

- (a) no person shall be entitled to enter any national park except for the purpose of observing the fauna and flora therein and for the purpose of education, recreation and scientific research;
- (b) no person shall be entitled to enter any nature reserve or in any way disturb the fauna and flora therein;
- (c) no animal shall be hunted, killed or taken and no plants shall be damaged, collected or destroyed in a national park or nature reserve;
- (d) no person shall hunt, shoot, kill or take any wild animal, or take or destroy any egg of any bird or reptile or any nest of any bird, in any wildlife sanctuary;
- (e) no person shall disturb the natural features of a natural monument, but may use the unit for interpretation, education, appreciation and research.

Prohibited acts in National Parks, and Nature Reserves etc.

(2) A person who contravenes subsection (1) commits an offence.

40.- (1) No person shall enter or remain within any national park except under the authority and in accordance with conditions of a permit issued by the prescribed officer on payment of the prescribed fee.

Prohibited activities requiring permit etc.

(2) A permit under subsection (1) shall be issued only for the purpose of enabling the permit holder to study or observe the fauna and flora in a national park.

(3) No person shall enter or remain within any nature reserve, wildlife sanctuary or natural monument except under the authority and in accordance with the conditions of a permit issued by the Chief Biodiversity Officer on payment of the prescribed fee.

(4) If no fee is prescribed for the issue of a permit under subsection (1) or (3), such permit shall be issued free of charge.

(5) A person who contravenes subsection (1) or (3) commits an offence.

Prohibited activities requiring written authorization.

41. -(1) No person shall, within any national park, nature reserve, wildlife sanctuary, natural monument, special management Areas (biological corridors) or private protected areas except with the written authorization of the Chief Biodiversity Officer-

- (a) permanently or temporarily reside in or build any structure of whatever nature whether as a shelter or otherwise;
- (b) damage, destroy or remove from its place therein any species of flora;
- (c) hunt any species of wildlife;
- (d) quarry, dig or construct roads or trails;
- (e) modify or replace any sign and facilities provided for public use and enjoyment;
- (f) abstract water
- (g) Install research or monitoring equipment inclusive of camera traps
- (h) carry firearms, spears, traps or other means for hunting or fishing;
- (i) catch fish by any means whatsoever.
- (j) use equipment and vehicle including ATV, jetski, boats and other watercraft
- (k) use of drones

(2) A person who contravenes subsection (1) commits an offence.

42. -(1) The Chief Biodiversity Officer may, at his discretion, issue permits to bonafide organizations and scientists and other qualified professionals or specialists for cave exploration not covered by Archaeology (NICH), collection of specimens of particular species of flora or fauna, group education activities, scientific research and related activities.

Research
Permits.

(2) All such permits shall require that copies of all data and findings from any of the activities specified in subsection (1), or any papers based on them, shall be provided to the Chief Biodiversity Officer.

(3) The Chief Biodiversity Officer may at his discretion, and subject to such conditions as he may think desirable attach thereto, issue permits for fishing in any area declared to be a national park, wildlife sanctuary or natural monument where such activity will not destroy or seriously detract from those values that were the principal reason for establishment of the protected area.

43. -(1) Any person who contravenes or aids and abets a person in the contravention of any provisions of this Part or any rules, orders or regulations made hereunder for which no punishment has been specified, commits an offence and on summary conviction is liable to a fine not exceeding twenty thousand dollars, and if the offender has within a preceding period of five years been convicted of a protected area offence or has paid compensation for such an offence within that period, he shall be liable to a fine not exceeding twenty thousand dollars or imprisonment for a period not exceeding two years, or to both such fine and term of imprisonment.

Aids and abets.

(2) In addition to any sentence imposed under subsection (1), the court may, in addition, order the cancellation of any licence or permit granted under the provisions of this Part or any rules, orders or regulations made hereunder and the forfeiture of any natural object of value in respect of

which an offence has been committed and of any vehicle, or other transport or equipment used in the commission of the offence.

(3) When any person had been convicted of an offence the court may, in addition to any other penalty provided by this Part or any other enactment, assess the amount of any damage which may have been caused by such offender and cause the same to be recovered in such manner as if it were a fine or, in the case of unauthorized establishments, buildings, huts, enclosures, standing crops, roads or trails on the National Protected Areas System, may order the removal of the same within such period as may be fixed and the restoration of the places as nearly as possible to their previous condition.

Disposal of
forfeited items.

44. All objects forfeited shall, with the approval of the appropriate Minister, be disposed of by the public managing entity, in such manner as the appropriate Minister may prescribe.

PART VIII

Enforcement, legal and evidentiary principles

Presumption.

45.- (1) When any person is found in possession of any object in respect of which a protected area offence has been committed, he shall, unless he can prove that he came by the object innocently and without knowledge of the offence, be presumed to have committed the offence.

(2) When in any proceedings under this Act a question arises as to whether or not any natural object is the property of the Government, such natural object shall be presumed to be the property of the Government until the contrary is proved.

Powers of Search
and Entry.

46.- (1) In the course of the enforcement and administration of this Act, an Authorized Officer, at any time may—

- (a) stop, enter, board or examine any vehicle or vessel, or enter and examine any premises or place, or examine any record, document, article, and any gear, apparatus, device, or contents of any kind therein;

- (b) stop a person and examine any record, document, article, container, gear, apparatus, device, or fish in the possession of that person;
 - (c) pass across any land; or
 - (d) board and inspect any fishing vessel in any port located in Belize.
- (2) If an Authorized Officer suspects, on reasonable grounds that–
- (a) a protected area offence is being or has been committed; and
 - (b) concealed or located or held in any vehicle, vessel, conveyance of any kind, premises, place, parcel, package, record, or thing–
 - (i) any material taken or object used or intended to be used in contravention of this Act;
 - (ii) any record or information required by or under this Act to be kept, completed, or provided; or
 - (iii) any article, record, document, or item which there is reasonable ground to believe will be evidence as to the commission of an offence,

then, for the purpose of the enforcement of this Act, he may at any reasonable time enter or pass across any land in order to enter, examine, and search any such premises or place, or any such vehicle, vessel or conveyance of any kind (by stopping or opening where necessary), and may examine and search (by stopping or opening where necessary) any such parcel, package, record, or thing.

(3) An Authorized Officer may detain a person, vehicle, vessel, conveyance of any kind, parcel, package, record, document, article, gear, apparatus, device, container, material, or object for such period as is reasonably necessary to enable the authorized officer to carry out an examination or search under this section,

Provided that where an examination or search is to be carried out over a period of days, public managing entity head of department as the case may be shall ensure that the vehicle, vessel, conveyance of any kind, parcel, package, record, document, article, gear, apparatus, device, container, material, or object is secured and preserved, as the case may be.

Power to question person and require production of document.

47. For the purpose of the enforcement of this Act, an Authorized Officer may—

- (a) require the person being questioned to provide an answer, including any explanation or information concerning any vehicle, or any place or thing, or any material, gear, apparatus, record, document, article, device, or object relating to the taking, sale, purchase, or possession of any Forest Produce or fish;
- (b) require that person or any other person to produce any permit, authority, approval, permission, licence, or certificate issued in respect of any vehicle, vessel or person;
- (c) make or take copies of any record or document, and for this purpose may take possession of, and remove from the place where they are kept, any such record or document, for such period of time as is reasonable in the circumstances; and
- (d) if necessary, require a person to reproduce, or assist the Authorized Officer to reproduce, in a useable form, information recorded or stored in a document.

(2) Nothing in sub-section (1) shall be construed so as to require a person to answer any question tending to incriminate that person.

Powers of arrest.

48. -(1) For the purpose of the enforcement of this Act an Authorized Officer, if he believes on reasonable grounds that a person is committing or has committed an offence against this Act, may—

- (a) order that person to desist forthwith;
- (b) request that person to supply to that Authorized Officer the name by which that person is commonly known and the person's family name or surname, date of birth, actual place of residence, and occupation and may request that person to supply such verification of those details as it is reasonable in the circumstances to require the person to provide; and
- (c) without warrant, arrest that person.

(2) If an Authorized Officer arrests a person under sub-section (1) the Authorized Officer shall cause the person to be delivered into the custody of a member of the Belize Police Department as soon as practicable and the provisions of the Summary Jurisdiction (Procedure) Act shall apply.

(3) Notwithstanding any other law to the contrary, a person arrested under sub-section (2) shall be offered bail in respect of the offence for which he is accused at three times the cost of the maximum penalty for the offence.

49. -(1) For the purpose of the enforcement of this Act, an Authorized Officer may, if he believes that a vehicle or vessel is being or has been used in contravention of the provisions of this Act or of the conditions of any permit, authority, approval, permission, licence, registration, or certificate issued under this Act, require the owner to take the vehicle or vessel, as soon as reasonably practicable, to the nearest public managing entity office.

Power to give directions.

(2) If an Authorized Officer has given a direction under subsection (1), he may also give to the owner or a person in the vehicle or the vessel any reasonable directions in respect of any activity, method, procedure, item, gear, document, material, property, or object while the vehicle or vessel is proceeding to the public managing entity office.

50. For the purpose of the enforcement of this Act, an Authorized Officer is justified in using such force as may be reasonably necessary to enable the exercise of his powers under this Act

Power to use reasonable force.

51. -(1) An Authorized Officer may seize—

- (a) any vehicle, vessel or other conveyance, forest produce or fish, implement, appliance, material, container, goods, equipment, or object which the Authorized Officer believes on reasonable grounds is being or has been or is intended to be used in the commission of an offence against this Act;
- (b) any forest produce or fish which the Authorized Officer believes on reasonable grounds are being, or have been, taken, killed, transported, bought, sold, or found in the possession of

Powers of seizure.

a person or vessel, in contravention of this Act, and any fish with which such fish have been intermixed; and

- (c) any article, record, document, or item which the Authorized Officer believes on reasonable grounds is evidence of the commission of an offence against this Act.

(2) Any property seized under sub-section (1) shall be delivered into the custody of the public managing entity head of department as the case may be.

(3) A written receipt shall be given for any article or thing seized under this section.

Procedure on seizures.

52. -(1) The Court may, at any time until an information or charge is laid in respect of the alleged offence for which the property was seized, on application by—

- (a) the person from whom the property was seized; or
- (b) the owner or person entitled to the possession of the property seized, release the property to any such person under bond in such sum and under such sureties and conditions, if any, as the Court may specify.

(2) Where a person to whom property is released under subsection (1) fails to comply with the conditions of any bond or with any condition specified by the court—

- (a) the property may be re-seized at any time at the direction of the court;
- (b) the provisions of this section shall thereupon apply to the property as if it had been seized under section 53 of this Act;
- (c) the public managing entity head of department as the case may be may, in the case of failure to comply with the conditions of any bond, apply to the Supreme Court for an order for estreat of the bond;
- (d) where the public managing entity head of department as the case may be so applies the Registrar shall fix a time and place for the hearing of the application, and shall, not less than 7 days

before the time fixed, cause to be served on every person bound by the bond a notice of the time and place so fixed;

- (e) if on the hearing of any such application it is proved to the satisfaction of the Court that any condition of the bond has not been kept, the Court may make an order to estreat the bond to such an amount as it thinks fit to a person bound thereby on whom notice is proved to have been served in accordance with this subsection; and
- (f) any penalty payable in accordance with this sub-section shall be recoverable as if it were a fine.

(3) Where, in the opinion of the public managing entity head of department as the case may be any Forest produce or fish or other article seized pursuant to this Act may rot, spoil, deteriorate or otherwise perish, public managing entity head of department as the case may be may apply to the Court for its sale or disposal in such manner as the Court may determine and the sale shall be at fair market value.

(4) Where the ownership of any property seized, cannot at the time of seizure be ascertained, the property seized shall be forfeited to the Government and shall be disposed of as directed by the Court after 90 days from the date of seizure if, within that time, it has not been possible to establish the ownership of the property or where sub-section (3) applies, the period of time may be determined by the Court.

(5) A purchaser for valuable consideration of any forest produce or fish, article or property sold under sub-section (3) or sub-section (4) shall derive good and unencumbered title in respect of that fish, article or property, as the case may be.

(6) Subject to sub-section (1), all property seized and the proceeds from the sale of any such property pursuant to sub-section (3), except where such property has been disposed of by the Government pursuant to sub-section (4), shall be held in the custody of the public managing entity head of department acting on behalf of the Government until—

- (a) a decision is made not to lay any information or charge in respect of the alleged offence for which the property was seized; or
- (b) where such a charge or information is laid, upon the completion of proceedings in respect of the alleged offence for which the property was seized, or such sooner time as the Court may determine.

Requirements for seized property.

53. -(1) Where any information or charge has been laid in respect of the alleged offence for which the property was seized and that property remains in the custody of the Government, the Court may at any time, on application by—

- (a) the person from whom the property was seized; or
- (b) the owner or person entitled to the possession of the property seized, release the property under bond to any such person, and any such release may be subject to such sureties and conditions as the Court may specify.

(2) In determining the value of the bond or other form of security, the Court shall have regard to the aggregate amount of—

- (a) the value of the property to be released;
- (b) the total maximum fine or fines provided for the offence charged or likely to be charged; and
- (c) the loss, damages or costs the prosecution would be likely to recover if a conviction were entered, and the Court may set the value at such aggregate amount.

(3) The decision whether or not to lay any information or charge in respect of an alleged offence for which any property is seized shall be made as soon as reasonably practicable after the property is seized, taken possession of, or detained.

(4) The Government shall not be liable to a person for any spoilage or deterioration in the quality of any forest produce or fish seized.

(5) Subject to sub-section (6), but notwithstanding any other provisions of this section, where any property has been seized, then—

- (a) on a decision being made not to lay an information or charge; or
- (b) on the acquittal of a person charged with an offence for which the property is subject to forfeiture, such property, or the proceeds from the sale of such property or proceeds of sale, shall forthwith be released from the custody of the Government of Belize to the person entitled thereto.

(6) Notwithstanding any other provisions in this section, an Authorized Officer who at the time of seizure releases into the forest any wildlife or returns to the water any fish seized that he believes to be alive, shall not be under any civil or criminal liability to the person from whom the wildlife or fish was seized in the event of a decision being made not to lay an information or charge in respect of the wildlife or fish, or of the person being acquitted of the charge.

54. -(1) An Authorized Officer exercising any of the powers conferred on him by this Act may do so with the aid of such assistants as he considers necessary for the purpose.

Persons to assist authorized officer.

(2) Every person called upon to assist an Authorized Officer in the exercise of any of the powers conferred on that person by this Act is hereby required to render such assistance.

55. -(1) No Authorized Officer who does any act under this Act, or omits to do any act required by this Act, shall be under any civil or criminal liability as a result of that act or omission on the ground of want of jurisdiction or mistake of law or fact, or any other ground, unless he has acted, or omitted to act, in bad faith.

Protection of authorized officer from liability.

(2) A person who, while assisting an Authorized Officer under any provision of this Act, does or omits to do any act required by this Act, shall not be under any civil or criminal liability as a result of that act or omission

on the ground of want of jurisdiction or mistake of law or fact, or any other ground, unless he has acted, or omitted to act, in bad faith.

(3) The Government shall not be held directly or indirectly liable for an act or omission of an Authorized Officer or person unless the Authorized Officer or person would himself incur liability for the act or omission.

Liability for loss,
damage or costs
incurred.

56. A person who commits an offence against this Act may, upon summary conviction, and in addition to any fine or penalty imposed on that person under this Act, be held liable to the Government of Belize for—

- (a) any loss or damage caused by the offence including loss or damage to the ecosystem;
- (b) any costs incurred in detecting, apprehending, investigating or prosecuting the offence; and
- (c) any costs incurred in detaining or seizing any forest produce, fish or other property in respect of that offence, and the amount of compensation for such loss, damage or costs may be awarded by the Court as restitution in addition to, and recovered in the same manner as, a fine.

Offences
Punishable
summarily.

57. All offences under this Act are punishable on summary conviction on information which may be laid by the public managing entity head of department of the protected area, or by any person authorized by the public managing entity head of department in writing within two (2) years of the date of the offence or the date when the public managing entity became aware of the offence.

Certificate of
Evidence.

58. The public managing entity head of department as the case may be or an Authorized Officer authorized in writing by him may give a certificate stating that—

- (a) a specified person was or was not on a specified date the holder of any specified licence, authorization or certificate of registration;
- (b) an appended document is a true copy of the licence, authorization or other document granted or issued under this

Act and that specified conditions were attached to such document;

- (c) a particular location or area was on a specified date—
 - (i) within a protected area;
 - (ii) within a marine or inland reserve or otherwise closed, limited, restricted or in any other way controlled and managed protected area; or
 - (iii) a protected area subject to specified conditions;
- (d) an appended chart shows the boundaries on a specified date of the protected area, closed or limited areas or other areas or zones delineated for any specified purpose;
- (e) a particular item or piece of equipment is hunting gear;
- (f) a particular circumstance was the cause and manner of death of or injury to any forest produce, wildlife or fish;
- (g) an appended document is a true copy of a treaty or international conservation and management measure or other bilateral or multilateral legal instrument;
- (h) a call sign, name or number is that of or allotted under any system of naming or numbering of vessels to a particular vessel;
- (i) a particular position or catch report, a copy of which is appended, was given in respect of a specified vessel;
- (j) any specified return, log, record or information required to be kept or furnished under this Act was or was not kept or furnished;
- (k) any specified interest in any specified logging or fishing right was or was not held by a person named in the certificate; or
- (l) particular information represents the identity or species of the forest produce or fish in question.

59. -(1) Where in any proceedings under this Act the place or area in which a person is alleged to have been located at a particular date and time or during a particular period of time is material to an offence charged, then a place or area stated in a certificate given by an Authorized Officer shall be evidence, unless the contrary is proved, of the place or area in which the person was at the date and time or during the period of time stated.

Certificate as to location.

- (2) An Authorized Officer shall in any certificate made under sub-section (1) state—
- (a) his name, address, official position;
 - (b) the name and, if known, of the person concerned;
 - (c) the date and time or period of time the person was in the place or area;
 - (d) the place or area in which it is alleged the person was located;
 - (e) the position fixing instruments used to fix the place or area stated in (d) and their accuracy within specified limits; and
 - (f) a declaration that the Authorized Officer checked the position fixing instruments a reasonable time before and after they were used to fix the position and they appeared to be working correctly.

Certificate deemed to be duly given.

60. -(1) Unless the contrary is proved, a document purporting to be a certificate given under section 58 or 59 shall be deemed to be such a certificate and to have been duly given.

(2) Any certificate given under section 58 or 59 shall be headed “Certificate Made under the NPAS Act” and no certificate issued under section 58 or 59 of this Act may be used as conclusive proof of the facts averred therein unless it is served with a copy of section 60 or 61 of this Act

(3) An omission from or mistake made in any certificate issued under section 58 or 59 shall not render it invalid unless the court considers such omission or mistake is material to any issue in the proceedings concerned, or the defendant is unduly prejudiced thereby.

(4) Where in any proceedings a certificate made under section 58 or 59 of this Act is produced to the Court, the certificate shall be prima facie evidence of the facts therein unless the contrary is proved.

Certificate relating to photographs.

61. -(1) Where a photograph is taken of any logging, fishing or related activity and simultaneously the date and time on which and position from

which the photograph is taken are superimposed upon the photograph then it shall be presumed unless the contrary is proved that the photograph was taken on the date at the time and in the position so appearing.

- (2) The presumption set out in sub-section (1) above shall only arise if—
- (a) the camera taking the photograph is connected directly to the instruments which provide the date, time and position concerned; and
 - (b) the instruments which provide the date, time and position are judicially recognized as being notoriously accurate or are designated machines or were checked as soon as possible after the taking of the photograph against such instruments.
- (3) An Authorized Officer who takes a photograph of the kind described in sub-section (1) may give a certificate appending the photograph stating—
- (a) his name, address, official position, country of appointment, and provision under which the officer is appointed;
 - (b) the name and call sign, if known, of any vehicle or fishing vessel appearing in the photograph;
 - (c) the model of the camera, watch or clock or other instruments supplying the date and time and the position fixing instrument and a declaration that the officer checked those instruments a reasonable time before and after the taking of the photograph and, if necessary, in accordance with sub-section (2)(b) and that they all appeared to be working correctly;
 - (d) the matters set out in sub-section (2)(a);
 - (e) the accuracy of the fixing instrument used within specified limits; and
 - (f) the maximum possible distance and the direction of the subject of the photograph away from the camera at the time the photograph was taken.
- (4) Sections 56 or 57 shall apply to a certificate given under this section as if it had been a certificate given under those sections.

General
Presumptions.

62. -(1) All material and equipment found in a vehicle or vessel which has been used in the commission of an offence under this Act shall be presumed to have been used in the commission of that offence unless the contrary is proved.

(2) Where, in any legal proceedings under this Act, the place in which an event is alleged to have taken place is in issue, the place stated in the relevant entry in the logbook or other official record of any enforcement vehicle, vessel or aircraft as being the place in which the event took place shall be prima facie evidence of the place in which the event took place, unless the contrary is proved.

(3) Prima facie evidence of an entry in a logbook or other official record, digital or otherwise, of an enforcement vehicle, vessel or aircraft may be given by the production of a written copy or extract of the entry certified by an Authorized Officer as a true copy of accurate extract.

(4) For the purposes of any proceedings under this Act, the act or omission of any member of the crew of a fishing vessel while aboard that vessel or engaged in fishing activity related to that vessel shall be deemed to be also that of the master of the vessel.

(5) An entry in writing or other mark in or on any log, chart or other document required to be maintained under this Act or used to record the activities of a fishing vessel shall be deemed to be that of the master of the vessel.

(6) Where in any legal proceedings for an offence under this Act—

- (a) an Authorized Officer gives evidence of reasonable grounds to believe that any wildlife or fish to which the charge relates were taken in a specified area of the forest or protected area; and
- (b) the Court considers that, having regard to that evidence the grounds are reasonable, the wildlife or fish shall be presumed to have been so taken, unless the contrary is proved.

(7) In any proceedings for an offence against this Act, an allegation made by the informant in any information or charge relating to whether or not a person was the master of any vessel shall be presumed to be true in the absence of proof to the contrary.

(8) For the purposes of this section, enforcement vehicle or vessel means any means of conveyance used by an Authorized Officer in the carrying out of the provisions of this Act.

63. A return, log, record or other information purporting to be made, kept or furnished by or on behalf of a person shall, for all purposes of this Act, be deemed to have been made, kept or furnished by that person or by that person's authority unless the contrary is proved.

Presumption as to authority.

64. -(1) In any prosecution for any offence against this Act it shall not be necessary for the prosecution to prove that the defendant intended to commit an offence.

Strict liability.

(2) It shall be a defence in any such prosecution if the defendant proves—

(a) that the defendant did not intend to commit the offence; and

(b) that

(i) in any case where it is alleged that anything required to be done was not done, the defendant took all reasonable steps to ensure that it was done; or

(ii) in any case where it is alleged that anything prohibited was done, that the defendant took all reasonable steps to ensure that it was not done.

65. Where a body corporate is convicted of an offence against this Act, every director and every person concerned in the management of the body corporate is liable for the commission of that offence if it is proved that the act that constituted the offence took place with the person's authority, permission, or consent, or that the person knew or should have known that the offence was to be or was being committed and failed to take all reasonable steps to prevent or stop it.

Liability of directors and managers.

Liability of
principal for
actions of agent.

66. -(1) Where a person, in this section referred to as the “principal”, is required by or under this Act to—

- (a) keep any account, log or record;
- (b) furnish any return, log or information;
- (c) complete any form; or
- (d) take any action in relation to the keeping of any account, log or record or the furnishing of any return, log or information or the completing of any form, every act or omission of a person acting or purporting to act as agent for the principal in respect of any such requirement shall be deemed for the purposes of this Act to be the act or omission of the principal, unless the principal proves that the person purporting to act as agent had no authority, either express or implied, to act as the principal's agent for the purpose of keeping any account or record, or furnishing any return or information, or completing any form, or taking any action in respect of such matters, as the case may be.

(2) A defence specified in section 62 is available to a principal prosecuted in respect of the act or omission of an agent if the principal satisfies the Court that, having regard to—

- (a) any likely or possible benefit or detriment arising to the principal from the act or omission in respect of which the prosecution is brought if the alleged offence had remained undetected;
- (b) the purpose or motive of the agent whose act or omission it was;
- (c) the relationship between the principal and the agent whose act or omission it was, or between the principal and a person appearing or likely to benefit from the alleged offence;
- (d) where the principal is a body corporate, whether or not a person responsible for or closely associated with the management of the body corporate appears to have benefited from the act or omission, or would have been likely to so benefit if the alleged offence had remained undetected; and

- (e) any action taken by the principal, once aware of the act or omission, in respect of the agent whose act or omission it was or a person appearing likely to benefit from the alleged offence it would be in the interests of justice to allow the principal the benefit of any defence provided for in section 64 (2).
- (3) For the purposes of this section a person may act as an agent for a principal whether or not that person is employed by the principal and whether or not acting for reward.

67. -(1) Every act or omission of any officer or employee of a person, or of the master or any member of the crew of a vessel that is owned, chartered, or leased by the person for the purpose of engaging in fishing, shall be deemed for the purposes of this Act to be the act or omission of the person.

Liability of companies for actions of officers and employees

(2) Subject to sub-section (3), any defence specified in section 64 (2) of this Act in relation to a prosecution under this Act is available to a person only to the extent that it can be proved in respect of the officer, employee, master, or crew member in relation to whose act or omission the prosecution is brought.

(3) A defence specified in section 64(2) is available to a person prosecuted in respect of the act or omission of a person referred to in sub-section (1) if the person satisfies the Court that, having regard to—

- (a) any likely or possible benefit or detriment arising to the person from the act or omission in respect of which the prosecution is brought if the alleged offence had remained undetected;
- (b) the purpose or motive of the person whose act or omission it was;
- (c) the relationship between the person and the person whose act or omission it was, or between the person and a person appearing or likely to benefit from the alleged offence;
- (d) where the person is a body corporate, whether or not a person responsible for or closely associated with the management of the body corporate appears to have benefited from the act or

omission, or would have been likely to so benefit if the alleged offence had remained undetected; and

- (e) any action taken by the person, or, where the person is a body corporate, by a person responsible for its management, once aware of the act or omission, in respect of the person whose act or omission it was or a person appearing or likely to benefit from the alleged offence, it would be in the interests of justice to allow the person the benefit of any defence provided for in section 64(2).

Tampering with evidence.

68. -(1) No person shall destroy, throw overboard, conceal or abandon any forest produce, logging equipment, hunting gear, fish, fish product, fishing gear, net or other fish appliance, log, return, record, document, electric shock device, explosive, poison or other noxious substance, or any other thing with intent to avoid seizure or the detection of an offence against this Act.

(2) A person who contravenes sub-section (1) commits an offence and is liable on summary conviction to a fine not less than two thousand dollars nor more than one hundred thousand dollars or to imprisonment to a term not less than six months nor more than two years or to both fine and imprisonment.

Liability of master of vessel.

69. Where an offence against this Act has been committed by a person on board or employed on a fishing vessel, the master of the vessel is also liable for that offence.

Forfeiture and suspension of rights and licences.

70. Where a person is convicted of an offence against this Act the court, in the first instance may, and on second or subsequent conviction shall, forfeit or suspend for such period as the court considers appropriate, any applicable right, licence, authorization, or permit.

Power of Court to award informant.

71. The court may award any amount, not exceeding one-half of the fine imposed for an offence under this Act, to any person who may have supplied such information as may have led to the conviction of the offender.

72. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constituted an offence under that law or from being liable under such other law to any higher punishment or penalty than that provided under this Act, provided that no person shall be punished twice for the same offence.

Civil or other
remedy
preserved.

73. Nothing in this Act shall derogate from or interfere with the right of the Government or of any person to sue for and recover compensation for or in respect of damage or injury caused by a protected areas offence.

Right of
government to
sue for
compensation.

74. -(1) Where an offence under this Act or any regulations made thereunder has been committed and it appears to the public managing entity head of department as the case may be that having regard to the nature of the evidence and all other circumstances it would be reasonable and expedient to make an out-of-court settlement, he may, after seeking legal advice and with the prior approval of the Minister, make a settlement in lieu of commencing or continuing court proceedings, and in every such case the amount to be paid under the settlement shall also include all reasonable expenses the Government may have incurred in the seizure, storage, maintenance or removal of any article seized in connection with the offence.

Out of Court
Settlement.

(2) In any proceedings brought against a person in respect of an alleged offence under this Act or any regulations made thereunder, it shall be a defence for such a person to prove that he or she has paid the agreed amount under an out-of-court settlement in respect of such offence.

(3) The public managing entity head of department as the case may be shall submit to the Chief Executive Officer of the appropriate Ministry quarterly reports of all offences in respect of which out-of-court settlements were made under sub-section (1).

75. Cattle trespassing in or upon any land which has been declared a protected area shall be deemed to have been found in a prohibited area for the purpose of section 6 of the Cattle Trespass Act.

Application of
Cattle Trespass
Act.

PART IX

General

Regulations

76. -(1) The Minister, under this Act or the appropriate Minister under the Fisheries Resources Act or the Forests Act may from time to time make regulations for the implementation and regulation of matters under this Act, and such regulations may provide that the contravention of any of them shall be an offence.

Regulations for prohibited and regulated activities for protected areas.

77. -(1) Without limiting the generality of this section, regulations made under this Part may address

- (a) prohibitions against destruction or alteration of natural systems;
- (b) prohibitions against the killing, capturing, taking away, damaging or disturbing of any resource, or other object for exploitation or any other purpose;
- (c) prohibition against damage of ecosystems or species from pollution;
- (d) prohibitions against introduction of alien or exotic species;
- (e) prohibiting the use of explosives or poisons in a protected area;
- (f) prohibiting or regulating access to the whole or part of an area; prohibiting or regulating activities in a protected area, including hunting, fishing, camping, the use of fire, carrying on trade or commerce, construction or alteration of buildings, roads, or any other works, or the use of vehicles, vessels, aircraft or other devices in, over, or through a protected area;
- (g) regulating all conduct of persons in a protected area;
- (h) providing for the impoundment, removal, or destruction and disposal of domestic animals found straying in the protected area;
- (i) use or occupation of any land and construction or alteration of buildings, roads, or other works in any protected areas for a specified purpose;

- (j) acquiring or exercising any mining or other natural resources exploitation or exploration right in any protected area;
- (k) hunting, fishing, or collecting any flora or fauna;
- (l) use or manipulation of any waters within any protected area;
- (m) removal or alteration of any flora or fauna or other natural resource on the basis of a customary or other prior right of interest in any protected area;
- (n) conducting of any scientific research;
- (o) co-management agreements;
- (p) establishment and carrying on of any activity in any protected area;
- (q) redistribution of visitors to less crowded areas;
- (r) requirement of advanced registration to visitors for certain uses in certain areas;
- (s) regulation of the rate at which persons enter a protected area or regulation of the duration of the stay;
- (t) direct limitations on the number of people allowed in each area (e.g. on a first-come first serve basis);
- (u) contingency planning and coordination of emergency response between PAs and other authorities involved;
- (v) emergency management decisions to involve prior consultation with the PAs public managing entity, managing entity, and co-managing to help decide on the least damaging alternative to the PAs;
- (w) establishing new categories of protected areas;
- (x) declaring an Interim Protection Unit;
- (y) regulations for Interim Protection Units; and
- (z) preventing and regulating detrimental external activities.
- (aa) to reallocate and reinvest a portion of the fees collected under section 33A of the PACT act directly back into the protected areas system.

78. Notwithstanding anything contained in the General Registry Act, no lease of three years or less nor any licence or permit issued under the provisions of this Act shall be deemed invalid or non-effective because of it not being lodged for record in the General Registry.

Validity of licences and permits not affected by failure to register.

Amendment of
other Acts and
repeal and
savings.

79. -(1) The Acts specified in the first column of the Schedule are amended in the manner specified in the second column of the Schedule.

(2) Upon the commencement of this Act, the National Parks System Act shall stand repealed.

(3) Notwithstanding the repeal of the National Parks System Act all regulations made under that Act shall continue in force until amended or repealed.

(4) Notwithstanding the repeal of the National Parks System Act, nothing in this Act shall affect any proceedings taken or a right which has accrued or a liability which has been incurred under the repealed Act before the coming into force of this Act.

Commencement.

80. This Act comes into force on publication in the Gazette.