

BELIZE:

NATIONAL PROTECTED AREAS SYSTEM ACT, 2015

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SCHEDULE



No. 17 of 2015

I assent,

(SIR COLVILLE N. YOUNG)

Governor-General

21st October, 2015.

AN ACT to provide for the maintenance of 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; to repeal the National Parks System Act, Chapter 215 of the Substantive Laws of Belize, Revised Edition 2011; to amend the Fisheries Act, Chapter 210 and the Forests Act, Chapter 213 of the Substantive Laws of Belize, Revised Edition 2011; and to provide for matters connected therewith or incidental thereto.

(Gazetted 24th October, 2015)

BE IT ENACTED by and with the advice and consent of the House of Representatives and Senate of Belize, and by the authority of the same, as follows

PART I

Preliminary

Short title.

1. This Act may be cited as the

**NATIONAL PROTECTED AREAS SYSTEM
ACT, 2015.**

Interpretation.

2. In this Act, unless the context otherwise requires

CAP. 331.

“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 protected area park officer or otherwise;
- (b) the Forests Act, as forest officer or otherwise;
- (c) the Fisheries Act, as fisheries officer or otherwise,

and includes a police officer 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 appointed to co-manage a public protected area under this Act;

“conservation organization” means

- (a) a company that is registered under the Companies Act as a non-profit company, or CAP. 250.
- (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 or particular kind of 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;
- (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;

“Council” means the National Protected Areas Advisory Council, established under section 9;

“fish” means to take, kill or attempt to take or kill any aquatic organism;

CAP. 213. “forest reserve” means the same as in the Forests Act;

“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;

CAP. 210. “marine reserve” means an area of land and sea declared as a marine reserve under section 14 (1) of the Fisheries Act or any equivalent statutory provision that may replace that provision;

“Minister” means the Minister responsible for the National Protected Areas System;

“national park” means any area established as a national park in accordance with the provisions of section 33 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 section 33 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;

CAP. 315.

“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;

CAP. 218.

“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 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 Act, the Forests Act or the National Parks System Act (repealed hereunder);

“protected area park officer” means a person appointed to be a park officer for the purposes of this Act;

“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 Forest Department and the Fisheries Department;

“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 conditions; 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 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;

“wildlife” means all undomesticated mammals, birds and reptiles, amphibians, fish and all parts, eggs and nests of any of these life forms;

“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
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 Advisory Council.

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 Climate Change Convention;
 - (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.

PART III

Classification of Protected Areas

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

**Classification
of protected
area.**

- (a) national park;
- (b) nature reserve;
- (c) wildlife sanctuary 1;
- (d) wildlife sanctuary 2;
- (e) natural monument;
- (f) forest reserve;
- (g) marine reserve;
- (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.

(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.

Re-classification of protected area.

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

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

PART IV

National Protected Areas Advisory Council

Establishment of National Protected Areas Advisory Council.

10. There is hereby established for the purposes of this Act an advisory body to be called the National Protected Areas Advisory Council, in this Act called the “Council”.

Functions of the Council.

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

- (a) the development of partnerships with co-managers 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;

- (c) 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;
- (e) 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.

(2) Notwithstanding anything to the contrary, the Council 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 re-classification, 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.

Appointment
and
membership of
the Council.

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

- (a) the person appointed by the Minister, under subsection (4), as Chairman;
- (b) *ex officio* members, being –
 - (i) the Fisheries Administrator;
 - (ii) the Chief Forest Officer;
 - (iii) the Director of the Institute of Archaeology ;
 - (iv) the Executive Director of PACT;
 - (v) the Chief Executive Officer of the Coastal Zone Management Authority;
 - (vi) the Commissioner of Lands;
 - (vii) 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 University of Belize, nominated by the President of the University 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 Council, other than the *ex officio* members shall be appointed by the Minister.

(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 shall appoint a person, other than any specified in paragraphs (b) to (g) of subsection (1) to be Chairman of the Council 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 Council and in the event of an equality of votes, the person presiding at that meeting shall have a second or casting vote.

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

Appointment
of experts and
technical
personnel.

PART V

General Provisions for Protected Areas

Conditions to be met prior to declaration and alteration of new protected area.

14.- (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).

Power of Minister to declare protected area.

15.- (1) The Minister by Order published in the *Gazette* may declare an area of land in Belize to be a protected area; except for an area of land in Belize that may be so lawfully declared as a protected area, by any other Minister under another enactment.

(2) The Minister 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 7(1) shall be for such period as the Minister shall approve.

However, the Minister may by notice in the *Gazette* extend that period for a period no less than ten years.

(4) 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.

16. The Minister may 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 landscape or protected seascape.

- (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.

17. Before making a declaration of a protected area whether by the Minister under this Act or the appropriate Minister under the Fisheries 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.

Minister to seek advice before making declaration.

18.-(1) Where an area declared as a protected area no longer serves the purpose for which it was declared, the Minister shall by Order published in the *Gazette*, revoke

Revocation of declaration.

the declaration; however, prior to revoking a declaration under this section, the Minister, shall hold such other public consultations with persons having an interest in the area, including users of the area.

(2) Any order made under subsection (1) shall be subject to an affirmative resolution.

Public
consultation
and
participation.

19.- (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 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 also on air on two national radio stations.

(3) The publication contemplated in the subsection (2) above shall

- (a) invite members of the public and all affected persons to submit to the Minister 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.

20.-(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
private
protected
area.

21. 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
 - (i) biological diversity;
 - (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.

22. 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.

Status of private protected area on transfer of land.

23. The activities conducted or permitted by the land owner 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.

Activities conducted within private protected area.

24. The Minister shall 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.

Provisions for biological corridors.

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

- (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 Advisory Council 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.

26. In declaring or re-classifying a protected area, the Minister shall ensure that existing rights on or to those protected areas are observed in respect of

Protection of rights on declaration or re-classification.

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

PART VI

General Management of Protected Areas

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

Application.

Preparation of management plans.

28. (1) Every management plan shall be prepared in accordance with the National Management Plan Framework.

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

(3) 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.

Management criteria.

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

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

Power to enter into co-management agreements.

30.- (1) The Minister 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 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 that has been consulted publicly.

(3) Every managing entity, public managing entity or co-management entity has the power to appoint a person as an authorized officer to assist in the enforcement of any provisions of this Act or any of its regulations.

(4) Notwithstanding any delegation, a managing entity, public managing entity or co-management entity is responsible for ensuring compliance with section 51 and any other requirements under this Act.

(5) A public managing entity of an area is responsible for the supervision of a co-management entity and the implementation of the management plan of the area under co-management.

31.-(1) A co-management agreement may provide for

Co-
management
agreement.

- (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.

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

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

32.-(1) If the managing entity, public 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 Minister shall

- (a) notify the managing entity, public 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, public 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 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 land owner takes the required steps as required by the Minister.

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

33.-(1) The Minister may by Order published in the *Gazette* declare that any specified area of land or sea shall for the purposes of this Act be –

- (a) a national park;
- (b) a nature reserve;
- (c) a wildlife sanctuary;
- (d) a natural monument.

(2) The Minister may by Order published in the *Gazette* declare that from a specified date-

- (a) the limits of any national park, nature reserve, wildlife sanctuary or natural monument shall be altered or varied;
- (b) any national park, nature reserve, wildlife sanctuary or natural monument or part thereof shall cease to be a national park, nature reserve, wildlife sanctuary or natural monument;

Constitution of national parks, nature reserves, wildlife sanctuaries and natural monuments.

- (c) prohibit the use of vehicles on foot trails;
- (d) prohibit the landing of aircraft except on areas provided for such for approval purposes;
- (e) limit the use of vehicles to established roads;
- (f) prohibit the setting off of fireworks of any description or the making of any type of noise whatsoever;
- (g) require that any dog brought into the area be kept on a leash not over four feet (1.2 meters) long;
- (h) prohibit the playing of radios, tape players, gramophones and musical instruments altogether or in a manner which is disturbing to other visitors;
- (i) prohibit any act that detracts from the good order or general enjoyment of the area;
- (j) prohibit the selling of any food, beverage or goods except by licensed parties.

Development.

34.-(1) Upon the declaration of any area to be a national park, nature reserve, wildlife sanctuary or natural monument, the officer responsible shall place identification signs and regulations regarding the use of the area at all road and trail entrances to the area, including waterways where feasible.

(2) The officer responsible shall, as soon as practicable and prior to the construction of roads, trails or visitor facilities in a national park, nature reserve, wildlife sanctuary or natural monument, 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 park, reserve, sanctuary or monument.

(4) The Minister may, where such action is consistent with the purpose for which a national park, nature reserve, wildlife sanctuary, or natural monument was established, 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) standards of behaviour and dress for employees of the licensee who have contact with the public;
- (g) freedom of examination of all business records by the officer responsible for the administration of the park, reserve, sanctuary or monument.

35. The Chief Forest Officer shall be responsible for the administration of national parks, wildlife sanctuaries, natural monuments and nature reserves.

Chief Forest Officer to administer national parks, etc.

36-(1) The Minister may from time to time make rules for the proper conduct and good management of any national park, nature reserve, wildlife sanctuary or natural

Rules.

monument or of the entire National Parks System and make rules which, *inter alia* –

- (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.

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

PART VIII

Offences, Evidentiary Provisions and Enforcement

General
prohibited
acts.

37.(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.

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

38.-(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.

Acts prohibited without 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 prescribed 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.

39. (1) No person shall, within any national park, nature reserve, wildlife sanctuary or natural monument, except with the written authorization of the Chief Forest Officer-

Prohibited activities within national parks, etc.

- (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) introduce organic or chemical pollutants into any water;
- (g) clear land for cultivation;
- (h) graze domestic livestock;
- (i) carry firearms, spears, traps or other means for hunting or fishing;
- (j) introduce exotic species of flora or fauna;
- (k) catch fish by any means whatsoever.

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

General
offences and
penalties.

40.-(1) Any person who contravenes or aids in the contravention of any provisions of this Act or any 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.

(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 Act or any 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, vessel or other transport or equipment used in the commission of the offence.

(3) When any person had been convicted of a protected area offence the court may, in addition to any other penalty provided by this Act 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.

41. All objects forfeited shall, with the approval of the Minister, be disposed of by the public managing entity, managing entity or co-managing entity in such manner as the Minister may prescribe.

**Disposal of
forfeited
items.**

42.-(1) The Minister may, at his discretion, issue permits to bonafide organizations and scientists and other qualified professionals or specialists for cave exploration, collection of specimens of particular species of flora or fauna, group education activities, archaeological or paleontological exploration, scientific research and related activities.

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 Minister.

(3) The Minister 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.

Power of
authorized
officer.

43.- (1) An authorized officer may

- (a) when he has reasonable grounds to suspect that a person is in possession of any article in respect of which a protected area offence has been committed, search such person or any baggage, parcel, vehicle, tent or buildings under the control, custody or possession of such person or his agent or employee;
- (b) seize any object in respect of which he has reasonable grounds to believe that a protected area offence has been committed;
- (c) arrest any person he has reasonable grounds to suspect of having committed any protected area offence if the person refuses to reveal his name and residence, states a name and residence which there is reason to believe is false or gives reason to believe he will abscond.

(2) Anything seized and any person arrested under this section shall, without unnecessary delay, be brought before the nearest magistrate.

44. (1) An authorized officer may, if he suspects that a protected area offence has been committed, question any person and record any statement he thinks relevant to the investigation of the offence.

Inquiries and evidence.

(2) In any subsequent prosecution, a magistrate may admit such statement in evidence provided such statement was taken in the presence of the accused, and an accused person may at his own expense require the presence of any such witness for cross-examination.

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.

Presumption.

(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.

46. All offences under this Act are punishable on summary conviction on information which may be laid by the public managing entity of the protected area, or by any person authorized by the public managing entity in writing.

Offences punishable summarily.

47. 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.

Power of court to award remedy to informant.

48. 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

Civil or other remedy preserved.

higher punishment or penalty than that provided under this Act, provided that no person shall be punished twice for the same offence.

Right of government to sue for compensation.

49. 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.

Application of Cattle Trespass Act. CAP. 208.

50. 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.

PART IX

General

Regulations.

51.-(1) The Minister, 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.

(2) All regulations made under this Act are subject to negative resolution.

Regulations for prohibited and regulated activities for protected areas.

52.(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.

53. 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 certain leases, licences, and permits not affected by failure to register.

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

Amendment of other Acts, and repeal and savings.

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

Schedule.
CAP. 215.

(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.

55. This Act comes into force on a day to be appointed by the Minister by Order published in the *Gazette*.

Commencement.

SCHEDULE

(Section 54 (1))

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

NAME OF ACT	AMENDMENTS
<p>Fisheries Act, Chapter 210 Substantive Laws of Belize, Revised Edition 2011</p>	<p>Section 14 is amended by –</p> <p>(a) the addition after subsection (1) of the following as subsection (1A) “(1A) The exercise by the Minister of the power under subsection (1) is subject to the requirements of sections 14 (conditions to be met prior to declaration and alteration of new protected area), 17 (Minister to seek advice before making declaration) and 19 (public consultation and participation) of the <i>National Protected Areas System Act</i>”;</p> <p>(a) repealing subsection (2) and substituting therefor the following:”</p> <p>(2) Where an area declared as a marine reserve no longer serves the purpose for which it was declared, the Minister shall, by Order published in the <i>Gazette</i>, subject to an affirmative resolution, revoke the declaration; however, prior to revoking a declaration under this section, the Minister, shall hold public consultations with persons having an interest in the area, including users of the area.”</p>

Forests Act, Chapter 213 of the Substantive Laws of Belize, Revised Edition 2011

Section 3 is amended by –

- (a) renumbering the section as subsection (1); and
- (b) inserting the following as subsections (2) and (3)–

“(2) The exercise by the Minister of the power under subsection (1) is subject to the requirements of sections 14 (conditions to be met prior to declaration and alteration of new protected area), 17 (Minister to seek advice before making declaration) and 19 (public consultation and participation) of the *National Protected Areas System Act*.

(3) Where any national land declared as a forest reserve no longer serves the purpose for which it was declared, the Minister shall, by Order published in the *Gazette*, subject to an affirmative resolution, revoke the declaration; however, prior to revoking a declaration under this section, the Minister, shall hold public consultations with persons having an interest in the land so declared, including users of the land.”