

BELIZE:

TRADE IN ENDANGERED SPECIES (CITES) ACT, 2023

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SCHEDULE



No. 3 of 2023

I assent,

(H.E. DAME FROYLA TZALAM)
Governor-General

7th March, 2023.

AN ACT to give effect to the provisions of the CITES on International Trade in Endangered Species of Wild Fauna and Flora; to promote the management, conservation and protection of threatened and endangered species; and to provide for matters connected therewith or incidental thereto.

(Gazetted 11th March, 2023.)

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

PART I

Preliminary

1. This Act may be cited as the

Short title.

TRADE IN ENDANGERED SPECIES (CITES)
ACT, 2023.

Interpretation.

2.- (1) In this Act-

“Appendix I” means Appendix I of the CITES;

“Appendix II” means Appendix II of the CITES;

“Appendix III” means Appendix III of the CITES;

“authorized officer” means a-

(a) person appointed as such by the Managing Authority;

(b) customs officer;

(c) fisheries officer;

(d) forest officer;

(e) police officer;

(f) coast guard; or

CAP. 211.

(g) an officer designated by the Belize Agricultural Health Authority under the Belize Agricultural Health Act;

“bred in captivity” means any specimen defined in Article I paragraph (b) of the CITES, born or otherwise produced in a controlled environment, and if-

(a) the parents mated or gametes were otherwise transferred in a controlled environment, if reproduction is sexual, or the parents were in a controlled environment when development of the offspring began, if reproduction is asexual;

(b) the breeding stock, to the satisfaction of the competent government authorities of the exporting country-

- (i) was established in accordance with the provisions of the CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild; and
- (ii) is maintained without the introduction of specimens from the wild, except for the occasional addition of animals, eggs or gametes, in accordance with the provisions of the CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild as advised by the Scientific Authority to prevent or alleviate deleterious inbreeding, with the magnitude of such addition determined by the need for new genetic material, to dispose of confiscated animals in accordance with Resolution Conf. 17.81 or exceptionally, for use as breeding stock; and
- (c) has produced offspring of second-generation (F2) or subsequent generations in a controlled environment or is managed in a manner that has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment;

“breeding stock of an operation” means the ensemble of the animals in the operation that are used for reproduction;

“CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, concluded at Washington, DC, on 3rd March 1973 as amended in Bonn on 22 June 1979, and any amendment thereto as adopted, from time to time, by the Government of Belize;

“controlled environment” means an environment that is manipulated for the purpose of producing animals of a

particular species, that has boundaries designed to prevent animals, eggs or gametes of the species from entering or leaving the controlled environment, and the general characteristics of which may include but are not limited to—

- (a) artificial housing;
- (b) waste removal;
- (c) health care;
- (d) protection from predators; and
- (e) artificially supplied food;

“derivative” in relation to an animal, plant or other organism, means any part, tissue or extract of an animal, plant, or other organism, whether fresh, preserved or processed, and includes any chemical compound derived from such part, tissue or extract;

“endangered” in relation to an animal, plant or other organism, means any animal, plant or other organism that is listed in the Appendix I, Appendix II or Appendix III;

“export” means the shipment of a specimen outside of Belize by any means, but does not include the re-export or the shipment in transit of a specimen;

“Funds Committee” means the CITES Funds Committee established under section 67;

“import” means the bringing in of a specimen into Belize by any means, but does not include introduction from the sea or the shipment in transit of a specimen;

“introduce from the sea” means the transportation into Belize of a specimen that was harvested or fished from any marine environment not under the jurisdiction of any State;

“Management Authority” means the Management Authority designated by the Minister pursuant to section 3;

“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;

“non-detriment findings” means is a science-based risk assessment where the vulnerability of a species is considered in relation to how well it is managed;

“Party” means a State Party to the CITES;

“personal or household effects” means specimens that are—

- (a) personally owned or possessed for non-commercial purposes;
- (b) legally acquired;
- (c) at the time of import, export or re-export either—
 - (i) worn, carried or included in personal baggage; or
 - (ii) part of a household move; or
- (d) dead specimens, parts and derivatives that are the belongings of a private individual and that form or are intended to form part of his normal possessions;

“re-export” means export of a specimen that was previously imported, whether or not in the same form as at the time of its importation;

“relevant authority” means—

- (a) the Management Authority of a State that is a Party to the CITES; or

- (b) the competent authority of a State that is not a Party to the CITES;

“Resolution” means a Resolution passed at the Conference of the Parties to the CITES;

“Scientific Authority” means the scientific authority established under section 5;

“Secretariat” means the Secretariat of the CITES as referred to in Article XII of the CITES;

“species” includes any species, subspecies, variety, form, or geographically separate population thereof;

“specimen” includes–

- (a) any animal or plant, whether alive or dead, of a species included in Appendix I, Appendix II or Appendix III;
- (b) any part or derivative which appears from an accompanying document, the packaging or a mark or label or from any other circumstances to be a part or derivative of an animal or plant of species included Appendix I, Appendix II or Appendix III, unless such part or derivative is specifically exempted from the provisions of the CITES;

“trade” includes–

- (a) export;
- (b) re-export;
- (c) import; or
- (d) introduction from the sea;

“transhipment” means the transhipment procedures as prescribed in the Customs Regulations; and CAP. 49.

“transit” means the transit procedures as prescribed in the Customs Regulations Act. CAP. 49.

PART II

Administration

SUB-PART I

Management Authority

3.-(1) The Minister responsible for forestry, in consultation with the Minister responsible for fisheries, shall, by Notice published in the Gazette, designate and constitute within the Ministry, a body to be known as the Management Authority.

**Designation of
Management
Authority.**

(2) The Management Authority shall consist of no more than five persons and shall include officers from the Fisheries Department and Forest Department.

4. The Management Authority shall—

**Functions of
Management
Authority.**

- (a) serve as the focal point to effectively liaise and communicate with the Secretariat and other countries on administrative, enforcement and other issues related to implementation of the CITES;
- (b) grant permits and certificates in accordance with the provisions of the CITES and this Act, and to attach to any permit or certificate any condition that it may judge necessary;
- (c) before issuing permits and certificates, obtain the advice from the Scientific Authority in

accordance with this Act, the CITES and relevant Resolutions;

- (d) before issuing permits and certificates, determine in accordance with Articles III, IV, and V of the CITES and its Resolutions, in particular Resolution Conf. 18.7 on legal acquisition findings or its successor, that the specimen was not obtained in contravention of the laws for the protection of fauna and flora of Belize or the exporting State;
- (e) in consultation with the Scientific Authority, establish rescue centers or facilities for the holding of living specimens seized or forfeited;
- (f) prepare and submit annual reports to the Secretariat regarding trade in the CITES listed species;
- (g) advise the Minister responsible for forestry and the Minister responsible for fisheries on matters relating to the CITES, including the suitability and appropriateness of adopting any proposed resolution, decision or amendments to the CITES Appendices at CITES meetings of the Conference of the Parties;
- (h) create public awareness of the importance of the CITES and its decisions and this Act for the conservation and protection of the CITES listed species;
- (i) appoint authorized officers to carry out its functions under this Act;
- (j) maintain registers and records in respect of the trade in endangered species of wild fauna and flora;

- (k) collaborate with the Scientific Authority in the preparation of non-detriment findings by making available all data and information in its possession;
- (l) maintain a database of records in relation to all applications and permits issued under this Act, which shall be made available to the Scientific Authority upon request; and
- (m) perform such other functions as are necessary and expedient to secure the proper execution of the purposes of this Act.

SUB-PART II

Scientific Authority

5.-(1) There shall be established a body to be known as the Scientific Authority which shall consist of no more than nine members appointed by the Minister responsible for forestry, in consultation with the Minister responsible for fisheries.

Establishment
and
constitution
of Scientific
Authority.

(2) The members of the Scientific Authority shall be persons with expertise in—

- (a) wildlife biology and management;
- (b) ecology of terrestrial plants and animals;
- (c) ecology of freshwater and marine plants and animals;
- (d) plant and animal taxonomy;
- (e) plant and animal health; and
- (f) any other expertise as determined by

the Minister responsible for forestry, in consultation with the Minister responsible for fisheries.

(3) A member of the Scientific Authority shall possess at a minimum, a Bachelor's degree in his respective field and shall have a minimum of five years' experience in the thematic area.

(4) The Scientific Authority shall have the power to co-opt experts as required, but such co-opted experts shall not have the right to vote.

(5) A member of the Management Authority shall not be appointed as a member of the Scientific Authority.

Appointment of Chairperson.

6.—(1) The Minister responsible for forestry, in consultation with the Minister responsible for fisheries, shall appoint one of the members of the Scientific Authority to be the Chairperson.

(2) The Chairperson shall preside at all meetings of the Scientific Authority, and in the absence of the Chairperson, the members may elect one of their members to preside at that meeting.

Publication of membership.

7. The names of all the members of the Scientific Authority as first constituted and every change in membership shall be published in the Gazette.

Tenure of office.

8. A member of the Scientific Authority shall hold office for a period of three years and shall be eligible for reappointment.

Resignation.

9. A member of the Scientific Authority may resign his term of office by notice in writing to the Minister responsible for forestry or the Minister responsible fisheries.

Revocation of appointment.

10. The Minister responsible for forestry, in consultation with the Minister responsible for fisheries, may, by notice in

writing, revoke the appointment of a member of the Scientific Authority, if that member—

- (a) is unable to perform the duties of his office by reason of illness or infirmity;
- (b) is absent from three consecutive meetings without a valid reason; or
- (c) has engaged in unethical or criminal behavior compromising the integrity of the Scientific Authority.

11.—(1) The Minister responsible for forestry, in consultation with the Minister responsible for fisheries, may appoint another person to act in the place of a member of the Scientific Authority who ceases to be a member.

Replacement of member.

(2) A person appointed in place of a member pursuant to sub-section (1) shall hold office for the unexpired period of office of the member for which he has been appointed and is eligible for reappointment.

12. The Scientific Authority shall meet at such time and place as may be necessary for the carrying out of its functions and shall determine its own procedures.

Procedure and meetings.

13. The Scientific Authority shall—

Functions of Scientific Authority.

- (a) by utilizing the best available science, advise the Management Authority on—
 - (i) the issuance of all permits for import, export, re-export or introduction from the sea of a specimen in Appendix I, Appendix II or Appendix III, stating whether or not the proposed trade would

- be detrimental to the survival of that species in the wild;
- (ii) whether the recipient of a live specimen of Appendix I species is suitably equipped to house and care for the live specimen;
 - (iii) the disposal of forfeited or confiscated specimens;
 - (iv) any matter at the request of the Management Authority or any matter the Scientific Authority considers relevant in the sphere of species protection;
 - (v) proposed additions or deletions to Appendices in accordance with Articles XV and XVI of the CITES, in advance of meetings of the CITES Conference of the Parties;
 - (vi) whether or not scientific institutions seeking registration for the purpose of being issued labels for scientific exchange meet the criteria established in Resolution Conf. 11.15 (Rev. CoP18) or its successor, and other standards or any stricter national requirements; and
 - (vii) all applications submitted for consideration under Article VII, paragraphs 4 or 5 of the CITES, and whether the facility concerned meets the criteria for producing specimens considered to be bred in captivity or artificially propagated in accordance with the CITES and relevant Resolutions;

- (b) monitor the export permits and the actual export of specimens of species listed in Appendix I, Appendix II or Appendix III;
- (c) gather and analyse information on the biological status of species affected by trade to assist in the preparation of proposals necessary to amend the Appendices, for consideration at a meeting of the CITES Conference of the Parties;
- (d) review proposals to amend the Appendices submitted by other Parties and make recommendations to the Management Authority as to how the delegation of Belize should address each proposal, basing findings and advice on the scientific review of available information on the population status, distribution, population trend, harvest and other biological and ecological factors, as appropriate, and trade information relating to the species concerned;
- (e) monitor the status of native Appendix II species and export data, and recommend, if necessary, suitable remedial measures to limit the export of specimens in order to maintain each species throughout its range at a level consistent with its role in the ecosystem and well above the level at which the species might become eligible for inclusion in Appendix I;
- (f) advise the Management Authority on suitable measures to limit the grant of export permits of specimens whenever the Scientific Authority determines that the export of specimens of such species should be limited in order–

- (i) to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs; and
- (ii) to maintain that species well above the level at which that species might become eligible for inclusion in Appendix I;
- (g) advise the Management Authority on any matter the Scientific Authority considers relevant in the sphere of species conservation and protection; and
- (h) perform any other tasks or functions as provided in a Resolution or assigned to it by this Act.

PART III

Trade in Endangered CITES listed Species

Application to trade in CITES listed species.

14.-(1) Every person who proposes to trade in any specimen of species listed in Appendix I, Appendix II or Appendix III shall apply to the Management Authority for the appropriate permit or certificate as follows—

- (a) an export permit;
- (b) an import permit;
- (c) a re-export certificate; or
- (d) an introduction from the sea certificate.

(2) An application under sub-section (1) shall be made in the prescribed form and shall specify—

- (a) the full name and address of the applicant;

- (b) the type of trade to which the application relates;
- (c) the species, part or derivative, and the number of specimens of that species to be traded;
- (d) the country to or from which the specimens are to be conveyed;
- (e) such further information as the Management Authority may require; and
- (f) the result of any analysis required by the Management Authority.

(3) An application under sub-section (1) shall be accompanied by the fee prescribed in the Schedule.

Schedule.

(4) A separate application shall be made for each consignment of specimen.

(5) A person shall not apply under this section to trade in a specimen where trade in that specimen is subject to controls under any other Act or Regulation, unless authorization in respect of such trade is first obtained under that Act.

(6) An application may be cancelled if the applicant fails to provide further information or the results of analysis as requested under sub-section (2) (e) or (f) respectively, within the time stipulated by the Management Authority.

(7) The Management Authority or Scientific Authority, in carrying out their functions stipulated under sections 4 and section 13 respectively, may conduct an interview or carry out an inspection of a specimen or premises for the purpose of determining an application for a permit or certificate.

(8) An application for an import permit in relation to any species specified in Appendix I shall be accompanied by an export permit or re-export certificate from the relevant authority in the State of export or re-export.

(9) An application for an import permit in relation to any species specified in Appendix II shall be accompanied by—

- (a) a certificate of origin; and
- (b) an original import certificate from the relevant authority in the State of export or re-export.

(10) An application for an import permit in relation to any species specified in the Appendix III shall be accompanied by—

- (a) a certificate of origin; and
- (b) an export permit if the specimen is imported from a Party.

Exportation
of species in
Appendix I,
Appendix II and
Appendix III.

15.—(1) The Management Authority may grant an export permit for any specimen of species—

- (a) in Appendix I or Appendix II, if the Scientific Authority advises the Management Authority that it is satisfied that the exportation of the specimen is not detrimental to the survival of the species; and
- (b) in the Appendix I, Appendix II or Appendix III, if the Management Authority is satisfied that—
 - (i) the specimen was not obtained in contravention of the laws of Belize;

- (ii) any living specimen will be prepared and shipped in a manner as to minimize the risk of injury, damage to health or cruel treatment of the specimen; and
- (iii) in relation to specimen of species in Appendix I, an import permit has been granted for the specimen by the relevant authority of the State of import.

(2) Any person who is granted a permit under this section shall present that permit to the customs officer at the port of exit.

16.-(1) The Management Authority may grant an import permit for any specimen of species-

- (a) in Appendix I or Appendix II, if the Scientific Authority advises the Management Authority that it is satisfied that-
 - (i) the importation of the specimen is for a purpose not detrimental to the survival of the species; and
 - (ii) the proposed recipient of a living specimen is suitably equipped to house and care for the living specimen;
- (b) in Appendix I, if the Management Authority is satisfied that the specimen is not intended to be used primarily for commercial purposes; and
- (c) in Appendix I, Appendix II or Appendix III, if the Management Authority is satisfied that-

Importation
of species in
Appendix I,
Appendix II
and Appendix
III.

- (i) the specimen will not be used for an unlawful purpose or a purpose contrary to this Act or the CITES; and
- (ii) an export permit or certificate of origin, as applicable, has been granted for the specimen by the relevant authority of the State of export.

(2) Any person who is granted a permit under this section shall present that permit to the customs officer at the port of entry.

Re-exportation of species in Appendix I, Appendix II and Appendix III.

17.—(1) The Management Authority may grant a re-export certificate for any specimen of species in Appendix I, Appendix II or Appendix III, if the Management Authority is satisfied that—

- (a) the specimen was imported into Belize in accordance with the provisions of this Act;
- (b) any living specimen will be prepared and shipped in a manner as to minimize the risk of injury, damage to health or cruel treatment of the specimen; and
- (c) in relation to living specimen in Appendix I, an import permit for the living specimen has been granted by the relevant authority of the State to which the specimen is to be re-exported.

(2) Any person who is granted a certificate under this section shall present that certificate to the customs officer at the port of exit.

Introduction from the sea of species in Appendix I.

18.—(1) The Management Authority may grant an introduction from the sea certificate for any specimen of species in the Appendix I if—

- (a) the Scientific Authority advises the Management Authority that the introduction of the specimen is not detrimental to the survival of the species in the wild;
- (b) the Management Authority is satisfied that—
 - (i) the specimen is not intended to be used for commercial purposes; and
 - (ii) the proposed recipient of any living specimen is suitably equipped to house and care for the specimen; and
- (c) the Management Authority is satisfied that any living specimen of a species listed in Schedule I will be so handled as to minimize the risk of injury, damage to health or cruel treatment.

(2) Any person who is granted a certificate under this section shall present that certificate to the customs officer at the port of entry.

19.—(1) Subject to sub-section (2), the Management Authority may grant an introduction from the sea certificate for any specimen of species in Appendix II if—

**Introduction
from the sea
of species in
Appendix II.**

- (a) the Scientific Authority advises the Management Authority that the introduction of the specimen is not detrimental to the survival of the species; and
- (b) the Management Authority is satisfied that any living specimen will be prepared and shipped in a manner as to minimize the risk of injury, damage to health or cruel treatment of the specimen.

(2) A certificate under this section may be granted on the advice of the Scientific Authority in consultation with other scientific authorities.

(3) A certificate granted under this section shall be granted for a period not exceeding one year for the total number of specimens to be introduced in such period.

(4) Any person who is granted a certificate under this section shall present that certificate to the customs officer at the port of entry.

Further considerations for the granting of a permit or certificate.

20. In determining whether to grant a permit or certificate under this Part, the Management Authority may take into consideration such other matters as may be provided for in any current CITES Decision or Resolution, or as may be prescribed.

Verification.

21. A foreign permit or certificate furnished to the Management Authority for the purpose of obtaining a permit or certificate under this Part shall be verified by the Management Authority in accordance with section 38.

Terms and conditions of a permit or certificate.

22.—(1) The Management Authority may impose such terms and conditions as it considers appropriate on any permit or certificate.

(2) A permit or certificate shall not be accepted to authorize the export, re-export, import, introduction from the sea, any exemption or special treatment where the holder of that permit or certificate has failed to comply with the terms and conditions of such permit or certificate required to be performed prior to the export, re-export, import, introduction from the sea, the exemption or special treatment.

(3) Where the terms and conditions of a permit or certificate requires some action to be taken or state of affairs to be maintained after the importation or introduction of a

specimen, and the holder of the permit or certificate fails to comply with such terms and conditions, the Management Authority may detain or seize the specimen until the holder has complied with the terms and conditions of the permit or certificate.

23.–(1) The Management Authority shall state on the permit or certificate the duration of the permit or certificate granted.

Duration of permit or certificate.

(2) Notwithstanding sub-section (1), an export permit shall be valid for export within a period of six months from the date on which it was granted.

24.–(1) A person granted a permit or certificate shall surrender that permit or certificate to the Management Authority within thirty days of its expiration.

Expiration of permit or certificate.

(2) A person who fails to comply with this section commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars or imprisonment for a period not exceeding three months or both.

25.–(1) The Management Authority may modify a permit or certificate–

Modification, suspension or revocation of permit or certificate.

- (a) if it deems it necessary to do so in the interest of the species involved;
- (b) if there is a change of circumstance since the time of the granting of the permit or certificate, which circumstances if they had existed at that time would have had a direct effect on the extent and substance of the permit or certificate; or
- (c) on such other grounds as may be prescribed.

(2) The Management Authority may suspend a permit or certificate if the holder of the permit or certificate fails to comply with any term or condition of the permit or certificate.

(3) The Management Authority may revoke a permit or certificate—

- (a) if the holder of the permit or certificate fails to remedy a breach of the terms or conditions within the time specified in the notice under sub-section 4 (b);
- (b) if the application for the permit or certificate contained false information;
- (c) if the holder of the permit or certificate contravenes any of the provisions of this Act in relation to the permit, certificate or specimen concerned; or
- (d) on any other ground as may be prescribed.

(4) Prior to modifying a permit or certificate under sub-section (1), the Management Authority shall give the permit or certificate holder fourteen days' notice to make representation as to why the permit or certificate should not be modified.

(5) The Management Authority shall, on modifying, suspending or revoking a permit or certificate, give written notice to the holder of the permit or certificate stating the reason for the modification, suspension or revocation.

(6) A notice of suspension of a permit or certificate shall provide the holder of the permit or certificate a period of time to remedy a breach if the suspension is based on a breach of a term or condition.

(7) During the course of any review by any court under any law of a decision made by the Management Authority under this section, the revocation, suspension or modification shall remain in effect and the holder of the permit or certificate

shall comply with the decision, until the matter is determined by the court.

26.-(1) The Management Authority shall not grant a permit or certificate to take effect retrospectively, unless otherwise prescribed.

Transferability and validity of permit or certificate.

(2) A permit or certificate shall be personal to the applicant, and shall not be transferable to, nor vested by operation of law in any other person.

PART IV

Special provisions and exemptions

27.-(1) Specimens of species included in Appendix I shall be deemed to be specimens of species in Appendix II if-

Treatment of species.

- (a) it is a specimen of animal species that is bred in captivity for commercial purposes; or
- (b) it is a specimen of plant species that is artificially propagated for commercial purposes.

(2) A specimen shall only be accorded the treatment provided for in sub-section (1) if the requirements as set out in Resolution 12.10 and Resolution 10.16 or their successors, have been met.

(3) A foreign captive-bred or foreign artificially propagated specimen, shall only be accorded the treatment provided for in sub-section (1) if the prescribed qualifications have been met.

(4) A captive bred operation and any specimen originating from any captive bred operation shall register with the Management Authority which in turn, shall register the information with the CITES Secretariat.

(5) The conditions for registration with the Management Authority, of a captive bred operation and any specimen originating from any captive bred operation shall be prescribed by the Management Authority.

(6) A specimen of animal species listed in Appendix I that has been bred in captivity may not be traded unless the specimen originates from a breeding operation registered with the CITES Secretariat by the Management Authority, and has been individually and permanently marked in a manner so as to render alteration or modification by unauthorized persons difficult.

(7) All persons registered with the Management Authority for captive breeding of animals or artificial propagation of plants shall keep records of their stocks and of any transactions.

(8) The Management Authority may inspect the premises and records of persons registered with the Management Authority at any reasonable time.

Bred in
captivity and
artificially
propagated
certificates.

28.—(1) The Management Authority may issue a bred in captivity certificate or an artificially propagated certificate in lieu of any permit or certificate required under Part III if the Management Authority is satisfied that—

- (a) a specimen of animal species is bred in captivity; or
- (b) a plant species is artificially propagated.

(2) In the case of a foreign captive-bred or artificially propagated specimen or specimen which is a part or derivative of a foreign captive-bred animal or artificially propagated plant, subject to sub-section (3), a certificate by the competent authority to the effect that such a specimen was bred in captivity or artificially propagated, or is part of such an animal or plant or was derived therefrom shall be accepted in lieu of any permit or certificate required under Part III.

(3) This section shall apply to the species in Appendix I, Appendix II or Appendix III or to an individual species, only to the extent provided for in Resolution 12.10 and Resolution 10.16, or their successors or any other applicable CITES Decision or Resolution.

(4) On the issuance of a certificate under sub-section (1), a person shall pay the prescribed fee to the Management Authority.

29.-(1) The provisions of Part III shall not apply to-

Exemptions.

- (a) the transit or transshipment of specimens through or in Belize;
- (b) a specimen that was acquired before the CITES applied to that specimen and the exporter or importer holds a certificate to that effect, issued by the Management Authority or the relevant authority as the case may be;
- (c) subject to sub-section (3), specimens that are personal or household effects, or not for resale; or
- (d) to the non-commercial loan, donation, or exchange between scientists or scientific institutions in Belize recognized by the Management Authority and scientists or scientific institutions in other States recognized by the relevant authorities of those States, of the following specimens that carry a label issued or approved by the Management Authority or relevant authority-
 - (i) herbarium specimens;
 - (ii) preserved, dried or embedded plants;

- (iii) live plants;
- (iv) preserved animals;
- (v) preserved animal skin; or
- (vi) live animals.

(2) For the purposes of this section, transit or transshipment of specimens means–

- (a) specimens that remain in the control of the Customs and Excise Department and are in the process of shipment to a named consignee when any interruption in the movement arises only from the arrangements necessitated by this form of traffic; and
- (b) cross-border movements of sample collections of specimens that comply with the provisions of section XV of Resolution Conf. 12.3 (Rev. CoP13) and are accompanied by an authorization for temporary import or export issued by the Customs Department.

(3) The provisions of Part III shall apply to sub-section (1)(c) in the following circumstances–

- (a) if any specimens of a species specified in Appendix I was acquired by the owner outside of Belize; or
- (b) if any specimen of a species in Appendix II is–
 - (i) acquired by the owner outside of Belize in a State where removal from the wild occurred and the State requires the prior

grant of an export permit before the exportation of any such specimen; and

(ii) being imported into Belize,

unless the Management Authority is satisfied that the specimens were acquired before the provisions of CITES applied to those specimens.

30.—(1) The Management Authority may allow the movement without permits or certificates of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition based in Belize, provided that—

Other
exemptions.

- (a) the specimens are in either of the categories specified in section 28 (1) or section 29 (1) (b);
- (b) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment;
- (c) the movement of specimens is for exhibition purposes only and shall be returned to Belize; and
- (d) the traveling exhibition registers with the Management Authority the full details of its specimens and is issued a permit or certificate in respect of each animal.

(2) In the case of a foreign based traveling-exhibition, the movement in and out of Belize of specimens forming part of such exhibition shall not be allowed without permits or certificates issued by the Management Authority unless the exhibition possesses travelling-exhibition certificates issued by the competent authority of the State in which the exhibition is based, in respect of each specimen concerned.

(3) In the case of the death of any live animal specimen which is part of the traveling exhibition, while in Belize, the Management Authority shall be notified so as to verify the status in respect to the specimen concerned.

Progeny of
exempt animal.

31. Part III shall apply to—

- (a) the exportation from Belize of any progeny of an exempt animal born in Belize during the parent's stay in Belize; and
- (b) the importation into Belize of any progeny of an exempt animal born outside Belize during the parent's visit to another country.

Non-exemption
of diplomats.

32. For the avoidance of doubt, notwithstanding anything in any other law, diplomats and persons with diplomatic privileges shall not be exempted from the provisions of this Act.

Simplified
procedures.

33. Notwithstanding anything in this Act regarding the procedures for application, processing thereof, the issuance, or clearance of permits and certificates, simplified procedures, which shall be published on the website of the Management Authority, in respect of such processes may be adopted in the following instances—

- (a) where biological samples of a type and size prescribed, in conformity with the CITES, are urgently required—
 - (i) in the interest of an individual animal;
 - (ii) in the interest of the conservation of the species concerned or other species listed in the Appendices;
 - (iii) for judicial or law enforcement purposes;

- (iv) for the control of diseases transferable between species listed in the Appendices; or
 - (v) for diagnostic or identification purposes;
- (b) where a certificate is issued under section 29 (b);
- (c) where a certificate is issued for captive breeding or artificial propagation under section 28 or for the issuance of export permits or re-export certificates for specimens of Appendix I species deemed to be specimens of species included in Appendix II under section 27; and
- (d) any other case where the Management Authority thinks the use of simplified procedures to facilitate and expedite trade will have a negligible impact or none, on the conservation of the species concerned.

PART V

Verification, clearance, and enforcement

34.-(1) The Management Authority may require the holder of a permit or certificate to produce for inspection such information, documents, books, records or accounts relating to the trade of the specimen concerned.

**Documents
required to be
produced on
inspection.**

(2) The Management Authority or an authorized officer may at any reasonable time enter the business premises of the holder of a permit or certificate to inspect any information, documents, books, records or accounts relating to the trade of the specimen concerned.

(3) If a person fails to produce such information, documents, books, records or accounts to the Management

Authority or an authorized officer as required or to allow entry and provide access to such information, documents, books, records or accounts, that person commits an offence and is liable on summary conviction to a fine of not less than five thousand dollars or imprisonment for a period not exceeding six months or both.

(4) The Management Authority may make and keep copies of any information, document, books, records or accounts inspected under this section.

Inspection of specimen.

35.—(1) The Management Authority may require the holder of a permit or certificate to produce for inspection the specimen concerned.

(2) Subject to sub-section (3), the Management Authority or any authorized officer by the Management Authority may at any reasonable time enter any premises in which a specimen is being stored or kept to inspect such specimen and premises.

(3) The Management Authority or an authorized officer shall not enter a dwelling house unless the Management Authority or an authorized officer—

- (a) obtains the consent of the occupant of the dwelling house; or
- (b) is under the authority of a warrant issued by the Court.

(4) A person who fails to produce a specimen for inspection as required or to allow entry into any premises and inspection of any premises or specimen commits an offence and is liable on summary conviction to a fine of not less than five thousand dollars or imprisonment for a period not exceeding six months or both.

36. A customs officer shall take custody of and inspect each consignment of specimens at the port of entry or exit as the case may be—

Power of inspection by customs officers.

- (a) to identify the specimens contained in the consignment;
- (b) to examine the required documents for trade, and exemption documents;
- (c) to ensure that the specimens in the consignment are the same as those indicated in the accompanying permit or certificate, including the description and quantity of the specimens, and that the specimens are being imported from or exported to the country mentioned in such documents;
- (d) to determine identity of the person exporting, importing or introducing the specimens; and
- (e) for any other matters as may be prescribed.

37.—(1) A customs officer may consult with the Management Authority after an inspection is completed on whether or not the consignment of specimens is eligible for release and shall deliver to the Management Authority the permits, certificates and any relevant information obtained during the course of the inspection.

Verification of documents by Management Authority.

(2) The Management Authority shall authorize the release of consigned specimens if—

- (a) the permits or certificates presented in relation to the consignment are authentic;
- (b) such documents are valid; and

- (c) they correspond to the actual specimens in the shipment.

(3) The specimens shall remain in the possession and control of the Customs Department officer until the Management Authority authorizes the release of consigned specimens, by way of a memorandum in writing.

Examination to determine validity.

38.—(1) The Management Authority shall verify the authenticity and validity against its records and the requirements for the validity of a local or foreign permit or certificate.

(2) The Management Authority may consult with the Secretariat or the relevant authority of the State that issued the foreign permit or certificate on the authenticity and validity.

(3) The Management Authority may conduct such inspections of the specimens and carry out such inquiries and investigations as it deems necessary as part of the process to examine the eligibility of specimens for release.

Clearance of specimen.

39.—(1) The Management Authority shall inform the customs officer upon ascertaining the eligibility or otherwise of specimens for release.

(2) A customs officer shall release the consigned specimen, without prejudice to the provisions or requirement of any other law relating to the import, export or introduction from the sea of the specimen or consignment if the Management Authority authorizes the release.

(3) A customs officer shall seize a specimen or consignment and transfer the custody to the Management Authority if the Management Authority has notified that the specimen or consignment is not eligible for release.

(4) The Management Authority shall, upon request by the importer, exporter or person introducing specimens from the sea, provide that person with the reason for refusing to authorize the import, export, re-export or introduction, as the case may be.

(5) The Management Authority shall retain all permits and certificates including permits and certificates deemed invalid, except for export permits and re-export certificates which shall be returned to the exporter and any other certificates which from their nature are required to be returned to the holder.

40.—(1) A customs officer shall have power to detain and take custody of an animal or plant that the customs officer suspects to be listed Appendix I, Appendix II or Appendix III, for further investigations—

Power to detain
for further
investigation.

- (a) a consignment of specimens that is unaccompanied by a permit or certificate, notwithstanding a purported exemption; and
- (b) an animal or plant, dead or alive;
- (c) a part or derivative of an animal or plant;
- (d) an item or good which appears from an accompanying document, the packaging or mark or a label, or from any other circumstances to be or to contain or to be manufactured from parts or derivatives of any animal or plant; or
- (e) any shipment thereof.

(2) Where a consignment, animal or plant, part or derivative thereof, item or shipment is detained under subsection (1), the customs officer shall conduct an inspection and inventory of the consignment and may require from the person

undertaking the importation, exportation or introduction from the sea such information as it deems necessary.

(3) Upon completion of the inspection and inventory, the customs officer shall immediately consult the Management Authority on whether or not the specimens are eligible for release, or if the provisions of this Act apply to the animal or plant concerned, and shall deliver to the Management Authority the information obtained during the inspection and inventory.

(4) Until the Management Authority authorizes the release of a specimen, by way of a memorandum in writing to that effect addressed to the customs officer, or notifies the customs officer that the animal or plant concerned is not a listed species, the specimen, consignment, animal, plant, part, derivative, item or shipment shall remain in the possession and control of the customs officer.

(5) For the purposes of determining whether or not the specimens are eligible for release, or the provisions of this Act apply to the animal or plant, the Management Authority may conduct such inspections of the specimens, animal, plant, part, derivative, item or shipment and such inquiries and investigations as it deems necessary, including consultation with the Secretariat or any relevant authority.

**Determination
of applicability
of exemption.**

41.—(1) Where the Management Authority has determined that an exemption applies, or the provisions of this Act are not applicable, the Management Authority shall inform the customs officer and the customs officer shall, without prejudice to the provisions or requirement of any other law regulating the import, export or introduction of such specimen, consignment, animal, plant, part, derivative, item or shipment, release the same.

(2) Where the Management Authority has notified the customs officer that the specimen or consignment is

not eligible for exemption or that the animal, plant, part, derivative, item or shipment is subject to the provisions of this Act, the customs officer shall seize the specimen or consignment and transfer the custody thereof to the Management Authority.

42. The Forest Department, Fisheries Department, Belize Agricultural Health Authority and any other authorized officer shall assist a customs officer in carrying out the necessary checks and inspections at the port of entry or exit as required under this Part.

Relevant departments to render assistance.

43. All living specimens, during any period of holding by a customs officer, shall be properly cared for in accordance with guidelines issued by the Management Authority or prescribed guidelines, so as to minimize the risk of injury, damage to health or cruel treatment.

Care of specimen during holding period.

44.—(1) The Management Authority and Customs Department shall ensure that specimens pass through the formalities required for trade with minimum delay.

Port of entry and exit.

(2) The Minister responsible for forestry, in consultation with the Minister responsible for fisheries, may, by Order published in the *Gazette*, designate ports of entry and exits to which all imports, export, re-export, introduction from the sea, transit or transshipment of specimens shall be restricted.

(3) The ports designated under the Belize Agricultural Health Authority Act may, where possible, be the same port designated under sub-section (2).

45.—(1) Subject to sub-section (2), an authorized officer may enter and search any premises where it is reasonably suspected that specimens illegally traded are or were kept or stored and may make copies of any book, document, records or accounts, take such photographs and seize any equipment or other article which may constitute evidence of an offence under this Act.

Power to enter, search, seize and detain.

(2) Notwithstanding sub-section (1) an authorized officer shall not enter a dwelling house except—

- (a) with the consent of the occupant of the house;
or
- (b) under the authority of a warrant issued by a magistrate.

(3) Where a specimen is found, an authorized officer shall seize such specimen and thereafter shall forthwith transfer custody of such specimen to the Management Authority.

PART VI

Appeals, Confiscations, and Disposal

Appeals.

46.—(1) An aggrieved person may appeal to the Supreme Court within thirty days of the seizure of a specimen.

(2) The aggrieved person shall immediately notify the Management Authority after lodging an appeal with the Court.

(3) The specimen shall remain in the custody of the Management Authority pending determination of the appeal.

(4) The costs of storing, and in the case of live specimens, the cost of maintaining such specimens shall be borne—

- (a) by the aggrieved person, if that person is unsuccessful in the appeal; or
- (b) by the Management Authority, if the aggrieved person is successful in the appeal.

(5) The appellant shall have the burden of proving that the specimens were not subject to seizure under the relevant provision of this Act.

47. Where the appeal was allowed under section 46, the Management Authority shall immediately return a specimen to the successful appellant,.

Return of specimen.

48. Where the appeal was dismissed or where no appeal was made within the thirty-day period referred to in section 46(1) and the period has expired, the specimen shall be forfeited to the Government.

Forfeiture of specimen.

49.-(1) The Management Authority shall dispose of a forfeited specimen in the most appropriate manner and in accordance with the appropriate CITES Resolution on disposal, enforced at the time.

Disposal of forfeited specimen.

(2) The Management Authority may consult the Scientific Authority, the Secretariat or any international scientific institution to determine how to dispose of forfeited specimens.

50.-(1) The Management Authority or any authorized officer shall not be liable for-

Exclusion of liability.

- (a) the destruction of specimen brought into Belize contrary to this Act;
- (b) damage done, delays, or loss as a result of the revocation, suspension, or modification of a permit or certificate, unless otherwise provided under this Act;
- (c) costs relating to any inspection, investigation and verification of permits or certificates carried out by the Management Authority or customs officer under this Part, including the costs of storage during the period of verification and such costs shall be recoverable by the Government as a civil debt.

(2) Notwithstanding anything in this Act, no specimen or consignment of specimen shall be released from the Customs Department or the Management Authority until the importer, exporter or person introducing the specimen has paid all the costs referred under sub-section (1)(c).

Detention of conveyance or person.

51.—(1) An authorized officer may detain a person, vehicle, aircraft, boat, ship or other conveyance, where there is reasonable suspicion that an offence has been or is likely to be committed under this Act, and in the exercise of this power, may request a person to produce his identification.

(2) Where a specimen is found in a conveyance or on a person which, in the opinion of the authorized officer, may constitute evidence of an offence under this Act, the authorized officer may seize any such specimen and shall forthwith transfer custody of such specimens to the Management Authority.

PART VII

Offences

Falsification.

52.—(1) A person commits an offence if that person, whether for himself or another person, seeks to obtain the grant of a permit or certificate by—

- (a) making a statement or representation which is false in a material particular;
- (b) furnishing a document or information which is false in a material particular; or
- (c) using or furnishing a false, falsified or invalid foreign permit or certificate or one altered without authorization.

(2) A person who commits an offence under this section is liable on summary conviction to—

- (a) a fine of thirty thousand dollars;
- (b) imprisonment for three months; or
- (c) both a fine and imprisonment.

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

(4) A person who knowingly in possession or control of specimens traded under a permit or certificate falsely obtained commits an offence and is liable on summary conviction to a fine of not less than thirty thousand dollars or imprisonment for a period not exceeding six months or both.

(5) The Management Authority shall seize the specimen imported or introduced from the sea under a falsely obtained permit or certificate.

53.—(1) A person who does not qualify for any exemptions under this Act, and trades any specimen of a listed species without a permit or certificate as required under this Act, commits an offence and is liable, on summary conviction to—

- (a) a fine of thirty thousand dollars;
- (b) imprisonment for three months; or
- (c) both a fine and imprisonment.

(2) Any specimen traded illegally shall be seized and be liable to forfeiture.

Illegal trade
in endangered
species.

(3) A person who attempts to import, export, re-export or introduce from the sea any specimen of a listed species—

- (a) without a permit or certificate as required under Part II of this Act; or
- (b) notwithstanding the applicability of any exemption, other than through a customs control point, commits an offence and is liable on summary conviction to a fine not exceeding thirty thousand dollars or to imprisonment for a term not exceeding three months, or to both and any specimen shall be seized and be liable to forfeiture.

Possession
of specimen
illegally traded.

54.—(1) A person who receives, possesses or is in control of a specimen illegally traded, commits an offence, and is liable, on summary conviction to—

- (a) a fine of thirty thousand dollars;
- (b) imprisonment for three months; or
- (c) both a fine and imprisonment.

(2) Any specimen that is illegally traded shall be seized and is liable to forfeiture, unless the person can account for the possession or can show that he came by such specimen innocently and without knowledge of the illegal trade.

Offence of
tampering.

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

Offence of
aiding and
abetting.

56. A person who aids and abets the commission of any offence under this Act commits an offence and is liable on

summary conviction to a fine of not less than thirty thousand dollars or imprisonment for a period not exceeding six months or both.

57. The burden of proving lawful possession of any specimen shall be upon the person possessing such specimen.

Burden of proof.

58.—(1) Where a specimen is seized, such specimen shall remain in the custody of the Management Authority pending the conclusion of the trial.

Forfeiture of specimen on conviction.

(2) Where a person has been convicted of an offence under this Act, any specimen seized in relation thereto, shall be forfeited to the Government of Belize.

(3) A forfeited specimen shall be dealt with in accordance with section 49.

59. Where an offence under this Act is committed by a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity shall be deemed to have committed the offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

Offence by corporation.

60. A prosecution for an offence under this Act may be commenced within two years after the commission of the offence or within two years after the Management Authority becomes aware of the offence, whichever is the later.

Limitation period.

61.—(1) A person who commits an offence under this Act for which no penalty is specifically provided is liable on summary conviction to a fine not exceeding thirty thousand

General penalty.

dollars or to imprisonment for a term not exceeding three months, or to both.

(2) Where a person is convicted of an offence under this Act, a vehicle or container detained in respect of that offence may, subject to an order of the Court, be forfeited to the Government of Belize, and the Minister responsible for forestry, in consultation with the Minister responsible for fisheries may dispose of that vehicle or container as the Minister thinks fit.

(3) A forfeiture ordered under this section is in addition to any other penalty that may be imposed.

Leave for
prosecution.

62. The Management Authority may appoint a person to prosecute offences under this Act.

Sale of
endangered
species
prohibited.

63.—(1) A person who sells a specimen of a listed species, in any commercial free zone, designated processing area, airport, seaport, border crossing, duty free areas beyond custom control points or at other locations of international departure and arrival, commits an offence and is liable on summary conviction, to a fine of thirty thousand dollars or to imprisonment for three months, or to both.

(2) Subject to a conviction under this section, the specimen is liable to forfeiture by order of the court.

(3) The Management Authority or a person authorised by the Management Authority may conduct regular inspection of such premises, including inspection of any books, records or accounts and shall not be required to give to any person prior notice of such inspection.

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

PART VIII

CITES Fund

64.-(1) There shall be established a CITES Fund for the purpose of supporting the carrying out the provisions of this Act.

Establishment
of CITES
Fund.

(2) The CITES Fund shall be in the name of the Management Authority and Scientific Authority and maintained at a bank approved by the Ministry of Finance.

(3) Expenses incurred or payable by the Management Authority or Scientific Authority pursuant to this Act shall be paid out of the CITES Fund and any disbursement shall be in accordance with generally accepted accounting principles.

65.-(1) The revenues of the CITES Fund shall consist of-

Revenue.

- (a) such sums as may be appropriated from time to time by the National Assembly for the purposes of the Fund;
- (b) such sums as may be received for the purposes of the Fund by way of voluntary contributions or donations, including donations received from the government of any State Party, international organization, or the Secretariat for the purpose of implementing CITES; and
- (c) any other money which may become payable to or vested in the Management Authority or received by the Management Authority from any other source.

(2) Notwithstanding sub-section (1), the following revenues shall be paid into the Consolidated Revenue Fund—

- (a) application, permit fees and charges prescribed for provision of services rendered by the Management Authority or the Scientific Authority;
- (b) proceeds from fines or sale of confiscated Appendix II or Appendix III specimens.

Submission of budget estimates.

66.—(1) The Management Authority and the Scientific Authority may, in such form and by such dates as may be prescribed by the Financial Secretary, prepare and submit to the Minister of Finance, through the Minister responsible for forestry, in consultation with the Minister responsible for fisheries, estimates of revenue and expenditure (including any supplementary estimates) for each financial year, and the Minister of Finance shall present the said estimates to the National Assembly with such amendments, if any, as he may consider necessary.

(2) Except with the approval of the Minister of Finance, no further sum shall be expended in any financial year other than that provided in the budget relating to such financial year.

Establishment of Funds Committee.

67.—(1) There is established a CITES Funds Committee consisting of six members appointed by the Minister responsible for forestry, in consultation with the Minister responsible for fisheries.

(2) The members of the Fund Committee shall be—

- (a) the Chief Executive Officer of the Ministry who shall be the Chairperson of the Fund Committee;

- (b) two members of the Management Authority;
- (c) two members of the Scientific Authority;
- (d) the Financial Secretary or his nominee.

68. The functions of the Fund Committee are to—

- (a) administer the CITES Fund in accordance with the Finance and Audit (Reform) Act and the Financial and Stores Orders;
- (b) determine the distribution of the CITES Fund to—
 - (i) assist the Management Authority and Scientific Authority in carrying out their functions;
 - (ii) undertake research, studies and activities relating to the fulfillment the Belize's commitments under the CITES; and
- (c) perform any other function which may be necessary for the effective functioning of the CITES Fund.

**Functions of
the Funds
Committee.**

CAP 15.

PART IX

Miscellaneous

69.—(1) The Management Authority shall prepare reports required under the CITES and submit such reports to the Minister responsible for forestry and the Minister responsible for fisheries for their review prior to delivery to the Secretariat.

Reports.

(2) The Management Authority shall, within four months of the end of each year, prepare and submit to the Minister

responsible for forestry and the Minister responsible for fisheries, a report on the administration and enforcement of this Act for that year and shall include in such report any report delivered to the Secretariat.

Effect of
Act on other
enactments.

70.—(1) The provisions of this Act are in addition to, and not in derogation of, or in substitution for the provisions of any other Act or regulations pertaining to the management, protection or conservation of fauna and flora, endangered or otherwise, or regulating the export or import of or trade in any goods, and do not affect the exercise of any power in those Acts, including the—

- CAP. 211. (a) Belize Agricultural Health Authority Act;
- CAP. 213. (b) Forests Act;
- CAP. 220. (c) Wildlife Protection Act;
- CAP. 328. (d) Environmental Protection Act;
- CAP. 293. (e) Supplies Control Act;
- CAP. 49. (f) Customs Regulations Act;
- CAP. 210. (g) Fisheries Resources Act;
- CAP201:01. (h) High Seas Fishing Act.

provided that such other Act or regulations shall prevail where there is an inconsistency with this Act.

(2) Nothing in this Act shall be construed as prohibiting—

- CAP. 220. (a) the imposition, whether under this Act, the Wildlife Protection Act or any other law, of stricter measures in relation to trade in listed species, including the complete prohibition

of trade in certain species or for conservation reasons, regulating the export of some native CITES species in accordance with the requirements for trade in species listed in an Appendix above the one in which the native species is listed; or

- (b) the regulation, whether under this Act, the Wildlife Protection Act or any other law, of trade in non-CITES species along the lines of the provisions of this Act,

CAP. 220.

provided that any permit or certificate which may be required for non-CITES species shall not be in the forms prescribed for permits and certificates required.

71.—(1) Where the CITES is amended, the Minister responsible for forestry, in consultation with the Minister responsible for fisheries, may, as soon as possible, by notice published in the Gazette together with the date of the entry into force along with any corresponding reservations entered into by Belize and the extent of such reservations.

Publications.

(2) All withdrawals of reservation shall, as soon as possible, be published by way of notice in the Gazette together with the date the withdrawal takes effect and the amendment concerned comes into force for Belize.

(3) A magistrate or judge shall take judicial notice of all amendments to the Appendices whether or not a notice thereof has already been published in the *Gazette* pursuant to this section and of all such notice as may be published.

72.—(1) The Minister responsible for fisheries or the Minister responsible for forestry, as the case may be, may, on the advice of the Management Authority, make Regulations to provide for—

Regulations.

- (a) a matter that is necessary or desirable for the purpose of implementing CITES or a decision, resolution or agreement including the Resolutions and Decisions of the Conference of the Parties;
- (b) preconditions for the grant of certificates under Part III;
- (c) the presentation and verification of a permit or certificate issued by the Management Authority or a competent authority, as the case may be, where none is expressly required under this Act for the importation or exportation of any specimen or prior to the issuance of a permit or certificate by the Management Authority;
- (d) the procedures and monitoring of exemptions under section 29;
- (e) disqualifications from obtaining registration, permit, or certificate;
- (f) the manner of appeals against decisions of the Management Authority relating to registration, permit or certificate;
- (g) the procedures and cost of disposal of forfeited specimens, including sale of Appendix II and Appendix III species;
- (h) the conditions for the transport, packing or shipment of live specimens being traded;
- (i) the prohibition or restriction by way of a quota system;

- (j) the export, import, re-export or introduction from the sea of CITES species;
- (k) the marking of any specimen by the Management Authority and fee payable in respect thereof;
- (l) the terms and conditions for particular permits or certificates;
- (m) the criteria for selection of a rescue center or facility for the holding of specimens seized;
- (n) the criteria and procedures for commercial or captive breeding of specimen included in the CITES Appendices;
- (o) the procedure to effect the return of forfeited specimens to the country of export;
- (p) fees payable;
- (q) the procedure for public participation in the development of negotiating positions for meetings of the Conference of the Parties and amendments to the Appendices;
- (r) the inspection of parcels, packages, envelopes sent by mail, post or through a courier service and the procedures thereof;
- (s) the factors the Management Authority or the Scientific Authority shall take into consideration in making certain findings under this Act;
- (t) provide for the inspection of specimens in transit or transshipment to ascertain the

existence of valid documentation required for trade under this Act as if though Belize is the final destination for such specimens and for the manner in which specimens in transit or transshipment without valid documentation shall be dealt with;

- (u) provide for the exemption of non-exempted personal or household effects from the requirement for permits and certificates in specified instances;
- (v) provide in the case of live animals forming personal or household effects, that for any exemption to be applicable, such animals must be registered with the Management Authority in the case where the owner is ordinarily resident in Belize and in the case of a foreign owner, with the competent authority of the owner's State of usual residence and that the owner holds a certificate of ownership issued by the Management Authority or the competent authority as the case may be;
- (w) require the registration with the Management Authority of pre-CITES specimens referred to in section 29(b) and the procedure therefor;
- (x) for any other matter pertaining to the application of any exemption under section 29, in conformity with any CITES Decision or Resolution on the application and implementation of such exemption;
- (y) guidelines to support the creation and rescission of non-detriment findings for commercial species; or

- (z) anything required to be prescribed under this Act.

(2) Regulations made may provide that a contravention thereof shall constitute an offence punishable on summary conviction to a fine of thirty thousand dollars or to imprisonment for three months or to both.

73. This Act shall come into force on a day appointed by the Minister responsible for forestry, in consultation with the Minister responsible for fisheries, by Order published in the *Gazette*.

Commencement.

SCHEDULE
[sections 14 and 28]

FEEES

Permit/Certificate	Fee
<i>Appendix I</i>	\$200
<i>Appendix II</i>	
Commercial purposes	\$500
Bred in captivity or artificially propagated certificate	\$500
Personal (non-commercial purposes)	
(<i>Strombus gigas</i> up to 20 pounds)	\$25
(<i>Dalbergia spp.</i> up to 22 pounds)	\$50
Other	\$50
Research and Education	\$50
<i>Appendix III</i>	\$100