

CHAPTER 210
HOL CHAN MARINE RESERVE REGULATIONS
ARRANGEMENT OF REGULATIONS

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CHAPTER 210
HOL CHAN MARINE RESERVE REGULATIONS

(Section 13)

[13th December, 1988.]

1. These Regulations may be cited as the Hol Chan Marine Reserve Regulations.
2. In these Regulations-
“Administrator” means any fishery officer appointed as Administrator for the purpose of these Regulations;
“Board” means the Board of Trustees established under regulation 13 of these Regulations;
“Fish” has the meaning assigned to it in the Fisheries Act;
“fishing” means the taking of fish;
“Reserve” means the Hol Chan Marine Reserve, as declared by the Fisheries (Hol Chan Area Marine Reserve) Order;
“Zone” means any of the areas demarcated as restricted areas in the Reserve;
“Zone A”, “Zone B” and “Zone C” and “Zone D” shall have the descriptions respectively assigned to them in the Schedule to the Fisheries (Hol Chan Area Marine Reserve) Order.
3. (1) For the purpose of proper control and regulation of the Reserve there are hereby created four zones within the Reserve to be called:
 - (a) Zone A;
 - (b) Zone B;

(c) Zone C; and

(d) Zone D.

(2) The above Zones shall be clearly demarcated as restricted areas by buoys and other suitable signs.

4. No person within the boundaries of the Reserve

(a) shall have in his possession any flora or fauna without special licence from the Administrator;

(b) shall deposit any materials in or on the waters of the Reserve except by special licence from the Administrator;

(c) shall erect any structure, whether temporary or permanent;

(d) shall discharge or deposit any waste material into waters or land areas;

(e) shall mark or tamper with any sign, buoy or notice installed by the Administrator.

5. Any accident involving personal injury or damage to property shall be reported to the Reserve Manager as soon as possible, but neither the Administrator nor the Government of Belize shall be liable for such injury or damage.

Restrictions.

Report of
accident, etc.

6. The following additional rules shall apply to Zone A-

(a) no person shall engage in fishing;

(b) visitors shall first obtain a ticket, on payment of the prescribed fee, from the Reserve headquarters before entry to this Zone;

(c) all boats shall anchor at the mooring provided in this Zone except in cases of emergency where life and property may be in danger;

(d) no person shall remove from its place or disturb any species of flora or fauna, including rocks, dead coral, shells or sand;

(e) no person shall cast or drag any anchor in such a way as to damage coral reef formations;

(f) all boats operating in this Zone shall obtain registration from the Administrator in the prescribed form set out in the First Schedule.

7. The following additional rules shall apply to Zone B-

(a) no person shall engage in trawling;

(b) no person shall engage in fishing except under a special licence from the Administrator in the prescribed form set out in the Second Schedule.

8. The following additional rules shall apply to Zone C-

(a) no person shall engage in fishing except under a special licence from the Administrator in the

prescribed form set out in the Second Schedule;
(b) all boats used for sport fishing shall obtain registration from the Administrator in the form set out in the First Schedule.

8:01 This area shall be protected as a multi-purpose use zone and the following additional rules shall apply to Zone D:-

(a) there shall be within this zone a "General Use Area" which shall be protected as follows:-

(i) commercial fishing shall be allowed in all of Zone D except in the exclusive recreational areas of "Shark Ray Alley" and "Amigos Del Mar Dive Wreck";

(ii) fishermen who use Zone D shall submit catch data upon request by the staff of the Reserve;

(iii) fishermen who use Zone D shall obtain the Hol Chan Marine Reserve stamp on their fishing licences;

(iv) no gloves shall be allowed in Zone D; and

(v) the down-under diver's flag shall be displayed at all times by tour guiding vessels;

(b) there shall be within this zone "Exclusive Recreation Areas" which shall be protected as follows:-

(i) special marker buoys shall demarcate the boundaries of the exclusive recreation areas, and these areas shall be comprised of the area at "Shark Ray Alley" and the other area outside the reef at the "Amigos Del Mar Dive Wreck";

(ii) no fishing shall be allowed in the exclusive recreation areas;

(iii) no feeding of fish by tourists shall be allowed in the exclusive recreation areas;

(iv) no touching of flora or fauna shall be allowed in the exclusive recreation areas;

(v) no scuba diving shall be allowed in Shark Ray Alley except for research purposes under a special licence issued by the Fisheries Administrator in that behalf;

(vi) commercial, recreational vessels shall be allowed to stay in the exclusive recreation areas for periods of not more than one hour at any one time, and only if there are in that area mooring buoys available;

(vii) commercial recreational vessels within the exclusive recreation areas shall first report to the Ranger on duty before engaging in

any water-related activities;
(viii) down-under divers flags shall be displayed at all times; and
(ix) no fishing gear shall be allowed on board any commercial recreational vessel except fins and masks.

9. Permits issued under these Regulations are-
(a) not transferable;
(b) renewable upon application to the Administrator;
(c) subject to cancellation if any of the conditions of the permit or any of these Regulations is contravened.

10. The Fisheries Regulations shall apply within the Reserve.

11. (1) The Reserve shall remain open to the public on all days of the week as follows:

- 1. Mondays to Fridays 8.00 a. m. to 4.00 p. m.
- 2. Saturdays 12.00 p.m. to 4.00 p.m.
- 3. Sundays 8.00 a.m. to 12.00 p.m.

(2) Admission to the Reserve shall be on payment of the following fees for tourists, Belizeans and commercial recreational vessels:

(a) Zone A, B, C Fee

- 1. Tourists \$5.00 per person per day
- 2. Belizeans \$2.00 per person per day
- 3. Commercial Recreational Vessels \$10.00 per vessel per annum

(b) Zone D Fee

- 1. Tourists..... \$7.00 per person per day
- 2. Belizeans \$1.00 per person per day
- 3. Commercial Recreational Vessels\$10.00 per vessel per annum

(c) Zones B & C Fees (for sport fishing)

- 1. Tourists \$5.00 per day per person
- 2. Belizeans \$2.50 per day per person
- 3. Commercial Recreational Vessels \$10.00 per vessel per annum:

Provided that no fees shall be charged:

- (a) to any child below the age of twelve years;
- (b) to Belizeans who enter the Reserve on Sunday, unless that day falls on a Public or Bank holiday, in which case the normal fees shall be charged.

12. Any person who contravenes these Regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

13. (1) There is hereby established a Board of Trustees for the purpose of directing and managing the affairs of the Reserve.
(2) The constitution and procedure of the Board shall be as set out in the Third Schedule to these Regulations.

14. (1) The functions of the Board shall be to:

- (a) be responsible for the efficient administration of the affairs of the Reserve;
- (b) make recommendations regarding admission fees and other charges to be levied in relation to the Reserve;
- (c) solicit and accept donations, subscriptions and benefactions for the maintenance of the Reserve;
- (d) hold on trust, all funds and revenues of the Reserve including subscriptions, covenants, sponsorships and legacies;
- (e) manage the affairs of the Reserve and disburse moneys from the same for the purpose of maintaining the integrity of the ecosystems within the Reserve;
- (f) borrow money, with the consent of the Minister of Finance, for any purpose connected with the administration of the Reserve;
- (g) invest moneys of the Reserve but only after consultation with the Minister of Finance and upon the recommendation of a reputable financial institution;
- (h) ensure regular revision and review of the Reserve's management plan;
- (i) comment on and recommend legislation and regulations for the Reserve;
- (j) procedure current reports on matters impacting the reserve and liaise with relevant Government Agencies; and
- (k) advise on and where appropriate, assist with administrative matters, publicity, educational interpretive programs and decisions relating to research to be carried out in the Reserve.

15. (1) The Board shall, with the approval of the Minister of Finance, open and maintain at a reputable bank, an account for the funds of the Reserve to be known as the Reserve Fund Account.
(2) The Reserve Fund Account may only be operated on by cheque or other negotiable instrument signed by the Chairman or other member of the Board authorised to sign, and countersigned by any other member of the Board

authorised to countersign.

(3) No moneys shall be paid out of the Reserve Fund Account except with the authority and in accordance with any general or special directions of the Board.

(4) All money forming part of the funds of the Reserve shall, as soon as practicable after it is received by any member of the Board, be paid into the Reserve Fund Account.

16. (1) The revenues of the Reserve shall consist of the following moneys:

(a) fees and other charges collected from the use of the Reserve;

(b) donations solicited by the Board;

(c) contributions from the Government;

(d) donations or contributions from organizations;

(e) all income derived from the investment of money by or on behalf of the Reserve; and

(f) any other money lawfully contributed, donated or bequeathed to the Reserve.

(2) The funds of the Reserve shall be kept separate from the Consolidated Revenue Fund and any general funds of the Government.

(3) The revenues of the Reserve shall be used exclusively for the proper and efficient administration, management and conservation of the Reserve.

17. (1) The Board shall keep full and correct accounts of all moneys received and expended on behalf of the Reserve.

(2) An annual audit of accounts shall be carried out by the Auditor General or an independent auditor to be appointed by the Minister of Finance.

(3) The Board shall prepare a statement of the assets and liabilities of the Reserve as at the end of each financial year and forward the same through the Minister responsible for fisheries to the Minister of Finance who shall present the said statement to the National Assembly as soon as practicable.

FIRST SCHEDULE

**APPLICATION FOR BOAT REGISTRATION FOR OPERATION
IN HOL CHAN MARINE RESERVE**

(In duplicate)

- 1. Name of boat owner.
- 2. Name of captain.
- 3. Name of boat, if any.
- 4. Length of boat.
- 5. Width of boat.
- 6. Engine type and H. P.
- 7. Passenger capacity.
- 8. Type of activity-
 - (a) glass-bottom viewing;
 - (b) snorkeling;
 - (c) scuba diving;
 - (d) sportfishing.

Date Signature

Registration Form

Name of boat owner.

Name of captain.

Name of boat.

This boat is registered to carry up to passengers
and to conduct the following activities in the Hol Chan Marine Reserve,
i.e.

Conditions of registration:

- 1. If carrying passengers to dive in the reserve, the captain/guide is responsible for the following-
 - (i) to acquaint passengers with the rules of the Reserve;
 - (ii) to anchor at the mooring provided when in Zone A;
 - (iii) to fly the “divers down” flag during all dives;
 - (iv) only certified scuba divers or those undergoing an approved training course will be allowed to use scuba tanks.
- 2. If carrying passengers to carry out sportfishing, the captain/guide is responsible for the following-
 - (i) to submit details of catch and area fished to the park manager when requested;
 - (ii) to release fish wherever possible.
- 3. To apply the mark/sticker provided in a prominent position on the registered boat.

Date

Fisheries Administrator

SECOND SCHEDULE

Fishing Licence for the Hol Chan Reserve

1. Fishermen will be required to fill in a special application form for fishing in the Reserve.

This will be the same as the currently used fishing licence form and boat licence application form, but with the following three conditions:

(a) I hereby will submit details of catch from the reserve areas as requested under the Second Schedule Form E1 of the Fisheries Regulations.

(b) Fishing will not be conducted in the Boca Ciega blue hole in Zone B with the use of nets or spears.

(c) Fishing will not be conducted in Zone A of the Reserve.

2. Licences for general fishing will then be stamped with a special stamp allowing the holder to fish on Zone B and C of the Hol Chan Reserve.

3. Boats licensed to operate in the Reserve for commercial fishing will be provided with a special mark/sticker.

Date

Fisheries Administrator

THIRD SCHEDULE

[Regulation 13]

1. The Board shall comprise of nine members as follows:

(a) the Manager of the Hol Chal Marine Reserve;

(b) a representative from a local NGO;

(c) the Chairman of the Fisheries Advisory Board;

(d) the Fisheries Administrator;

(e) the Financial Secretary or his representative from the Ministry of Finance;

(f) the Director, CZMA Institute;

(g) the Chairman of the Caribena Fishermen Cooperative;

(h) a representative from a local Tourism Industry Association or BTB;

(i) a local representative from the private sector; and

(j) the Mayor of San Pedro.

2. The members of the Board shall elect one of the members thereof to be its Chairman.

3. The Chairman may at any time resign his office by instrument in writing addressed to the Minister and as from the date of the receipt of the instrument by the Minister, unless some other date is mentioned in the instrument, the Chairman shall cease to be Chairman but shall continue to be a member of the Board.

4. The Board shall meet at least once every quarter or at such shorter intervals as may be necessary for the transaction of business.

5. Meetings of the Board shall be at such places and times as the Board may determine.

6. The Chairman may at any time call a special meeting and shall do so within seven days of his being requested to do so in writing by not less than four members of the Board.
7. The Chairman shall preside at all meetings of the Board but where at any meeting the Chairman is absent, the members present and constituting a quorum may elect a person from among themselves to be Chairman for that meeting.
8. Five members of the Board shall continue a quorum.
9. Decisions of the Board shall be by a majority of votes.
10. Every member of the Board shall have one vote but in cases where the voting is equal the Chairman shall have a casting vote in addition to his original vote.
11. The constitution of the Board and any changes occurring therein from time to time shall be published in the *Gazette*.
12. Subject to the existence of a quorum, the powers of the Board shall not be affected by any vacancy in the membership thereof.
13. All documents made by, and decisions of the Board shall be signed by the Chairman or by any member of the Board authorised to act in that behalf by the Board.
14. Subject to this Schedule the Board may regulate its own procedure.

MADE by the Minister of Agriculture this 15th day of November, 1994.

(RUSSEL GARCIA)

Minister of Agriculture
Minister responsible for fisheries

Ch. 174.
107 of 1988.
113 of 1989.
170 of 1994.
101 of 1999.
55 of 2003.
Short title.
Definitions.
170 of 1994.
S. I. 57 of 1987.
101 of 1999.
Zones.
101 of 1999.