



BELIZE

BELIZE INSTITUTE OF AGRICULTURAL RESEARCH AND DEVELOPMENT ACT

CHAPTER 46:01

REVISED EDITION 2003

SHOWING THE SUBSTANTIVE LAWS AS AT 31ST MAY, 2003

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2000.

This edition contains a consolidation of the following laws-

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ARRANGEMENT OF SECTIONS

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**BELIZE INSTITUTE OF AGRICULTURAL
RESEARCH AND DEVELOPMENT ACT**

5

Amendments in force as at 31st May, 2003.



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**BELIZE INSTITUTE OF AGRICULTURAL
RESEARCH AND DEVELOPMENT**

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CHAPTER 46:01

**BELIZE INSTITUTE OF AGRICULTURAL
RESEARCH AND DEVELOPMENT**

5 of 2003.

[31st January, 2003.]

PART I

Preliminary

1. This Act may be cited as the Belize Institute of Agricultural Research and Development Act. Short title.

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

“agriculture” means the utilization of the means of production and the utilization by man of the natural resources for the production of, among other things, sufficient food, fiber and drink of quality;

“Board” means the Board established under Part IV of this Act;

“Chairperson” means the person appointed under section 12 as the Chairperson of the Board;

“Board committee” means one or more committees nominated by the Board, which shall, subject to the instructions and control of the Board, perform such functions as the Board may determine necessary;

“development” means the activities by which knowledge acquired through research is utilized;

“financial year” means the period from 1 April in any year to 31 March in the succeeding year;

“Government” means the Government of Belize;

“industry” means any industry involved in the processing of agricultural products;

“Institute” means the Belize Institute for Agricultural Research and Development established under Part II of this Act;

“invention” includes the development, in whatever way, of new animal breeds, plant cultivars and other organisms or technology;

“Managing Director” means the Managing Director appointed pursuant to section 8;

“Minister” means the Minister responsible for Agriculture;

“Ministry” means the Ministry responsible for Agriculture;

“research” means the furtherance, accumulation and improvement of knowledge in the agricultural and related sciences through original and other investigations and methods of a scientific nature with the advancement of agriculture as its object;

“technology transfer” means the transfer of knowledge, and techniques and processes for the application thereof;

“trust” means a trust as contemplated in the trust legislation of Belize.

PART II

Establishment and Objectives of the Institute

3. (1) A body to be known as the Belize Institute of Agricultural Research and Development is hereby established. Establishment of the Institute.

(2) The Institute may exercise any of the functions entrusted to it by or in accordance with this Act or any Regulations made thereunder and may exercise any other duties incidental or ancillary to, or consequential upon, the performance of its functions.

4. (1) The Institute shall be a body corporate having perpetual succession and a common seal and subject to this Act shall have power to acquire, hold and dispose of movable and immovable property of whatever kind and to enter into contracts and to do all things necessary for the fulfillment of its objectives. Body corporate.

(2) The Institute may sue and be sued in its corporate name and shall for all purposes be described by that name.

(3) The seal of the Institute shall be authenticated by two signatures, of the Chairperson or the Managing Director and one other Director authorized by the Board of Directors to act for that purpose, and the seal thus authenticated shall be judicially and officially notified.

(4) All agreements to be entered into by the Institute, other than those required by law to be made under seal, shall be signified under the hand of the Chairperson and the Managing Director or by a Director and the Managing Director.

(5) The Institute shall have its principal office in the agricultural facilities of the Ministry located at Central Farm in Cayo District or at such place or places in Belize as the Board may decide.

(6) The Institute may establish regional or local offices in any location within Belize as it considers necessary.

Objectives and functions of the Institute.

5. (1) The objectives of the Institute are to improve efficiency, productivity and competitiveness throughout the process of technology generation, procurement, transfer and adaptation through research, development and technology transfer, in promotion of agriculture and industry; thereby contributing to the improvement of the quality of life of the people of Belize and having regard to the protection of the environment.

(2) The Institute may perform the following functions:

(a) undertaking and promoting agricultural research, development and technology transfer in connection with -

(i) the optimal utilization of the agricultural resources and the improvement of the production capacity of such resources;

(ii) the rehabilitation and improvement of the agricultural resources;

(iii) the opening of possibilities and the generation of new knowledge to solve particular problems;

(iv) the improvement of the nutritional value and quality of agricultural products;

(v) the development of agricultural production practices which have minimal negative environmental impact;

- (vi) the improvement of agricultural products through value adding and processing;
- (vii) the improvement of existing techniques and the creation of new techniques for the processing of agricultural products and to improve the keeping quality of perishable agricultural products;
- (b) evaluating under local conditions, scientific findings from other countries or agricultural research institutions in other countries that would be beneficial to the objectives of the Institute;
- (c) utilizing the technological expertise in its possession and making it generally available;
- (d) publishing information concerning its objectives and functions, and establishing facilities for the collection and dissemination of information in connection with agricultural research and development;
- (e) establishing and controlling facilities in those fields of agricultural research, development and technology transfer which the Board may from time to time determine;
- (f) promoting cooperation with other agricultural research institutions and private and public agencies dealing directly with development in agricultural production and health, natural resources conservation, eco tourism and rural development;

- (g) establishing collaboration with the extension service of the Ministry of Agriculture and other relevant organizations in the field of technology transfer;
- (h) promoting co-operation between Belize and other countries with regard to research, development and technology transfer;
- (i) co-operating with persons, institutions and associations undertaking research, development and technology transfer in other countries;
- (j) co-operating with any institution or person to promote research and development, or contracting with such institution or person to undertake research and development for the Institute;
- (k) co-operating with educational authorities and scientific or technical societies in Belize for the promotion of -
 - (i) the instruction of potential researchers in schools, colleges and universities; and
 - (ii) the training of researchers and technical experts;
- (l) signing research contracts with any producer organizations, local or international institutions, providing technical capabilities and co-financing investment, for the advancement of research and development or for the establishment of facilities for such research and development;

- (m) promoting the training of research workers by means of identifying and taking the opportunities of scholarships offered by prestigious education and research institutions abroad;
- (n) hiring or letting products or services related to the functions of the Institute;
- (o) producing and selling reports, computer programs and other intellectual property, including property of plant or animal origin;
- (p) manufacturing and selling instruments, equipment and similar items;
- (q) producing, processing and selling products;
- (r) producing seed, planting material and breeding stocks;
- (s) conducting or commissioning market research and selling the results thereof;
- (t) providing, against payment, services not directly related to research;
- (u) establishing any research division, unit or activity or placing it under the control of any university, college or other educational or scientific institution on such conditions, as in relation to the Institute's objectives and as may be agreed upon;
- (v) doing everything which in the opinion of the Board is conducive to the achievement of its objectives or is calculated, directly or indirectly, to enhance or render

profitable the value of the property or rights of the Institute;

- (w) advising the Minister on research, development and technology transfer in the field of agriculture; and
- (x) co-ordinating on a voluntary basis information on agricultural research and development in Belize by implementing and keeping a central register of agricultural research and development projects, and instituting such measures as it may deem fit to achieve such goal.

Powers of the Institute.

6. With the approval of the Board, acting with the concurrence of the Minister, the Institute shall have the power to –

- (a) purchase or otherwise acquire, or possess, hire, alienate, let, pledge or otherwise encumber immovable property;
- (b) establish, on its own or in association with any person, a company for the purpose of developing or exploiting in any manner any invention or technological expertise, and for this purpose to acquire an interest in or control over any company;
- (c) create, on its own or in association with any person, a trust for the administration of donations, contributions, and other amounts referred to in section 23(d).

Policy directions.

7. The Minister may, after consultation with the Chairperson of the Board, give to the Board policy directions of a general character to be followed in the performance of its functions, and the Board shall give effect to such policy

directions.

PART III

Appointment of Staff, etc.

8. (1) The Board may appoint and employ at such remuneration and subject to such terms and conditions as it thinks fit, a suitably qualified Managing Director, who shall be the chief executive officer of the Institute and shall be responsible, subject to section 9, for managing the day to day affairs of the Institute.

Appointment of
Managing
Director and
staff and
declaration of
pensionable
posts.

(2) The Managing Director, with approval of the Board, may, appoint and employ, at such remuneration and subject to such terms and conditions as the Board thinks fit, the heads of departments of the Institute.

(3) The Managing Director, with the assistance of the senior management of the Institute, may appoint and employ, at such remuneration and subject to such terms and conditions as the Board thinks fit, such other officers, employees and agents as he considers necessary for the proper performance of the functions of the Institute.

(4) The post of Managing Director, and the posts of the administrative, technical, professional, clerical and secretarial staff shall be pensionable under the Pensions Act, notwithstanding anything to the contrary in that Act or any other enactment. Persons holding ancillary posts of the semi-skilled or unskilled category shall be entitled to retirement benefits under the Pensions Act.

CAP. 30.

CAP. 30.

(5) Subject to this Act, the Board may make Regulations determining generally the conditions of service of staff of the Institute, and in particular may make Regulations relating to:

- (a) the appointment, promotion, dismissal, discipline, hours of work, pay and leave of such staff; and
- (b) appeals by such staff against dismissal or other disciplinary measures.

CAP. 30. (6) Where an officer in the public service is transferred to an office under the Institute and he retires or resigns on pension from, or dies while in service of the Institute, his service in the public service shall rank as qualifying service or pensionable service, as the case may be, for purposes of determining his eligibility for a gratuity or pension under the Pensions Act.

CAP. 30. (7) Notwithstanding any contrary provision in the Pensions Act, where a person employed in a pensionable office by the Institute is transferred to a pensionable office in the public service, his service under the Institute shall rank as qualifying service or pensionable service, as the case may be, for purposes of determining his eligibility for a gratuity or pension under the Pensions Act.

(8) When making payment for a pension or gratuity in respect of officers referred to in subsections (6) and (7), the Government shall pay the whole pension or gratuity, but the Institute shall contribute to the Government for the portion representing the number of years of pensionable service rendered by the officer in the employment of the Institute.

(9) The Institute may provide for the establishment and maintenance, for the benefit of its officers and employees, of a Pension Scheme, Social Security Scheme, or Provident Fund Scheme, and without prejudice to the generality of the foregoing, such Schemes may enable the Institute to -

- (a) contribute to the Government the monies referred to in subsection (8);

- (b) grant gratuities, pensions or superannuation allowances to, or to the widows, families or dependants of, staff members;
- (c) establish contributory and superannuation schemes and establish and contribute to superannuation funds for the benefit of its staff members;
- (d) enter into and carry into effect agreements for securing to any such staff, and their widows, family or dependents, such gratuities, pensions or allowances as are by this section allowed to be granted.

(10) The institute shall recognize the basic right of its employees to organize themselves and to form or belong to a trade union of their choice for the protection of their labour interests.

9. (1) The Managing Director shall, subject to the general policy decisions of the Board, be responsible for the management of the Institute, including the organization of staff in accordance with the general terms and conditions of service established by the Board.

Duties of the
Managing
Director.

- (2) The Managing Director shall have authority:
 - (a) to sign jointly with another Director, reports, balance sheets and other financial statements;
 - (b) to delegate his powers provided for in paragraph (a) of this subsection to other officers of the Institute.

PART IV

Administration

Board of
Directors.

10. There shall be a Board of Directors of the Institute, appointed by the Minister, which shall be constituted as provided in section 11, and the Board of Directors shall be the policy making organ of the Institute.

Composition of
the Board.

11. (1) The Board of Directors shall consist of the following 12 persons:

- (a) the Chief Executive Officer of the Ministry or a designee;
- (b) the Chief Executive Officer of the Ministry responsible for Natural Resources or a designee;
- (c) the Chief Executive Officer of the Ministry responsible for Finance or a designee;
- (d) the Director of Research at the University of Belize or a designee;
- (e) the Managing Director from the national institution responsible for agricultural health in Belize or a designee;
- (f) two representatives from two national agricultural research organizations;
- (g) one representative from a regional or international agricultural organization;
- (h) one representative from the Agribusiness sector of the Chamber of Commerce;

- (i) one representative from the Agricultural Producers Association;
- (j) one representative from the Livestock Producers Association.

(2) The Managing Director shall attend meetings of the Board but shall not have the right to vote.

12. The Directors, through a majority vote, shall appoint from their number the Chairperson of the Board and the Chairperson shall hold office for a period of two years and shall be eligible for reappointment. Appointment of Chairperson of the Board.

13. The Directors shall elect from their number the Deputy Chairperson of the Board who shall hold office for a period of two years and shall be eligible for reappointment. Appointment of Deputy Chairperson of the Board.

14. (1) The Board of Directors shall meet as often as the business of the Board requires but not less frequently than once every quarter in the year. Meetings of the Board.

(2) The Chairperson, or in his absence, the Deputy Chairperson, shall summon a special meeting of the Board within seven days of a requisition for that purpose addressed to him in writing by any three Directors.

(3) A quorum for any meeting of the Board shall be six Directors.

(4) Decisions of the Board shall be by majority of the votes cast; provided that in any case in which the voting is equal, the person presiding at the meeting shall have a second or casting vote.

(5) The Board shall appoint a member of the staff of the Institute as Secretary of the Board and shall ensure that records are kept of its acts and decisions.

(6) Where for any reason, the Chairperson is unable to preside at any meeting of the Board:-

- (a) the Deputy Chairperson shall preside; and
- (b) if the Deputy Chairperson is absent or unable to preside, then the Directors present shall elect one of their number to preside.

Disqualification
to be a Director.

15. (1) No person shall be appointed or remain a Director who is a member of the National Assembly.

(2) The Minister may terminate the appointment of the Director appointed under section 11 (1) (f) to (j), only if the Director, as the case may be:

- (a) by writing under his hand addressed to the Minister, resigns his office;
- (b) becomes subject to the disqualification specified in subsection (1);
- (c) becomes bankrupt or insolvent, compounds with his creditors or benefits under the law for the relief of a bankrupt or makes any assignment in whole or in part of his income for the benefit of such creditors;
- (d) is convicted of an offence involving dishonesty, or of any other offence punishable with not less than three years imprisonment (whether or not the convicted person is awarded such sentence);
- (e) becomes totally or permanently incapable of performing his duties; or

(f) is guilty of gross misconduct.

(3) The Minister, with approval through a majority vote by the Board, may terminate the appointment of a Director of the Board, appointed under section 11 (1) (f) to (j), who absents himself from three consecutive meetings of the Board without leave from the Board.

(4) The names of all members of the Board as first constituted, their terms of office, and every change in the membership thereof shall be published in the *Gazette*.

16. (1) Where:

- (a) a Director has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the Institute; and
- (b) the interest could conflict with the proper performance of the Director's duties in relation to the consideration of the matter,

Disclosure of
interest to the
Board.

then the Director must, as soon as practicable after the relevant facts have come to the Director's knowledge, disclose the nature of the interest prior to the next meeting of the Board.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting and the interested Director shall not vote on that particular matter.

17. (1) The Institute shall be entitled to the same protection under the Public Authorities Protection Act as if it were included in the definition of "Public Authority" given in section 2 of that Act, and the place at which the Board shall hold its meetings shall be deemed to be the "abode" of the Board within the meaning of that Act.

Institute to be
protected by
Public
Authorities
Protection Act.
CAP. 31.

(2) No Director shall be personally liable for any act or omission of the Institute, or of the Board, or of any other Director, or officer of the Institute, if the act or omission is made in good faith in the course of the operations of the Institute, or of the Board.

Tenure of office
of Directors.

18. Subject to this Act, a Director, other than an *ex officio* Director, shall hold office for a period not exceeding three years and shall be eligible for reappointment upon the expiration of his period of office.

Delegation of
powers.

19. (1) The Board may from time to time, in respect of any particular matter or class of matters, and in writing, delegate to any other Director or to the Managing Director, any of its functions under this Act except this power of delegation and the following functions:

- (a) approving annual budgets or programmes of activities;
- (b) making Regulations;
- (c) carrying out activities which require off-budget expenditures.

(2) Subject to any general directions given to him by the Board, the person to whom any powers are so delegated may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this Act and not by delegation.

(3) Every person purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(4) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Board.

20. (1) The Board may from time to time make Regulations for all or any of the following purposes:- Regulations.

- (a) regulating the proceedings of the Board;
- (b) providing for the custody of the property of the Institute, and the custody and use of the common seal of the Institute;
- (c) regulating the terms and conditions of employment of persons appointed under section 8;
- (d) the preparation of semi-annual or quarterly audits of the Institute; and
- (e) providing for such other matters as may be necessary or expedient for the better carrying out of the functions of the Institute.

(2) Notice in writing of every proposed resolution to make Regulations under this section or for the amendment or repeal of any Regulation so made, including a copy of the proposed Regulation, amendment, or repeal, shall be given to every Director not less than twenty-one days before the meeting at which the proposal is to be moved, but an inadvertent failure to comply with this subsection shall not invalidate the making, amendment, or repeal of any Regulation at that meeting.

21. (1) The Managing Director shall, subject to the directives and control of the Board, be responsible for the management of the affairs of the Institute in accordance with the objectives and policy of the Institute. Powers of the Board.

(2) The Board may nominate one or more committees, called Board committees, which shall, subject to the instructions of the Board, perform such functions of the Board as the Board may determine.

(3) A Board committee shall consist of two or more persons, as the Board may determine, being members of the Board, employees of the Institute, or other experts and persons nominated by relevant authorities.

(4) A committee referred to in subsection (2) may, subject to the instruction of the Chairperson, appoint sub-committees.

(5) The Board may at any time dissolve a committee or sub-committee or decrease or increase the number of its members.

(6) If a committee consists of more than one member, the Board shall designate a member of the committee as the chairperson of the committee.

Remuneration,
allowances and
conditions of
service of Board
members.

22. (1) The Institute may pay to members of the Board or any committee referred to in section 21 (2), who are not in the full-time employment of the Government, or employees of the Institute, such remuneration and allowances as the Board, with the concurrence of the Minister, may determine; provided that the remuneration and allowances of members may differ according to whether they serve in a full-time or part-time capacity.

(2) The remuneration and allowances referred to in subsection (1) shall be paid out of the funds of the Institute.

PART V

Financial Provisions, Accounts and Reports

Revenue of the
Institute.

23. The revenues of the Institute shall consist of the following:

- (a) revenues allocated from the Consolidated Revenue Fund;
- (b) loans or grants from the Government, or from financial or funding agencies;

- (c) dues or other charges levied by the Institute for any services rendered to any person pursuant to this Act; and
- (d) any other monies lawfully contributed, donated, or bequeathed to the Institute or received by the Institute from any other source.

24. The expenses of the Institute, including the remuneration of members and staff thereof, shall be paid out of the funds and resources of the Institute. Expenditure of the Institute.

25. (1) Subject to subsection (2), the Institute may borrow money required by it for meeting any of its obligations or discharging any of its functions; and may make loans to groups approved by the Board, if necessary. Borrowing powers, etc.

(2) The power of the Institute to borrow, on approval of the Board, in excess of such limits as the Minister responsible for Finance may fix from time to time shall be exercisable only with the approval of the Minister responsible for Finance as to the amount, source of borrowing and the terms on which the borrowing may be effected, and an approval given for the purposes of this subsection may be general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

(3) With the approval of the House of Representatives, the Minister responsible for Finance may guarantee, in such manner and on such conditions as he thinks fit, the repayment of the principal and the payment of interest on any authorized borrowings of the Institute.

(4) Where the Minister responsible for Finance is satisfied that there has been default in the repayment of any principal moneys or the payment of interest guaranteed under this section, he shall direct the repayment, or the payment, out of the Consolidated Revenue Fund, of the amount in respect of which there has been such default and any such repayment or payment shall be a charge on the Consolidated Revenue Fund.

- Submission of budget estimates. 26. (1) The Board shall, on or before the 30th November in each year, prepare and submit to the Minister responsible for Finance, through the Minister, estimates of the income receivable and the expenditure to be incurred during the financial year commencing on 1st April then next following.
- (2) The Institute shall submit the estimates in the form required by the Minister responsible for Finance.
- Accounts and audit. 27. (1) The Institute shall keep accounts and other records in relation to its business and shall prepare annually a statement of accounts in a form satisfactory to the Minister responsible for Finance, being a form, which shall conform to generally accepted accounting standards.
- (2) The accounts of the Institute shall be audited annually by an independent auditor appointed in each year by the Board, with the approval of the Minister responsible for Finance.
- (3) As soon as the accounts of the Institute have been audited, the Institute shall send a statement of its account referred to in subsection (1) to the Minister for transmission to the Minister responsible for Finance, together with a copy of any report made by the auditors on that statement or on the accounts of the Institute.
- (4) The auditor's fees and expenses for the audit shall be paid by the Institute.
- (5) The Auditor General shall be entitled at all reasonable times to examine the accounts and other records relating to the affairs of the Institute and to make such report thereon to the National Assembly as, in his discretion, he considers necessary.
- Annual Report. 28. Within six months after the end of each financial year, the Institute shall cause to be made and shall submit to the Minister responsible for Finance through the Minister:

- (a) a statement of its accounts audited in accordance with section 27(2); and
- (b) a report dealing generally with the proceedings, achievements and policies of the Institute during that financial year.
29. (1) The Institute shall be exempt from income tax, business tax, sales tax, property tax, and any other tax levied by the Government. Exemption from taxation.
- (2) All instruments executed by or on behalf of the Institute shall be exempt from stamp duty.
30. (1) On and from the commencement of this Act, all assets, rights, interest and liabilities of Central Farm Research Station, including lands, libraries, buildings, and laboratories, shall stand transferred to, and vested in, the Institute. Vesting of property in the Institute.
- (2) If, at any time after commencement of this Act, any research institution, or any school or university joins or becomes part of the Institute, all assets, rights, interests and liabilities, including lands, libraries, buildings and laboratories belonging to such institutions, shall, upon the institution joining and becoming part of the Institute, stand transferred to, and vested in the Institute.

PART VI

Miscellaneous

31. Section 33(1) of the University of Belize Act is amended by deleting the words “the Central Farm Department of Agriculture”. Amendment of CAP. 37.
32. This Act shall come into force on a date to be appointed by the Minister by Order published in the *Gazette*. Commencement.