

STATUTORY INSTRUMENT

No. 170 of 1994

REGULATIONS made by the Minister of fisheries in exercise of the powers conferred upon him by section 13 of the Fisheries Act, Chapter 174 of the Laws of Belize, Revised Edition, 1980-1990, and all other powers thereunto him enabling.

(Gazetted 18th November, 1994.)

1. These Regulations may be cited as the

Short Title.

**HOL CHAN MARINE RESERVE (AMENDMENT)
REGULATIONS, 1994.**

and shall be read and construed as one with the Hol Chan Marine Reserve Regulations which are hereinafter referred to as the principal Regulations.

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2. Regulation 2 of the principal Regulations is hereby amended by inserting the following definition immediately after the definition of "Administrator":

Amendment of
Regulation 2.

"Board" means the Board of Trustees established under regulation 13 of these Regulations;"

3. The principal Regulations are hereby amended by the addition of the following new regulations 13 to 17 immediately after regulation 12:-

Addition of
new
regulations 13
to 17.

13. (1) There is hereby established a Board of Trustees for the purpose of directing and managing the affairs of the Reserve.

"Establishment of
Board of Trustees.

Third Schedule.

(2) The constitution and procedure of the Board shall be as set out in the Third Schedule to these Regulations.

"Functions of the Board.

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; and
- (h) carry out any other function as may be assigned by the Minister for the efficient functioning of the Reserve;

"Reserve Fund Account.

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:

"Revenues of the Reserve.

- (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.

"Duty to keep proper accounts."

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."

Addition of Third Schedule.

4. The Principal Regulations are hereby amended by the addition of the following new Third Schedule after the Second Schedule:

" **THIRD SCHEDULE** (Reg. 13)

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

- (a) the Manager of the Hol Chal Marine Reserve;
- (b) the Chairman of the Hol Chan Advisory Committee;
- (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 National Co-ordinator and Science Advisor of the Global Environmental Facility (GEF) Project;

- (g) the Chairman of the Caribena Fishermen Cooperative;
- (h) the President of the San Pedro Belize Tourism Industry Association; and
- (i) the President of the San Pedro Chamber of commerce.

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