

MACAL RIVER HYDROELECTRIC DEVELOPMENT

BELIZE:

MACAL RIVER HYDROELECTRIC DEVELOPMENT BILL, 2003

ARRANGEMENT OF CLAUSES

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BELIZE:

AN ACT to facilitate and ensure that hydroelectric projects on the Macal River are implemented in an environmentally responsible manner without undue delay in order to secure a reliable supply of electrical power, at a reasonable cost for the efficient and continuous development of the Belizean economy and the welfare of the people of Belize and to increase the production of electrical power in Belize.

(Gazetted,2003)

CAP. 4.

WHEREAS, section 68 of the Belize Constitution provides that the National Assembly may make laws for the peace, order and good government of Belize;

AND WHEREAS, it is expedient in the public interest and for the good government of Belize for the National Assembly to enact a law to facilitate and ensure that hydroelectric projects on the Macal River are implemented in an environmentally responsible manner without undue delay in order to secure a reliable supply of electrical power at a reasonable cost for the efficient and continuous development of the Belizean economy and the welfare of the people of Belize and to increase the production of electrical power in Belize.

NOW, THEREFORE, it is hereby provided as follows:-

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

Short title.

1 This Act may be cited as the

MACAL RIVER HYDROELECTRIC DEVELOPMENT ACT,
2003.

Interpretation

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

CAP. 250.

"BECOL" means the Belize Electric Company Limited, a corporation incorporated under the Companies Act, together with its successors and assigns and its employees, agents, contractors and subcontractors, and all other persons providing goods or services to or for it for the purposes of the Chalillo Project;

CAP. 250.

"BEL" means the Belize Electricity Limited, a corporation incorporated under the Companies Act, together with its successors and assigns and its employees, agents, contractors and subcontractors, and all other persons providing goods or services to or for it for the purposes of the Chalillo Project;

"Chalillo Project" means –

- (a) a water storage facility in an area on the Macal River upstream of the Mollejon Hydroelectric Plant and approximately 12 kilometres downstream of the intersection of the Macal and Raspaculo Rivers;
- (b) a powerhouse with a generating capacity of approximately 7 megawatts at the base of such water storage facility ; and
- (c) a transmission line traversing a distance of 18 kilometres along a route interconnecting such powerhouse and the Mollejon Hydroelectric Plant;

CAP. 328.

"Environmental Compliance Plan" or "ECP" means the Environmental Compliance Plan for a Hydroelectric Project located on the Macal River, Cayo District, Belize, Central America, made on the 5th day of April, 2002, pursuant to section 20(7) of the Act and the Environmental Protection Impact Assessment Regulations and all other relevant and enabling provisions of the Act;

"Environmental Impact Assessment" or "EIA" means the Macal River Upstream Storage Facility Environmental Impact Assessment, prepared by AMEC E & C Services Limited dated August, 2001, and submitted to the National Environmental Appraisal Committee in August, 2001;

CAP. 328. "Environmental Protection Act" or the "the Act" or "EPA" means the Environmental Protection Act and all Regulations made thereunder;

CAP. 221 "Electricity Act" means the Electricity Act and all Regulations made thereunder;

"Laws" means all applicable laws (including, without limitation, the common law principles thereof), statutes, regulations, rules, by-laws, codes, treaties, conventions, judgments, approvals, orders, awards, or determinations;

CAP. 223 "PUC" means the Public Utilities Commission established under the Public Utilities Act;

CAP. 223. "Public Utilities Act" or the "PUC Act" means the Public Utilities Commission Act and all Regulations made thereunder;

"Third Master Agreement" means the Third Master Agreement dated 21 November, 2001 between the Government of Belize, BECOL and BEL.

Declarations
and
affirmations.

3. (1) The several declarations and affirmations in subsection (2) shall be interpreted and construed generously, according to their spirit and intent in order to give true effect to this Act.

(2) It is hereby declared and affirmed that –

(a) a reliable supply of electrical power at reasonable cost is essential for the continuing development of the economy of Belize and the welfare of the people of Belize;

(b) in furtherance of the objectives declared in paragraph (a), and pursuant to the Third Master Agreement, BECOL was granted, among other things, the right to design, finance, construct and operate the Chalillo Project;

- (c) the development of the Chalillo Project can and will occur in an environmentally responsible manner in accordance with the ECP and the EIA;
- (d) the Chalillo Project provides the lowest cost energy supply option to the citizens of Belize of the currently feasible alternatives;
- (e) the National Environmental Appraisal Committee, after having reviewed the EIA, recommended on November 9, 2001 environmental clearance for the Chalillo Project;
- (f) the Department of the Environment granted environmental clearance for the Chalillo Project on April 5, 2002;
- (g) the Public Utilities Commission granted its consent to the Chalillo Project on April 1, 2003 as required under the Electricity Act; and
- (h) it is in the public interest of Belize that the Chalillo Project proceed in an environmentally responsible manner and without further delay.

Construction,
etc. of Chalillo
Project.

4. Pursuant to section 3, and notwithstanding any other Laws to the contrary –

BECOL and BEL are hereby directed and authorized to proceed with the design, financing, construction and operation of the Chalillo Project in accordance with the Act, the Third Master Agreement and the ECP;

but subject to Section 6 hereof, compliance by BECOL and BEL with the ECP shall constitute compliance with all environmental Laws to which the Chalillo Project, or its design, financing, construction, or operation, may be subject, including without limitation compliance with the EPA, and no further or other review, hearing, assessment, approval or other

proceeding under any other Law shall be required to authorize or permit the design, financing, construction and operation of the Chalillo Project in accordance with paragraph (a);

(c) but subject to Section 6 hereof, compliance by BECOL and BEL with the conditions set forth in the consent of the Public Utilities Commission referred to in section 3 (2) (g) shall constitute compliance with all Laws that relate to the generation or transmission of electric energy of the use or occupation of land to which the Chalillo Project, or its design, financing, construction or operation may be subject, including without limitation, the PUC Act and the Electricity Act and no further or other review, hearing, assessment, approval or other proceeding under any other Law shall be required to authorize or permit the design, financing, construction and operation of the Chalillo Project in accordance with paragraph (a);

(d) for the avoidance of doubt and for greater certainty, BECOL shall proceed with the design, financing, construction and operation for the Chalillo Project in accordance with paragraphs (a), (b) and (c) of this section notwithstanding any judgment, order or declaration of any court or tribunal, whether heretofore or hereafter granted, issued or made.

Construction of
this Act.
CAP. 4.

5. This Act expresses the policy and intention of the Legislature pursuant to section 68 of the Belize Constitution in respect of the Chalillo Project.

Regulations.

6. The Minister charged with the responsibility for the Environment may make such Regulations as he determines are desirable or appropriate to give effect to this Act or the design, financing, construction and operation of the Chalillo Project and may consult with such Government departments and agencies as he may deem necessary in the making of such Regulations and such Regulations shall be applicable to the Chalillo Project notwithstanding anything in this Act or any other Law.