



BELIZE

BELIZE AGRICULTURAL HEALTH AUTHORITY ACT CHAPTER 211

REVISED EDITION 2000

SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-

Page

ARRANGEMENT OF SECTIONS

3

BELIZE AGRICULTURAL HEALTH AUTHORITY ACT

11

Amendments in force as at 31st December, 2000.



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ARRANGEMENT OF SECTIONS	3
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CHAPTER 211

BELIZE AGRICULTURAL HEALTH AUTHORITY ACT

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title and commencement.
2. Interpretation.

PART II

Establishment and Objectives of the Authority

3. Establishment of the Authority.
4. Body Corporate.
5. Objectives of the Authority.
6. Powers of the Authority.
7. Policy directions.

PART III

Appointment of Staff, etc.

8. Appointment of staff and declaration of pensionable posts.
9. Duties of Managing Director.

PART IV

Administration

10. Board of Directors.
11. Composition of the Board.
12. Meetings of the Board.
13. Disqualifications to be a Director.
14. Board to be protected by Public Authorities Protection Act.
15. Delegation of powers.
16. Tenure of office of Directors.
17. Protection of Directors.
18. Rules of the Authority.

PART V

Financial Provisions, Accounts and Reports

19. Revenue of the Authority.

20. Expenses of the Authority.
21. Borrowing Powers.
22. Submission of Budget Estimates.
23. Accounts and Audit.
24. Annual Report.
25. Transfer of property.

PART VI

Administration of Plant Health

26. Establishment of services.
27. Permit requirements.
28. Order to limit entry.
29. Order modifying permit.
30. Official importations.
31. Phytosanitary certificate.
32. Export certification.

PART VII

Plant Quarantine Measures

33. Quarantine Orders.
34. Order amending definition of plant disease.
35. Power to issue Prevention Order.
36. Occupier responsibility.
37. Pest Control Notice.
38. Reimbursement or waiver of expenses.
39. Determination of eradication.

PART VIII

Enforcement

40. Inability to locate owner or occupier.
41. Arrival notification.
42. Enforcement of inspections at points of entry.
43. Power of entry and imposition of quarantine.
44. Post-entry quarantine.
45. Mail.

- 46. Regulations.
- 47. Institution of legal proceedings.
- 48. Sufficiency of certificate at trial.
- 49. Informality not to invalidate proceedings.
- 50. Exclusion of liability.
- 51. Compensation.

PART IX

Control of Diseased or Suspected Animals

- 52. Appointment of designated officers.
- 53. Segregation and notification of diseased animals, etc.
- 54. Infected places.
- 55. Infected areas.
- 56. Slaughter of diseased or suspected animals.
- 57. Disposal of animals.
- 58. Compensation.
- 59. Order amending definition of animal disease.

PART X

Importation of Animals, Animal Carcasses, Animal Products, Biologicals, Feed and Litter

- 60. Prohibition of importation.
- 61. Regulations controlling the importation of animals, etc.
- 62. Import licence for animals, etc.
- 63. Quarantine depots.
- 64. Imported animals, etc., to be quarantined.

PART XI

Fertilizers and Feedings Stuffs

- 65. Interpretation of words and phrases used in this Part.
- 66. Licence required.
- 67. Seller to give statutory statement.
- 68. Warranties.
- 69. Appointment of analysts.
- 70. Purchaser may have analysis made.
- 71. Taking of samples by analyst.

- 72. Analyst's certificate in legal proceedings.
- 73. Tampering with article, sample, etc.
- 74. Use of deleterious substances.
- 75. Sale of worthless matters prohibited.
- 76. Regulations.

PART XII

General

- 77. Power of apprehension.
- 78. Power of inspection.
- 79. Offences.
- 80. Penalty.
- 81. Evidence and presumptions.
- 82. Transportation through infected places and areas.
- 83. Power to prohibit use of roads by Order.

PART XIII

Miscellaneous

- 84. Validity of Board's acts.

85. Exemption from income tax, prop-erty tax, stamp duty, and import duty.
86. Regulations.
87. Offences of counterfeiting, forging documents, etc.
88. Repeals and savings.

FIRST SCHEDULE

SECOND SCHEDULE

CHAPTER 211

BELIZE AGRICULTURAL HEALTH AUTHORITY

[7th February, 2000]

42 of 1999.
Commencement
[1. 4. 2000]
S. I. 35 of 2000.

PART I

Preliminary

1.-(1) This Act may be cited as the Belize Agricultural Health Authority Act. Short title and commencement.

(2) This Act shall come into force on a date to be appointed by the Minister by Order published in the *Gazette*. Interpretation.

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

“agricultural health services” includes plant health, animal health and veterinary and quarantine services and registration;

“Authority” means the Belize Agricultural Health Authority established under section 3 of this Act;

“animal” includes cattle, buffalo, horses, mules, asses, sheep, swine, goats, dogs, cats, birds, poultry, insects, fish, reptiles, amphibians, eggs of any kind and all animals of whatever kind, be they genetically engineered or altered or otherwise, whether similar to the foregoing or not;

“animal disease” includes anthrax, avian influenza, bovine spongiform encephalopathy, brucellosis, contagious bovine pleuro pneumonia, equine encephalomyelitis, equine infectious anaemia, epizootic abortion, foot and mouth disease, glanders and farcy, haemorrhagic septicaemia, infectious laryngotracheitis, mange ovine (commonly called sheep scab), melitensis infection (commonly called Malta fever), newcastle disease (commonly called fowl pest

or fowl plague), paralytic rabies (bat transmitted), psittacosis, rabies, rinderpest, sarcoptic mange in horse, scrapie, swine erysipelas, swine fever (including African swine fever and hog cholera), tuberculosis, trypanosomiasis (including dourine, mal de caderas, surra and trypanosoma vivax infection), variola ovina, variola vaccinia, and such other diseases as the Minister may from time to time by Order declare to be animal diseases within the meaning of this Act;

“animal product” means the derivatives of animals, be they genetically engineered or altered or otherwise, destined for human or animal consumption or for pharmaceutical, agricultural, industrial or domestic use;

“bee disease” includes Acariasis of bees, American foul brood, European foul brood, Nosema of bees, and Varroasis and such other diseases as the Minister may from time to time by Order declare to be bee diseases within the meaning of this Act,

“biological” includes any substance commonly known as antibiotics, chemotherapeutic agents, hormones, vaccines, sera, toxins, anti-toxins, antigens and micro-organisms and parts of micro-organisms living or killed or any other biological substance which is intended solely for use in the practice of veterinary medicine, and includes germplasm of animals for use in artificial insemination, and embryo transfer;

“Board” means the Board established under section 10 of this Act;

“carcass” means the carcass of any animal, and includes any part of the carcass or of the meat, bones, hide, skin, hoofs, horns, offal or other part of an animal;

“cattle” includes bulls, cows, oxen, steers, heifers and calves;

“carrier” includes any vehicle, ship, aircraft or any other means of transportation by which plants, planting materials, plant products, fruits and vegetables, pests, soil, animals, animal products and any other non-plant articles are moved from one place to another;

“Chairman” means the Chairman of the Board of Directors;

“designated officer” means an Officer of the Authority designated by the Authority under this Act;

“defined port” means a port as defined by any Regulations made under section 61 of this Act;

“diseased” means affected with disease;

“disinfection” means the utilization of any approved substance or process designed to prevent, eliminate or reduce any pest or micro-organisms with which plants or animals, or parts of plant or animal products, may be affected;

“feed” means grass, hay or any other plant or animal substance commonly used as food for animals;

“fish” includes all or any of the varieties of marine or fresh water animals, by whatever description called;

“fish disease” includes Bonamiosis, Epizootic haematopoietic necrosis, Haplosporidiosis, Infectious haematopoietic necrosis, Iridovirus, Marteiliiosis, Mickocytosis (Mikrocytos mackini), Oncorhynchus masou virus disease, Perkinosis, Spring viraemia of Carp, Taura syndrome, Viral haemorrhagic septicaemia, and such other disease as the Minister may from time to time by Order declare to be a fish disease within the meaning of this Act;

“fruits and vegetables” means all edible portions of food plants in the raw or unprocessed state;

“Government” means the Government of Belize;

“import” means bringing into Belize by any means whatever;

“infected area” means an area declared as such under section 55 of this Act;

“infected place” means a place declared as such under section 54 of this Act;

“insect” includes members of the class Insecta and of the class Arachnida;

“litter” means straw or any other substance commonly used as the bedding for, or otherwise used for or about, animals;

“live beneficial organism” means any plant, animal or micro-organism in a living state which is used in the control or destruction of a pest;

CAP. 228. “mail” has the meaning assigned to it in the Post Office Act;

“Managing Director” means the Managing Director appointed pursuant to section 8 (1);

“Minister” means the Minister responsible for Agriculture;

“Ministry” means the Ministry responsible for Agriculture;

“notifiable plant pest” means any plant pest of substantial economic importance not already considered a quarantine pest for which measures may be taken for its eradication or control to prevent its further spread;

“nursery” means any land or place whereon any plant intended for sale or distribution as planting material is grown or kept;

“occupier” in relation to any land or building, means the person in actual occupation thereof or, if there is no such person, the owner of such land or building;

“officer” means an officer designated by the Authority under section 26 or 52 of this Act;

“owner” in relation to any land, means the person who for the time being is receiving the rent of the land in connection with which the word is used, whether on his own account or as agent or representative for any other person, or who would so receive the same if the land were let for rent;

“package” means any container, box, covering wrapper or anything whatever in which plants, animals, plant products, animal products or biologicals are or have been, are capable of being imported, kept or conveyed from one point to another;

“phytosanitary certificate” means a certificate as set out in First Schedule of this Act; First Schedule.

“plant disease” includes Aster yellows (virus), Avocado sunblotch (viroid), Bacterial Blight (*Xanthomonas* spp.), Bacterial leaf-streak of rice (*Xanthomonas campestris* pv. *oryzicola*), Bacterial ~ , ~ ilt of Anthurium (*Xanthoinonas campestri’s* pv. *dleffenLach1 .ae*), Banana bunchy top (virus), Cadang cadang (viroid), Cedros Wilt of Coconut (*Phytomonasta* Ijell), Chrys ~ nthemum stunt (viroid), *Clavibacter michiganensis* sUbsp. *michiganensis*, Cucumber green mottle (virus), *Curtobacterium flaccumfaciens* pv. *laccun ~ faciens*, Downy mildew of sorghum (*Peronscierospora sorghi*), Dry rot of maize (*Stenocarpella maydis*), Leafspot of maize (*Cochliobolus carbonum*), Melon necrotic spot (virus), *Monilia* Pod Rot of Cacao (*Monlliophthora roreri*), *Phoma exigua* var. *foveata*, Potato wart (*Synchytrium endobioticum*), Potato spindle tuber (viroid), Potato virus T (virus), (*Puccinia horiana*), Rust of onions (*Puccinia aihi*), Stolbur (virus), Stubborn disease (spiroplasm), Tomato ringspot (virus), Witch’s Broom of Cacao (*Crinipellis perniciososa*), and such other diseases as the Minister may from time to time by Order declare to be plant diseases within the meaning of this Act;

“planting material” includes trees, shrubs, vines, cuttings, grafts, scions, buds, bulbs, roots, seeds or any other plant, be it genetically engineered , altered or otherwise, capable of being propagated or cultured from tissue;

“plant pest” means any living stage in any insect, mite, nematode, slug, snail, protozoa, animal, bacterium, fungus, parasitic plant or any reproductive part thereof, virus, phytoplasma, or any organism capable of causing damage to any plant or plant product;

“plant product” means any substance, material or article of vegetable origin, including pollen, processed or unprocessed, be it genetically engineered, altered or otherwise, which is capable of harbouring or transporting plant pests;

“quarantine pest” means a pest of potential national economic importance to Belize:

- (a) not yet present in Belize; or
- (b) which is present in Belize but not yet firmly established; or
- (c) which is established in Belize but is actively being controlled;

“restricted article” includes any planting material, fruit, vegetable, plant product, plant pest, live beneficial organism or soil, likely to result in the entry or spread of plant pests or diseases or any other article which is designated by the Authority, by Order published in the *Gazette*, as a restricted article;

“soil” means the loose surface materials of the earth in which plants grow, in most cases consisting of disintegrated rock with an admixture of organic materials and soluble salts, or any other medium in which plants grow or can be propagated;

“suspected” means suspected of being diseased or contaminated with chemicals or poisons.

PART II

Establishment and Objectives of the Authority

3.-(1) A body to be known as the Belize Agricultural Health Authority shall be and is hereby established as an autonomous institution governed by the provisions of this Act.

Establishment of Authority.

(2) The Authority may exercise any of the functions entrusted to it by or in accordance with the provisions of 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 Authority shall be a body corporate having perpetual succession and a common seal and, subject to the provisions of 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 Authority may sue and be sued in its corporate name and shall for all purposes be described by that name.

(3) The seal of the Authority shall be authenticated by the signatures of the Chairman 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 noticed.

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

(5) The Authority shall have its principal office in the Cayo District or at such other place or places in Belize as the Board may decide.

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

Objectives of the Authority

5. The functions and objectives of the Authority shall include the following:-

- (a) to establish and maintain animal and plant health services;
- (b) to establish and maintain an animal and plant quarantine service;
- (c) to establish central and regional laboratories for animal and plant health and other related services;
- (d) to establish and maintain veterinary health services;
- (e) to strengthen the information systems needed to support an effective agricultural health service;
- (f) to prevent and control the introduction of plant and animal diseases and pests into Belize;
- (g) to monitor and carry out surveillance for animal and plant diseases;
- (h) to regulate and control the importation and exportation of animal products, biologicals, animal feed and plant products into and out of Belize;
- (i) to regulate and control the importation of animal and plant products into Belize;
- (j) to construct and maintain facilities for animal and plant health;
- (k) to monitor, regulate and control the use, quality and suitability of bio-engineered products, biologicals, agro-

chemicals, animal products, animal feed and fertilizers;

- (l) to maintain contacts and liase with foreign, regional and international bodies dealing with agricultural health and trade in agricultural products;
- (m) to cooperate with and assist in the coordination of the work of other institutions in the formulation and implementation of agricultural health policies;
- (n) to establish and maintain national and international quarantine services for animal and plant diseases and pests;
- (o) to plan and organize programmes of agricultural health;
- (p) to develop and promote the participation of private initiatives in agricultural health programmes and activities;
- (q) to develop and maintain a system of inspection approval and certification for all food processing facilities;
- (r) to develop and promote private sector participation in the execution of programmes for the prevention, control and eradication of pests and diseases affecting the agricultural sector;
- (s) to issue import licences, permits and certificates of inspection under this Act;
- (t) to engage in the pre-inspection development and the maintenance of pre-inspection systems, for the export of animal and plant products;
- (u) to establish and maintain risk analysis and to carry out any

other functions assigned to it by or under this Act or any Regulations made thereunder; and

- (v) to do all other things as are necessary and expedient to secure the proper execution of the purposes of this Act.

Powers of the Authority.

6.-(1) The Authority shall have all the powers that are reasonably necessary or expedient to enable it to carry out its functions under this Act.

(2) In particular, but without limiting the generality of its powers under subsection (1) above, the Authority may do all or any of the following things:

- (a) acquire by purchase, lease, exchange, bailment, gift, or otherwise, any interest in land or any other form of property;
- (b) engage any person or body to undertake the management, alteration, development, improvement, repair, or maintenance of any of its property;
- (c) enter into agreements with any government agency or private sector organization in order to carry out its functions;
- (d) enter into technical cooperation agreements with other regional or international organizations with similar objectives;
- (e) publish reports, recommendations and other information relating to any functions of the Authority or the agricultural sector;
- (f) appoint officers and other persons to carry out its duties under this Act.

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

Policy
Directions.
CAP. 22.

PART III

Appointment of Staff, etc.

8.-(1) The Board may, with the approval of the Minister, 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 Authority and shall be responsible, subject to section 9 below, for managing the day to day affairs of the Authority.

Appointment of
staff and
declaration of
pensionable
posts.

(2) The Board may appoint and employ, at such remuneration and subject to such terms and conditions as it thinks fit, such other officers, employees and agents as it considers necessary for the proper performance of its functions.

(3) 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 Government (Open Vote) Workers Regulations.

CAP. 30.

(4) Where an officer in the public service is transferred to an office under the Authority and he retires or resigns on pension from, or dies while in service of, the Authority, 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.

S. I. 111 of 1993.
S. I. 37 of 1995.
S. I. 41 of 1997.
S. I. 69 of 1997.
CAP. 30.

(5) Notwithstanding any contrary provision in the Pensions Act or any other enactment amending or replacing that Act, where a person employed in a pensionable office by the Authority is transferred to a pensionable office in

CAP. 30.

CAP. 30.

the public service, his service under the Authority 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.

(6) When making payment for a pension or gratuity in respect of officers referred to in subsections (4) and (5) above, the Government shall pay the whole pension or gratuity, but the Authority 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 Authority.

(7) The Authority 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 Authority to: -

- (a) contribute to the Government the monies referred to in subsection (6) above;
- (b) grant gratuities, pensions or superannuation allowances to, or to the widows, families or dependants of, its employees and officers;
- (c) establish contributory and superannuation schemes and establish and contribute to superannuation funds for the benefit of its employees and officers;
- (d) enter into and carry into effect agreements for securing to any such employees or officers, widows, family or dependents such gratuities, pensions or allowances as are by this section allowed to be granted.

Duties of the
Managing
Director.

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

service established by the Board.

- (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 Authority.

PART IV

Administration

10. There shall be a Board of Directors of the Authority, 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 Authority.

Board of
Directors.

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

Composition of
the Board.

- (a) a representative of the Ministry responsible for Agriculture or his designee;
- (b) a representative of the Ministry responsible for Trade or his designee;
- (c) a representative of the Ministry responsible for Health or his designee;
- (d) a representative of the Ministry responsible for Economic Development or his designee;
- (e) one Director appointed by the Minister in his discretion from among persons having knowledge or experience in the

agricultural or commercial sectors;

- (f) four Directors appointed by the Minister from the Citrus Growers Association, the Banana Growers Association, the Belize Livestock Producers Association, the Sugar Cane Association, the Belize Chamber of Commerce and Industry, and other agribusiness associations;
- (g) one Director nominated by associations in the fishing industry having knowledge and experience in the fisheries sector;
- (h) the Managing Director, who shall not have the right to vote.

(2) The Directors referred to in subsection (1) above shall be appointed by the Minister for such period not exceeding two years as may be specified in the instruments appointing them:

Provided that any such Director retiring on the expiration of his term of office shall, subject to section 13, be eligible for reappointment.

(3) The Minister shall appoint one of the Directors to be Chairman of the Board and the Chairman shall hold office for a period of two years and shall be eligible for reappointment.

(4) The Directors shall elect from their number a Deputy Chairman who shall hold office for a period of two years and he shall be eligible for reappointment.

Meetings of
the Board.

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

(2) The Chairman, or in his absence, the Deputy Chairman, 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, one of whom shall be the Managing Director.

(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 employ the services of an official or other member of the staff of the Authority as secretary of the Board and shall ensure that records are kept of its acts and decisions.

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

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

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

Disqualifications to be a Director.

(2) The Minister may terminate the appointment of the Director appointed under section 11 (1) (e) or (f), 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) above;
- (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 may terminate the appointment of a Director of the Board 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*.

Board to be protected by Public Authorities Protection Act. CAP. 24.

14. The Board 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.

Delegation of powers.

15.-(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.

16. Subject to the provisions of this Act, a Director, other than an *ex officio* Director, shall hold office for two years and shall be eligible for reappointment upon the expiration of his period of office.

Tenure of office of Directors.

17. No Director shall be personally liable for any act or omission of the Authority, or of the Board, or of any Director, or officer of the Authority, if the act or omission is made in good faith in the course of the operations of the Authority, or of the Board.

Protection of Directors.

18.-(1) The Board may from time to time make Rules of the Authority not inconsistent with this Act, for all or any of the following purposes:

Rules of the Authority.

- (a) regulating the proceedings of the Board;
- (b) providing for the custody of the property of the Authority, and the custody and use of the common seal of the Authority;
- (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 Authority; and
- (e) providing for such other matters as may be necessary or expedient for the better carrying out of the functions of the Authority.

(2) Notice in writing of every proposed Resolution to make Rules under this section or for the amendment or revocation of any Rule so made, (including a copy of the proposed Rules, amendment, or revocation) 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 revocation of any Rule at that meeting.

PART V

Financial Provisions, Accounts and Reports

Revenue of the Authority.

19. The revenues of the Authority shall consist of the following:

- (a) revenues allocated from the Consolidated Revenue Fund;
- (b) fees and charges imposed by the Authority;
- (c) any other money lawfully contributed, donated, or bequeathed to the Authority or received by the Authority from any other source.

Expenses of the Authority.

20. The expenses of the Authority, including the remuneration of members and staff thereof, shall be paid out of the funds and resources of the Authority.

21.-(1) Subject to the provisions of subsection (2), the Authority may borrow money required by it for meeting any of its obligations or discharging any of its functions; including on-lending to groups approved by the Board, if necessary.

Borrowing Powers.

(2) The power of the Authority to borrow 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 authorised borrowings of the Authority.

(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 the provisions of this section, he shall direct the repayment or, as the case may be, 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.

22.-(1) The Authority 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.

Submission of budget estimates.

(2) The Authority shall submit the estimates in the form required by the Minister responsible for Finance.

(3) All new or special expenditure shall receive the approval of the

Minister before being included in the estimates.

(4) Except with the approval of the Minister responsible for Finance, given after consultation with the Minister, no further sum shall be expended during any financial year other than as provided in the estimates relating to such financial year.

Accounts and
audit.

23.-(1) The Authority 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, being a form which shall conform to the best commercial and accounting standards.

(2) The accounts of the Authority shall be audited annually by an independent auditor appointed in each year by the Board with the approval of the Minister.

Annual report.

24. Within six months after the end of each financial year, the Authority shall cause to be made and shall submit to the Minister:

(a) a statement of its accounts audited in accordance with section 23 (2); and

(b) a report dealing generally with the proceedings and policies of the Authority during that financial year.

Transfer of
property.

25.-(1) The Minister responsible for Finance may, by Order, transfer by lease or otherwise to the Authority, under such terms and conditions as he may deem fit, any property belonging to the Government which appears to him to be necessary or useful to the Authority for carrying out its functions under this Act, and such property shall vest in the Authority by virtue of such Order and without further assurance.

(2) An Order under subsection (1) above:-

- (a) may contain such incidental, consequential or supplemental provisions as the said Minister thinks necessary or expedient for the purposes of the Order;
- (b) shall be subject to negative resolution by the House of Representatives.

PART VI

Administration of Plant Health

26.-(1) The Authority may, in writing, designate officers of the Authority to administer and enforce the provisions of this Act relating to plant health.

Establishment of services.

(2) The designated officers and any other person designated by the Authority for that purpose, shall have power to do all that is necessary for the effective carrying out of the provisions of this Act and any Orders or Regulations made thereunder relating to plant health.

27.-(1) Subject to section 28, no person shall import or offer to bring into Belize any plant, planting material, plant products, bio-engineered products or any restricted article except under a permit issued by the Authority, which may issue such a permit subject to the conditions prescribed by this Act and any Regulations made thereunder.

Permit requirements.

(2) Any person who contravenes subsection (1) commits an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment.

28.-(1) Notwithstanding the provisions of section 27, the Minister may, after consultation with the Authority, if it appears to him that the importation of a restricted article into Belize is likely to result in the entry or spread of a plant pest or disease, by Order prohibit or regulate the importation of any such

Order to limit entry.

restricted article into Belize.

(2) An Order under subsection (1) above may:-

- (a) regulate the importation of a restricted article into Belize, and specify conditions subject to which such article may be imported; or
- (b) direct or authorize the seizure or disposal of any restricted article, the importation of which is prohibited or does not satisfy the conditions specified in the Order.

(3) Any person who contravenes subsection (1) commits an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment.

Order modifying permit.

29.-(1) Where a permit has been granted by the Authority under section 27, but an Order is made by the Minister under section 28 in respect of the same or a similar restricted article, the permit shall be impliedly modified or revoked so as to make the entry requirements of the restricted article conform to the Order.

(2) Where a permit has been modified by an Order as provided in subsection (1) above, the terms and conditions of the permit regulating the importation into Belize of any restricted article shall be construed as one with the modifying Order and the permit may be revoked at any time.

Official importations.

30. Notwithstanding the foregoing provisions of this Part, the Minister, after consultation with the Authority, may by Order specify the planting material, plant products, plant pests and live beneficial organisms that may be imported for experimental purposes only and the conditions applicable to such importation.

31. All restricted articles imported into Belize shall be accompanied by a phytosanitary certificate. Phytosanitary certificate.
32. The Authority may make and use such means as it deems necessary to provide for the inspection of domestic plants and plant products offered for export and to certify to shippers and interested parties as to the freedom of such products from injurious plant pests by means of a phytosanitary certificate issued by the Managing Director or any designated officer authorized by the Managing Director. Export Certification.

PART VII

Plant Quarantine Measures

33. The Authority may, with the approval of the Minister: - Quarantine Orders.
- (a) designate quarantine pests; and
 - (b) declare any area or place in Belize to be under quarantine for the purpose of controlling and preventing the spread of quarantine pests.
34. The Minister may, on the recommendation of the Authority, from time to time by Order, add any particular disease to, or remove any particular disease from, the definition of plant disease contained in section 2 of this Act, and as from the date of any such Order, such particular disease shall be, or shall cease to be, as the case may be, a plant disease within the meaning of this Act. Order amending definition of disease.
35. The Authority may, with the approval of the Minister, make such Orders, Rules and Regulations (collectively known as “Prevention Orders”) as it deems necessary to control, eradicate or prevent the spread of plant pests or diseases in Belize, and therein may:- Power to issue Prevention Orders.
- (a) identify a plant pest as a notifiable plant pest or a quarantine

pest;

- (b) determine the land or nursery to be placed under quarantine and advise the occupier or owner in writing accordingly;
- (c) set forth the action to be taken by the Authority and the occupier or owner in order to control the plant pest or disease as well as to dispose of the planting material, fruits, vegetables and plant products on the land or nursery under quarantine, determining the numbers of healthy plants to be destroyed by so doing;
- (d) restrict, prohibit or control the cultivation, movement and harvesting of any plant material or plant product on any land or nursery under quarantine;
- (e) direct or authorize the destruction, removal or treatment of any restricted article or any other article contaminated or suspected of being contaminated with a pest or disease;
- (f) restrict or prohibit the movement, selling, exposing or offering for sale or the distribution of a restricted article;
- (g) direct or authorize the entering on any land for the purpose of destroying, removing or treating a restricted article in respect of which an Order is made;
- (h) prohibit the keeping or cultivation of specified plants or plant varieties considered to be susceptible to a plant pest; and
- (i) require that signs be erected or displayed prohibiting unauthorized entry to quarantined areas.

36.-(1) Every owner or occupier and every person having charge or management of land who knows or suspects the existence of any notifiable plant pest or quarantine pest on such land shall promptly give notice to the Authority of that fact and of all such information as may be available to such owner, occupier or person as to the extent and nature of the pest.

Occupier responsibility.

(2) Every person having in his possession or under his charge any diseased plant shall:

- (a) keep such plant material separate from plants not so diseased; and
- (b) within twenty-four hours, give notice of the fact of the plant being so diseased to the nearest office of the Authority or the person in charge of the nearest police station.

37.-(1) Any designated officer may, by notice in writing in the form specified in the Second Schedule served upon the occupier or owner of any land or nursery, which describes the measures to be taken to eradicate, control or prevent the further spread of the notifiable plant pest or quarantine pest under consideration, require the occupier or owner or other person in charge, as the case may be:-

Pest Control Notice. Second Schedule.

- (a) at his own expense and within the time specified in the notice, to take such measures as may be recommended or required to eradicate, control or prevent the further spread of the notifiable plant pest or quarantine pest;
- (b) to be responsible for the implementation of control or eradication measures stipulated in the notice.

(2) The notice served to the occupier or owner or other person in charge, as the case may be, of land or of a nursery under subsection (1) above shall remain in force until the Managing Director gives the owner or occupier a certificate in writing declaring that the land or nursery is no longer under

quarantine.

(3) Where an occupier or owner fails to take any measure which he is required to take by notice given under subsection (1) above, a designated officer may enter the land or nursery and carry out the measures to be taken upon the expiration of the time specified in the notice.

Reimbursement or waiver of expenses.

38.-(1) Any expenses incurred by the designated officer in connection with those measures given under section 37 shall be reimbursed by the occupier or owner, and may be recovered by the Authority as a civil debt.

(2) The minister may, for a fit and proper cause and under the recommendation of the Authority, waive repayment of expenses incurred under section 37.

Determination of eradication.

39. It shall be the responsibility of the Minister, on the recommendation of the Authority, to determine if any notifiable plant pest or quarantine pest has been eradicated. Inspections of land or nurseries shall be carried out by a designated officer at no cost to the occupier or owner.

PART VIII

Enforcement

Inability to locate owner or occupier.

40. Where no person is in actual occupation of any land, or where the occupier or owner cannot be located, service of any notice under this Act shall be made by affixing the notice to a conspicuous place on the land, and such affixing shall be considered as an authorized service of notice.

Arrival notification.

41. It shall be duty of the Comptroller of Customs through a customs officer to:-

- (a) notify promptly the Authority of the arrival of any restricted article or any other article or material regulated by this Act

or any Regulations made thereunder at the place of arrival; and

- (b) not to release or dispose of the material or article unless so authorized by the Authority or any designated officer of the Authority.

42.-(1) Any designated officer authorized to enforce the provisions of this Act, if he has reason to believe that any person, luggage, receptacle, or carrier coming into or moving within Belize possesses, contains or carries any restricted article or non-plant article that constitutes a risk to the agriculture or natural resources of Belize, the entry of which is prohibited or restricted by the provisions of this Act or Regulations issued thereunder, shall be authorized to stop and, without warrant, to search and examine such persons, luggage, receptacles or carriers and seize, detain, disinfect, destroy or otherwise dispose of such restricted article or non-plant article brought into or moving within Belize in contravention of this Act or any Regulations made thereunder.

Enforcement of inspections at point of entry.

(2) Any designated officer may direct or authorize the disinfection, treatment or fumigation of carriers suspected of harbouring any plant pests.

(3) The designated officer may permit the owner of any restricted article or any non-plant article that constitutes a risk to the agriculture or natural resources of Belize to return the restricted article or non-plant article to the country of origin within such time as may be specified by the designated officer.

43.-(1) Any designated officer authorized to enforce the provisions of this Act, if he has reasonable cause to believe that a notifiable plant pest or quarantine pest may be present on any land, shall have the power to enter on such land and without warrant to carry out survey and detection programmes as well as to treat, destroy or remove restricted articles.

Power of entry and imposition of quarantine.

(2) Any designated officer, in exercising the powers conferred by subsection (1), shall inform the occupier, if present at the time, of the intention to enter and search, examine, treat, confiscate or destroy any restricted article

or non-plant article.

(3) A designated officer shall also have the power to apply immediate quarantine measures which may be confirmed by the Minister by Order made on the recommendations of the Authority within twenty-one days after such imposition.

- Post-entry quarantine. 44. The Authority may require that imported planting materials be grown in detention by or under the supervision of the Authority and if found infested with plant pests or plant diseases, to prescribe such remedial measures as may be necessary to prevent the establishment and spreading of such pests or diseases.
- Mail. 45. Any restricted article moving in the mail shall be subject to Regulations administered jointly by the Belize Postal Service and the Authority.
- Regulations. 46.-(1) The Minister may, in consultation with the Authority, prescribe Regulations in respect of any restricted article which is prohibited or the importation of which is regulated by this Act or any Orders made under this Act.
- (2) The owner, master or person in control of any carrier, including its stores and furnishings, shall be subject to any Regulations made under subsection (1) above.
- Institute of legal proceedings. 47. All proceedings under this Act shall be taken in the name of the Authority and shall not be deemed to affect any civil liability which may exist independently thereof.
- Sufficiency of certificate at trial. 48. In any trial for an offence under this Act, the certificate of the Managing Director purporting to be signed by him as such, shall be *prima facie* evidence as to the identification of any plant pest or plant disease under this Act, provided that such certificate shall contain:-

- (a) a statement that the container in which the specimen was submitted for examination was sealed and intact on delivery to the Authority; and
- (b) a copy of the description attached to the specimen by the person who submitted it for identification by the Authority.

49. Proceedings taken under this Act shall not be rendered invalid by reason of the informality of any Order or notice made or given under this Act or Regulations made thereunder.

Informality not to invalidate proceedings.

50. No liability shall be attached to the Government, the Authority or any designated officer for:-

Exclusion of liability.

- (a) the destruction of materials brought into Belize in contravention of this Act or the Orders issued pursuant thereunder; or
- (b) any damage done, or delays incurred by treatments or other quarantine action deemed necessary and performed under this Act or Regulations made thereunder.

51. It shall be lawful for the Minister, out of moneys voted for that purpose by the National Assembly, to make grants by way of compensation to occupiers and owners, according to their respective interests, in respect of healthy plants destroyed in order to achieve eradication, control or to prevent the further spread of a notifiable plant pest, plant disease or quarantine pest.

Compensation.

PART IX

Control of Diseased or Suspected Animals

52.-(1) The Authority may, in writing, designate officers of the Authority to administer and enforce the provisions of this Act relating to animal health.

Appointment of designated officers.

(2) The designated officers and any other person designated by the Authority for that purpose, shall have power to do all that is necessary for the effective carrying out of the provisions of this Act and any Orders or Regulations made thereunder relating to animal health.

Segregation and notification of diseased animals, etc.

53.-(1) Every person having in his possession or under his charge any diseased animal shall:-

- (a) keep such animal separate from animals not so diseased; and
- (b) within twenty-four hours, give notice of the fact of the animal being so diseased to the nearest office of the Authority or to the person in charge of the nearest police station.

(2) The person to whom notice under subsection (1)(b) above is given, if not an officer in charge, shall forthwith give information thereof to an officer of the Authority.

Infected places.

54.-(1) Where an officer suspects that any animal disease exists on any land, he shall forthwith sign a notice to that effect and such notice shall contain a declaration that such land, the limits whereof shall be therein specified, is an infected place.

(2) The notice referred to in subsection (1) above shall be served upon the occupier of such place.

(3) Upon the service of such notice, the place therein specified shall be an infected place subject to confirmation or otherwise by the Minister under the provisions of subsection (5):

Provided that the Officer may, at any time within twenty days of such service and after further investigation by the Authority but before such confirmation or otherwise, withdraw such notice and thereupon such place shall cease to be an infected place.

(4) The Authority shall with all practicable speed send copies of such notice to the Minister, and where any such notice has been withdrawn, the Officer shall forthwith inform the Minister of that fact.

(5) Upon receipt by the Minister of the copies of such notice, the Minister shall, unless such notice has been withdrawn forthwith, consider the matter and:-

- (a) if satisfied that such course is expedient or necessary, by Order declare the place specified in such notice to be an infected place, and may also by Order published in the *Gazette* declare that any area containing, adjoining or surrounding such place is an area infected with disease, and such Order shall specify the limits of such infected area; or
- (b) if not so satisfied, shall by Order revoke the notice of the Officer, and thereupon as from the time specified in that behalf by such Order, such place shall cease to be an infected place.

55. The Minister, whenever it appears necessary or expedient so to do by reason of the existence of any disease, may on the recommendation of the Authority, by Order published in the *Gazette*, declare any area in Belize to be infected with a disease and such Order shall specify the limits of such infected area.

Infected areas.

56.-(1) An Officer may cause any diseased or suspected animal, or any animal which has been on the same land, or in the same herd or flock as, or in contact with, any diseased or suspected animal, whether or not any such land has been declared to be an infected place or is within an infected area, to be slaughtered in order to prevent the spread of the disease; and for such purpose the Officer may give all such directions as he may consider necessary.

Slaughter of diseased or suspected animals.

(2) An Officer may, for the purpose of observation and treatment, take possession of and retain any animal liable to be slaughtered under this

section.

Disposal of
animals.

57. Any animal slaughtered under the provisions of this Act or any Regulations made thereunder or which dies as the result of disease, shall be destroyed, buried or otherwise disposed of, as soon as possible, in accordance with Regulations made under this Act and in accordance with the Orders, either general or particular, of the Officer; and for such purposes the Officer may use any suitable ground in the possession or occupation of the owner of the animal.

Compensation.

58.-(1) The Minister may award compensation for the compulsory slaughter of any healthy animal under the provisions of this Act or of any Regulations made thereunder.

(2) It shall be lawful for the Minister, out of moneys voted for that purpose by the National Assembly, to make grants by way of compensation to occupiers and owners, according to their respective interests, in respect of healthy animals destroyed in order to achieve eradication, control or to prevent the further spread of a notifiable animal disease or quarantine pest.

(3) The amount of any such compensation shall not exceed the value of the animal immediately before slaughter, and compensation may be reduced or refused where the owner or the person having charge of the animal has, in the opinion of the Minister, been guilty in relation to the animal, of an offence against this Act, or any Regulations made thereunder.

(4) No compensation shall be payable in respect of any animal compulsorily slaughtered when in a quarantine depot if, in the opinion of the Authority, such animal was diseased at the time of importation.

Order amending
definition of
disease.

59. The Minister may, on the recommendations of the Authority, from time to time by Order add any particular disease to, or remove any particular disease from, the definition of animal, fish, or bee disease contained in section 2 of this Act, and as from the date of any such Order, such particular disease

shall be, or shall cease to be, as the case may be, an animal, fish or bee disease within the meaning of this Act.

PART X

Importation of Animals, Animal Carcasses, Animal Products, Biologicals, Feed and Litter

60.-(1) No animal, animal products, animal carcass, litter, biological or animal feed may be imported into Belize save under and in accordance with Regulations made by the Minister under the provisions of section 61 of this Act.

Prohibition of importation.

(2) Any person who:-

- (a) imports into Belize any animal, otherwise than under a permit in that behalf granted under section 62 of this Act; or
- (b) contravenes or fails to comply with any of the provisions of any such permit;

commits an offence against this Act, and any animal in respect of which any such offence is alleged to have been committed may be seized and on conviction of the offender shall be forfeited to the Government.

61.-(1) The Minister may, on the recommendations of the Authority, for the purpose of preventing the introduction or spread of any disease into Belize, make Regulations prohibiting, restricting, controlling or regulating the importation of animals or any specific kind thereof, or of carcasses, feed, litter, dung, biologicals or other similar matter.

Regulations controlling the importation of animals, etc.

(2) Regulations made under subsection (1) above may, without prejudice to the generality of such power, make provision with regard to:-

- (a) specifying and defining the ports at which animals or carcasses,

feed, litter, dung, biologicals or other similar things, may be landed;

- (b) controlling, prohibiting or regulating the movement of animals or of carcasses, feed, litter, dung, biologicals or similar things, into, within, or out of, any defined port;
- (c) controlling the examination, cleansing destruction, disposal, seizure and detention of any animal, or of carcasses, feed, litter, dung, biologicals or other similar things, in a port;
- (d) the fees and expenses to be incurred for any purposes for which Regulations may be made under this section and the persons to whom they are to be paid and the manner in which they may be recovered; and
- (e) the registration, sale and distribution of animal feeds.

Import permit for animals, etc.

62.-(1) The Authority may grant to any person a permit to import any animal into Belize, and may, notwithstanding anything contained in any Regulations made under section 86 of this Act, for the purposes of any exhibition, performance or circus, grant a permit to import any particular animal into Belize.

(2) Any permit granted under this section may contain such terms and conditions as the Authority may think necessary.

(3) Every person desirous of applying for a permit shall make application in such form as the Authority may require.

Quarantine depots.

63. The Authority may appoint quarantine depots in such places as it may deem necessary and all animals required to be quarantined under this Act or any Regulations made thereunder, or under any permit or licence granted thereunder, shall be placed within such depots in accordance with the orders of the Officer.

64. All animals, animal products, litter, carcasses, biologicals or animal feed imported into Belize shall, subject to any Regulations made under this Act or to the terms and conditions of any permit or licence granted under this Act, be placed in a quarantine depot for such time as may be specified by the Authority in the permit.

Imported animals, etc., to be quarantined.

PART XI

Fertilizers and Feeding Stuffs

65. In this Part, unless the context otherwise requires: -

Interpretation of words and phrases used in this Part.

“analyst” means a person appointed as such by the Authority under section 69 below;

“animal” shall have the meaning assigned to it in section 2 of this Act;

“article” means any article for use as a fertilizer of soil or as feed for animals;

“ingredients” means ingredients specified for the purpose of any fertilizer or feeding stuff by Regulations made, or directions given, by the Authority under this Act.

66.-(1) Every person who sells any article shall take out an annual licence which shall expire on 31st December next after the date of issue.

Licence required.

(2) The licence shall be granted by the Authority after payment of such fee as may be specified by the Authority, on the approval of the Minister.

(3) The Authority may refuse to grant, or may cancel or revoke, a licence issued under this section if in its opinion the holder thereof has contravened or failed to observe the provisions of this Act or any Regulations made thereunder.

(4) A person who sells, offers for sale or exposes for sale any article without a valid licence issued under this section commits an offence and shall be liable on summary conviction to a fine not exceeding two thousand dollars.

Seller to give statutory statement.

67.-(1) Subject to subsection (2) below, every person who sells any article shall give to the purchaser on or before delivery or within twenty four hours after delivery a statement in writing (hereinafter referred to as “the statutory statement”) containing the following particulars:-

- (a) the name under which the article is sold;
- (b) the names of all the main ingredients and other matters contained in the article of which or from which the article is made; and
- (c) the respective percentage of each ingredient to other ingredients and to other matters in the article.

(2) The obligations imposed by this section shall not apply-

- (a) to sales of any two or more articles which have been mixed at the request of the purchaser;
- (b) to sales of an article in a quantity of fifty-six pounds or less taken in the presence of the purchaser from a parcel bearing a conspicuous label on which is marked legibly the particulars required by this section to be contained in the statutory statement;
- (c) to sales of an article in a parcel bearing a label stating legibly all the particulars required by this section to be contained in the statutory statement.

- (3) It shall be an offence for any person:-
- (a) to omit without reasonable excuse to give a statutory statement as required under this section; or
 - (b) to give a statutory statement or affix a label in respect of an article sold which is false in any material particular or particulars whereof do not accord with the results of the analysis of a sample of the article carried out in accordance with this Part.

(4) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding two thousand dollars for the first offence, and for any second or subsequent offence to a fine not exceeding five thousand dollars.

68.-(1) The statutory statement and the label shall, notwithstanding any contract or notice to the contrary, have effect as a warranty by the seller-

Warranties.

- (a) that the particulars contained therein are correct;
- (b) that the percentages of the ingredients in the article sold do not differ from those stated therein beyond the prescribed limits of variation;
- (c) where the article is for use as food for animals, that it is suitable to be used as such.

(2) Where any article sold for use as feed for animals is sold under a name or description implying that it is prepared from any particular substance, or from any two or more particular substances, or is the product of any particular seed or of any two or more particular seeds, and without indication that it is mixed or compounded with any other substance or seed, there shall be implied a warranty by the seller that the article is prepared from that substance or those substances only or is a product of that seed or those seeds only.

(3) Any other statement in a written document or advertisement or circular descriptive of the article as to the amount of chemical and any other substance or matter in the article sold for use as a fertilizer of the soil, or as to the amount of the nutritive and any other substance or matter in the article sold for use as food for animals, shall have effect as a warranty by the seller that the facts stated therein are correct.

Appointment of analysts.

69.-(1) The Authority may, subject to the approval of the Minister, and on such terms and conditions as the Authority may determine, appoint for the purposes of this Act suitably qualified persons as analysts.

(2) No person who is appointed as an analyst under this section shall, while holding the office of analyst, engage or be interested, directly or indirectly, in any trade, manufacture or business connected with the sale of articles used for fertilizing the soil or as food for animals.

(3) Any person who contravenes subsection (2) above commits an offence and shall be liable on summary conviction to a fine not exceeding five hundred dollars.

Purchaser may have analysis made.

70.-(1) The purchaser of an article shall, on payment of the fee fixed, be entitled to have a sample of the article purchased analysed by an analyst and to receive a certificate of the result of analysis.

(2) The purchaser shall submit to the analyst the sample of the article and a copy of the statutory statement relating to the article or the parcel bearing the label in which the article was purchased .

(3) The analyst shall analyse the sample submitted and furnish the purchaser with a certificate signed by himself of the result of the analysis. The certificate shall be deemed to have been duly furnished on proof of its despatch by registered mail.

(4) The purchaser shall, on payment of the fee fixed, be entitled to

have the sample taken by the analyst in the manner prescribed in section 71 (2) for the purpose of analysis by him.

71.-(1) The analyst may at all reasonable times enter any premises or place where the article is being sold or manufactured or where he believes that there is any article and may take samples in the presence of the purchaser or owner or his representatives thereof for analysis.

Taking of samples by analyst.

(2) The analyst taking a sample under this section shall divide it into three parts and cause each part to be marked, sealed and fastened up. He shall take two parts and deliver the third part to the owner of the article or to the person in whose charge and custody the article is.

(3) It shall be the duty of the owner of the article or of the person in whose charge and custody the article is, to furnish the analyst at the time he takes the sample with a statement in writing containing all the particulars required to be included in a statutory statement under section 67 relating to the article from which the sample is taken.

(4) If the owner or person for the time being with charge and custody of any article refuses to allow the analyst to take a sample of the article or willfully delays or obstructs the analyst in obtaining a sample or refuses to furnish him with a statement as required by this section, he commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars.

72. Where a sample has been taken by the analyst and divided into three parts and marked, sealed and fastened up as mentioned in section 71 (2), the analyst's certificate shall, at the hearing of any civil or criminal proceedings with respect to the article sampled, be sufficient evidence of the facts therein stated unless the defendant or person charged requires that the person who made the analysis be called as witness.

Analysts' s certificate in legal proceedings.

73. If any person fraudulently-

Tampering with article, sample, etc.

- (a) tampers with any article so as to procure that any sample of it taken or submitted for analysis under this Part does not correctly represent the article; or
- (b) tampers with any sample taken or submitted for analysis under this Part; or
- (c) tampers with any statutory statement or the analyst's certificate produced in pursuance of this Part or with a label affixed to a parcel containing an article,

commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a period of six months, or to both such fine and period of imprisonment.

Use of deleterious substances.

74.-(1) Any person who uses as food for animals, or who has in his possession for use, or sells or offers for sale, or who has in his possession, prepared or packed, for sale any article containing substances which by Regulations is declared to be a deleterious substance commits an offence

(2) Any person who, with a view to fattening animals, makes use by means of feeding or otherwise of any substance which by Regulations is declared to be a deleterious substance commits an offence.

(3) In any proceedings under this section, it shall be no defence to allege that the purchaser, having bought the article for analysis only, was not prejudiced by the sale.

(4) Any person who commits any offence under this section is liable on summary conviction to a fine of two thousand dollars or to imprisonment for a period not exceeding six months, or to both such fine and period of imprisonment.

75. Any person who sells or offers for sale any worthless matter as a feeding stuff is liable to a fine not exceeding two thousand dollars or to imprisonment for a period not exceeding three months. Sale of worthless matters prohibited.
76. The Minister may, on the advice of the Authority, make Regulations for-
- (a) prescribing anything which under this Part is required or authorised to be prescribed;
 - (b) payment of fees for analysing samples by the analyst, at the rates fixed from time to time;
 - (c) specifying ingredients for the purposes of this Part;
 - (d) prescribing the limits of variation for the purpose of this Part;
 - (e) declaring any substance to be a deleterious substance for the purpose of section 74; and
 - (f) generally carrying this Part into operation.

PART XII

General

77.-(1) Where any person is found committing, or is reasonably suspected of being engaged in committing, an offence against this Act or against any Regulations made thereunder, any police officer may without warrant stop and detain him, and if his name and address are not known to the police officer and he fails to give them to the satisfaction of the police officer, such police officer may without warrant apprehend him and may, whether he has so stopped, detained or apprehended such person or not, stop, detain and examine any animal, animal product, carrier, carcass, litter, fertilizer, feeding stuff, biological, Power of apprehension.

plant material, plant product or other thing, to which the offence or suspected offence relates, and require it to be forthwith taken back to or into any place or district wherefrom or whereout it was unlawfully removed, and execute and enforce that requisition.

(2) If any person obstructs or impedes a police officer or a designated officer in the execution of this Act or of any Regulations made thereunder, or assists in any such obstructing or impeding, the police officer or designated officer may, without warrant, arrest the offender.

(3) A person apprehended under this section shall not be detained without warrant longer than is necessary for the purpose of being taken before a magistrate, and the provisions of the Summary Jurisdiction (Procedure) Act, and the Bail Reform Act, in relation to the granting of bail, shall apply to any such person.

CAP. 99.
CAP. 100.

Power of
inspection.

78. An Officer shall have all the powers given to a police officer under section 77 of this Act and may at any time enter, inspect or certify in or on:-

- (a) any land or place, where he has reasonable grounds for believing:-
 - (i) that any plant or animal pest or disease exists, or has, within sixty days, existed; or
 - (ii) that the carcass, animal product, plant material, plant product, animal feed, fertiliser, feeding stuff or litter of any diseased or suspected animal or plant is or has been kept or has been buried, destroyed or otherwise disposed of; or
 - (iii) that there is to be found therein any thing or any place in respect whereof any person has on any occasion failed to comply with the provisions of this Act or of

any Regulations made thereunder; or

(iv) that this Act or any Regulations made thereunder has or have not been, or is or are not being, complied with;

(b) any carrier, in which or in respect whereof he has reasonable grounds for believing that this Act or any Regulations made thereunder has or have not been or is or are not being complied with.

79. Any person who, without lawful authority or excuse, proof whereof shall lie on him:- Offences.

(a) when required by this Act to keep any diseased animal separate from animals not so diseased, or to give any notice of such diseased animal within a prescribed period of time, fails to do so; or

(b) contravenes, or fails to comply with any directions given by an Officer under section 56 of this Act; or

(c) refuses an Officer, acting in execution of this Act, admission to any land, place, or carrier which such Officer is entitled to enter or examine, or obstructs or impedes such Officer from so entering or examining, or otherwise in any respect obstructs or impedes an Officer or any police officer in the execution of his duty, or assists in any such obstructing or impeding; or

(d) throws or places or causes to be thrown or placed into or in any river, stream, drain, or other water, or into or in the sea within three miles of the shore, the carcass of an animal which has died of disease or has been slaughtered as diseased or suspected; or

- (e) takes, or allows to be taken, unless otherwise required by this Act, or allows to stray, any diseased animal in or upon any public road, or public place; or
- (f) digs up, or causes or allows to be dug up, the buried carcass of any animal which has been slaughtered under this Act as diseased or suspected, or which has died or is suspected of having died from any disease; or
- (g) takes or moves, or allows to be taken or moved, any animal, animal products, biologicals, plant material, plant product, carcass, feed, litter, dung, restricted article or other thing, into or out of any infected place or infected area otherwise than in accordance with this Act; or
- (h) allows any animal to stray into or out of any infected place or infected area; or
- (i) takes, or allows to be taken, unless otherwise required by this Act, any restricted article into or out of any infected place or infected area; or
- (j) digs up, or causes or allows to be dug up, any restricted article into or out of any infected place or infected area;

commits an offence against this Act.

Penalty. 80. Any person commits an offence against this Act shall, save where otherwise expressly provided, be liable for each such offence on summary conviction to a fine of not less than two thousand dollars and not exceeding ten thousand dollars or to imprisonment for any period not exceeding three years.

Evidence and presumptions. 81.-(1) Where the owner or person in charge or possession of any animal,

animal product, feed, litter, carcass, plant material, plant product, fertiliser, feeding stuff or other similar thing is charged with an offence against this Act, or against any Regulations made thereunder, relative to disease, pest or to any illness, he shall be presumed to have known of the existence of the disease, pest or illness unless and until he shows to the satisfaction of the court that he had no knowledge thereof and could not with reasonable diligence have obtained that knowledge.

(2) Where a person is charged with an offence against this Act, or against any Regulations made thereunder, in not having duly cleansed or disinfected any land, place, carrier, or thing, belonging to him or in his charge and a presumption against him on the part of the prosecution is raised, it shall lie on him to prove the due cleaning and disinfection thereof.

(3) The certificate of an Officer to the effect that any animal, animal product, carcass, biological, feed, plant product, or plant material, is or was affected with a disease or pest specified in the certificate shall for the purposes of this Act or of any Regulations made thereunder be *prima facie* evidence in all courts of law of the matter certified therein.

82. Subject to any specific provision in any Regulations or Orders made under this Act, nothing in this Act, or in any Regulations made thereunder, shall restrict or prohibit the transportation of any person, animal or thing, by public road, thoroughfare or river, through an infected place or an infected area if such person, animal or thing, as the case may be, is not detained within such place or area.

Transportation through infected places and areas.

83. The Minister may, in his discretion, by Order prohibit, during such time as may be specified in such Order:-

Power to prohibit use of road by Order.

(a) the use in any manner whatever of any public road, thoroughfare or river passing through an infected area, or of any part of such public road, thoroughfare or river; or

(b) the use, except in compliance with such conditions as may

be specified in such Order, of any such public road, thoroughfare or river, or of any part thereof.

PART XIII

Miscellaneous

- | | |
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| Validity of Board's acts. | 84. No act done or proceeding taken under this Act shall be questioned or invalidated on the ground: <ul style="list-style-type: none"> (a) of the existence of any vacancy in the membership, or of any defect in the constitution, of the Board; or (b) of any omission, defect or irregularity. |
| Exemption from income tax, property tax, stamp duty and import duty. | 85.-(1) The Authority shall be exempt from the payment of income tax, property tax, and import duty on all purchases including but not limited to fuel purchases. <p style="margin-left: 40px;">(2) All instruments executed by or on behalf of the Authority shall be exempt from stamp duty.</p> |
| Regulations. | 86.-(1) The Minister may, after consultation with the Authority, make Regulations generally for the better carrying out of the provisions and objects of this Act, and without prejudice to the generality of the foregoing, may make Regulations to:- <ul style="list-style-type: none"> (a) provide for the administration of plant and animal protection and quarantine service; (b) provide for measures to be taken to prevent the introduction or the spread of plant pests, and such Regulations may apply to the whole of Belize or to any part thereof; |

- (c) provide for the isolation by any means of any distinct area or parcel of land or any portion of such distinct area or parcel of land declared by Order to be infected or suspected of having been infected by plant pests or disease, animal disease, bee disease, or fish disease;
- (d) provide for the destruction, removal, uprooting, disposal or quarantine or treatment of plants and plant products within such distinct area or parcel of land;
- (e) provide for the cleansing and disinfecting of any distinct area or parcel of land and any plants therein;
- (f) prescribe the period within which it shall not be lawful to plant or replant in any such distinct area or parcel of land, any plant whatsoever or any particular named plant;
- (g) prescribe the measures to be taken for the treatment of any notifiable plant pest or quarantine pest, by the owner, occupier or person having the charge or management of any land;
- (h) provide for the establishment of temporary quarantine premises, post-entry quarantine stations and their necessary facilities or services;
- (i) prescribe fees for inspections, services and treatment and any other services;
- (j) prescribe the conditions under which the importation of any plant, article or thing may be permitted;
- (k) prescribe forms and documents appropriate for the effective administration of the Act;

- (l) prescribe the measures to be taken for the treatment of any notifiable plant pest, by the owner, occupier or person having control or management of any land;
- (m) prescribe measures to be taken for the identification, detection, diagnosis and prevention of plant pests, for the purposes of or incidental to quarantine;
- (n) provide for the examination by designated officers of plants, animals, animal products, biologicals, feed, and plant products for export;
- (o) govern the procedure relating to the issue of permits;
- (p) provide for the revocation of permits;
- (q) provide for the establishment, inspection, regulation and control of nurseries or any other places where plants are grown for the purposes of sale or distribution;
- (r) provide for the disinfection, fumigation and treatment of buildings, or carriers in which plants or plant products are imported or which are suspected of harbouring any plant pest;
- (s) prescribe the level of fees to be paid where treatment quarantine action or measures are given or taken;
- (t) prohibit the importation of any plant or plant products except at specified ports or points of entry;
- (u) regulate or prohibit the removal from any land or building, or the transfer or conveyance from any part of Belize to any other part thereof, of any plant, plant product, soil, manure,

straw, package, plant pest or live beneficial organism;

- (v) regulate or prohibit the entry of plants and plant products into Belize;
- (w) regulate the disposal of waste and other material from carriers temporarily in Belize;
- (x) specify the notices to be given by persons in possession or in charge of diseased animals in the case of any particular disease, or in the case of illness of any such animal, and the persons to whom such notices are to be given;
- (y) notify the public of infected places or infected areas and the removal of anything into, within or out of such places or areas, and the cleansing or disinfecting of such places or areas;
- (z) regulate the movement of persons into, within or out of infected places or infected areas, and the prevention of the spread of disease by persons in contact with diseased or suspected animals;
- (aa) regulate the treatment, disinfecting, destruction, burial, disposal and digging up, of anything in or removed from an infected place or infected area;
- (bb) regulate the movement, isolation, segregation, treatment, slaughter, destruction, disposal, burial, seizure, detention, and exposure for sale, of diseased or suspected animals;
- (cc) regulate the removal, transport, treatment, isolation, examination, testing, cleansing, disinfecting, protection from suffering, exposure for sale, exhibition or marking, of animals;

- (dd) require such persons as may be prescribed to keep and produce such records in relation to the import or export of plants or animals as the Authority may consider necessary for the purposes of this Act;
- (ee) regulate and control the use of biologicals;
- (ff) regulate and control the use of animals;
- (gg) regulate the export of animals including issuance of certificates required for export;
- (hh) regulate the importation of animal products;
- (ii) regulate the removal, transport, treatment, examination, cleansing, and disinfecting of carcasses, fodder, litter, dung and other things;
- (jj) control the cleansing, disinfecting, and examination, of places used by, and vehicles used for, the transport of, animals;
- (kk) prescribe the fees and expenses which may be incurred for any purpose for which Regulations may be made under this section, and the person by whom they are to be paid, and the manner in which they may be recovered;
- (ll) control the movement of animals within any area although not designated as infected;
- (mm) prescribe the period within which it shall not be lawful to rear any animal in an area previously declared to be an infected area;
- (nn) prescribe measures regarding the issue of sanitary and

phytosanitary certificates and any other related measures in accordance with the requirements of the World Trade Organization Agreement or other relevant international conventions;

- (oo) prescribe the procedures for carrying out risk analysis for plants and animals (including the Hazard Analysis and Critical Control Point System) and specifying the persons or organisation authorized to conduct such analysis;
- (pp) prescribe standards regarding the destruction of animals or plants being imported into Belize;
- (qq) prescribe the level of fees or charges for the destruction of plants and animals being imported into Belize;
- (rr) regulate the use and importation into Belize, and exportation from Belize, of bio-engineered plants and animals;
- (ss) regulate the certification of organic farms;
- (tt) declare areas as pest free areas and regulate the operation and maintenance of such areas as pest free areas;
- (uu) regulate the inspection, approval and certification for all food processing plants, without prejudice to the provisions of the Public Health Act;
- (vv) provide for the immunization or treatment by vaccination or otherwise of any or all animals within an infected area or infected place at the expense or risk of the owner;
- (ww) designate the Authority as the sole organisation responsible for inspecting food and plant processing industries for compliance with the Hazard Analysis and Critical Control Point System;

CAP. 40.

- (xx) define the powers of designated officers in respect of entry to and inspection of premises and land, and the collection of any samples therefrom, as well as enforcement measures such officers may lawfully enforce, including the closing down of premises or factories;
- (yy) prescribe penalties for the breach of any Regulations not exceeding five thousand dollars or three years imprisonment;
- (zz) provide for any other matter required by this Act to be prescribed; and
- (aaa) register and control the use of veterinary drugs, biologicals and medicated food for animals.

CAP. 1.

(2) Notwithstanding the provisions of the Interpretation Act, Regulations made under this Act may provide in respect of a breach of any of the provisions thereof that the offender shall be liable to such fine not exceeding five thousand dollars or to such period of imprisonment not exceeding two years, or to both such fine and period of imprisonment.

Offences of
counterfeiting,
forging
documents, etc.

87. Every person who:-

- (a) alters, forges, counterfeits, defaces or destroys any document, permit, licence or certificate provided for in this Act or Regulations made thereunder; or
- (b) utters or passes-off knowing it to be forged, any forged document purporting to be a document issued under this Act or Regulations made thereunder; or
- (c) with intent to defraud or deceive, lends any phytosanitary certificate to any other person or allows it to be used by any other person; or

- (d) in any manner obstructs, impedes, or commits an assault upon or causes bodily harm to any duly authorized member, officer or employee of the Authority in the execution of any of the powers conferred by this Act or Regulations made thereunder; or
- (e) knowingly introduces any disease or pest into any cultivated land or to any plant whether cultivated or not cultivated; or
- (f) without proper authority interferes with, or disposes of, any article seized or detained pursuant to the provisions of this Act or any Regulations made thereunder; or
- (g) bribes or attempts to bribe any inspector or other officer designated or appointed, as the case may be, under this Act, in connection with any matter arising in the performance of any of his functions pursuant to this Act; or
- (h) being an officer designated or appointed under this Act, as the case may be, accepts or solicits any bribe in connection with any matter arising in the performance of any of his functions pursuant to this Act,

commits an offence and shall be liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a period not exceeding three years, or to both such fine and period of imprisonment.

88.-(1) On the coming into force of this Act, the Plant Protection Act, the Animals (Diseases and Importation) Act, and the Fertilisers and Feeding Stuffs Act, shall stand repealed.

Repeals and savings.
CAP. 167,
R. E. 1980-1990.
CAP. 178,
R. E. 1980-1990.
CAP. 173,
R. E. 1980-1990.

(2) Notwithstanding the repeal of the said Acts:

- (a) all Rules, Regulations and Orders made thereunder

shall continue in force insofar as they are not inconsistent with the provisions of this Act and until repealed and replaced by Rules, Regulations and Orders made under this Act; and

- (b) every licence, permit or other document issued under the said Acts and so issued shall, insofar as it is not inconsistent with the provisions of this Act, continue to be effectual for such period and subject to such terms and conditions as may be stated therein.
-

FIRST SCHEDULE

[Section 2]

Phytosanitary Certificate

Plant Protection Organization No.....
of.....
TO: Plant Protection Organization (s)
of.....

DESCRIPTION OF CONSIGNMENT

Name and address of reporter
.....

Name and address of consignee
.....

Number and description of packages
.....

Distinguishing mark
.....

Place of Origin
.....

Men of conveyance
.....

Declared point of entry
.....

Name of produce and quantity declared
.....

Botanical name of plant
.....

This is to certify that the plants or plant products described above have been inspected by appropriate procedures and are considered to be free from

quarantine pests and practically free from other injurious pests and that they are considered to conform with the current phytosanitary regulations of the importing country.

SECOND SCHEDULE

[Section 37 (1)]

Pest Control Notice

To.....

- Nursery }
- Land }
- Plantation }

Situated at

.....

In pursuance of the powers vested in me by section 37 of the Belize Agricultural Health Authority Act, I hereby direct you..... within.....days of the service upon you of this notice to do the following work on your

CAP. 211.

- Nursery }
- Land }
- Plantation }

Viz-

(specify action to be taken)

.....

(Signed)
(Plant Protection Officer)
(Designated Officer)

.....
(Date)
