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*Please address any reply to The Registrar*  
Your reference

Our reference

Date

2nd April 2004

Dear Sir,

Privy Council Appeal No. 47 of 2003  
The Belize Alliance of Conservation  
Non-Governmental Organisations

v.

(1) The Department of the Environment and  
(2) Belize Electricity Company Limited  
(The Chalillo Dam case)

The Board has asked me to thank the appellants and the first respondent for their submissions on the question of the costs of this appeal, which they have now considered.

I am instructed to inform you that the Board has decided that because this was a public interest case there should be no order as to the costs of the appeal, including the proceedings for the conservatory order.

I can now settle the draft Order in Council disposing of the appeal. I enclose a copy herewith and should be grateful for the approval or comments of all parties by Tuesday, 20th April.

I am sending a copy of this letter and enclosure to Messrs. Simons Muirhead & Burton (ref. RM/CP/14560/1).

Yours faithfully,

J.A.C. Watherston  
Registrar



## AT THE COURT AT BUCKINGHAM PALACE

The day of 2004

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY  
IN COUNCIL

**WHEREAS** there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 29th day of January 2004 in the words following viz:-

“**WHEREAS** by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October 1909 there was referred unto this Committee the matter of an Appeal from The Court of Appeal of Belize between The Belize Alliance of Conservation Non-Governmental Organizations Appellant and (1) The Department of the Environment and (2) Belize Electricity Company Limited Respondents (Appeal No. 47 of 2003) and likewise the humble Petition of the Appellant setting forth that on 27th February 2002 the Appellant applied to the High Court of Belize for leave to apply for judicial review of a decision of the National Environmental Appraisal Committee to recommend approval of a project to construct a dam known as the Macal River Upstream Storage Facility: that on 28th February the High Court granted leave: that on 29th July 2002 the High Court granted leave to the 1st Appellant to amend its application for judicial review so as to include a challenge to the decision by the 1st Respondent by letter dated 5th April 2002 to grant environmental clearance to the 2nd Respondent for the project: that on 19th December 2002 the High Court dismissed the 1st Appellant's application for judicial review: that the 1st Appellant appealed and on 31st March 2003 (for reasons given on 17th June 2003) the Court of Appeal of Belize dismissed the Appeal: that on 20th June 2003 the Court of Appeal granted the 1st Appellant final leave to appeal to Your Majesty in Council: And humbly praying Your Majesty in Council to take this Appeal into consideration and that the decision of the Court of Appeal of Belize given on 31st March 2003 may be reversed altered or varied and for further or other relief:

**“AND WHEREAS** by Order in Council dated 8th October 2003 it was ordered that the Phyllis Dart and Godsman Ellis Appellants be added as 2nd and 3rd Appellants respectively in the Appeal:

**“THE LORDS OF THE COMMITTEE** in obedience to His late Majesty's said Order in Council have taken the Appeal and humble Petition into consideration and having heard Counsel on behalf of the Parties on both sides Their Lordships do this day agree humbly to report to Your Majesty as their opinion that (1) this Appeal ought to be dismissed and the Judgment of the Court of Appeal of Belize dated 31st March 2003 (reasons given on 17th June 2003) affirmed and (2) there should be no order as to costs.”

**HER MAJESTY** having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed obeyed and carried into execution.

**WHEREOF** the Governor-General or Officer administering the Government of Belize for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

**A. K. Galloway.**