



**BELIZE**

**AQUACULTURE DEVELOPMENT ACT  
CHAPTER 204:01**

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**CHAPTER 204:01**

**AQUACULTURE DEVELOPMENT**

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**CHAPTER 204:01****AQUACULTURE DEVELOPMENT**

4 of 2007.

*[9<sup>th</sup> June, 2007]***PART I***Preliminary*

Short title.

**1.** This Act may be cited as the Aquaculture Development Act.

Interpretation.

**2.** In this Act, unless the context otherwise requires,

“Aquaculture” is defined as the propagation and rearing of aquatic organisms in controlled or selected aquatic environments for any commercial, recreational, or public purpose, including the capture of brood stock;

“aquaculture product exporting business” means a business established or operating within the area of an aquaculture facility for the purpose of producing aquaculture products primarily for export or sale to buyers who are not residents of Belize, in respect of which the Minister has granted his Certificate pursuant to section 37(3) of this Act;

“aquaculture facility”,

- (a) means the land and any land or sea structure or any appurtenance thereto, that is used for aquaculture and is located in any part of Belize;
- (b) includes, but is not limited to, any laboratory, hatchery, rearing pond, raceway, cage, pen, incubator, or other equipment used in aquaculture;

“Association” means Belize Aquaculture Producers Association established under section 28 of this Act:



“Authority” means the Belize Aquaculture Authority established under section 4(1) of this Act;

“Board” means the Board of Directors of the Authority appointed under section 11 of this Act;

“Chairperson” means the Chairperson of the Board of the Authority appointed under section 12 (3) of this Act;

“Chief Executive Officer” means the Chief Executive Officer of the Authority appointed under section 22;

“Designated Area” means the land described in an Export Business Certificate in compliance with section 37(5) of this Act;

“Designated Officer” means an officer, employee or agent Of the Authority designated by the Authority for the purposes of this Act;

“director” means a director of the Authority;

“effluent” means,

- (a) any aquatic waste, liquid waste or waste water, including the soluble and insoluble contents of such waste, produced or discharged from, or through, a production, operation or maintenance process which takes place at an aquaculture facility;
- (b) any liquid waste or waste water containing Human, animal or vegetable matter in suspension or solution, including liquids containing chemicals in solution, produced or discharged from, or through a production, operation or maintenance process which takes places at an aquaculture facility;

“environment” includes water, coasts, seas, air and land and the interrelationship which exists among and between water, air, and land, and human beings, other living creatures, plants, micro-organisms and property;

“Export Business Certificate” means a certificate issued by the Minister under section 37(3) or 37(4) of this Act;

“functions” includes powers and duties;

“importation” means the transportation into Belize from a place out of Belize, of any livestock, animal or anything connected with aquaculture;

“land” means any place where aquaculture facilities are located;

“livestock” means any aquatic species under cultivation;

“Minister” means the Minister responsible for Foreign Trade;

“occupier”, in relation to land or premises, means the person for the time being with the actual use, possession or control of the land or premises in connection with which the word is used;

“operating licence” means an operating licence issued under section 35 of this Act;

“owner”, in relation to land or premises, means the person for the time being receiving the rent of the lands or premises 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 it if such land or premises were let at a rent;

“person” means any natural person, and includes,

- (a) any institution of higher learning;
- (b) any incorporated or unincorporated entity;
- (c) any partnership, association or other body of persons such as community development corporations, growers associations, or producers cooperatives,

organized or existing under the laws of Belize;

“premises” includes structures, buildings, lands, easements, and properties;

“sea” means any body of sea water on or in which aquaculture facilities are located or associated;

“service and utility vehicle” means any vehicle or other means of transportation used exclusively for an aquaculture facility including tractors, forklifts, trucks, platform trucks but excluding all cars and sports utility vehicles;

“sustainable development”, in relation to aquaculture development, means development which meets the needs of the present generation without compromising the ability of the future generation to meet their own needs.

**3.-(1)** Subject to subsection (2), this Act applies to aquaculture done, carried out, or undertaken in Belize, and to any business activity related thereto, which is done, carried out, or undertaken in or from within Belize.

Application.

(2) This Act does not apply to,

- (a) functions performed, or duties and obligations discharged, by the Belize Agricultural Health Authority established under the Belize Agricultural Health Authority Act, Cap. 211;
- (b) functions performed, or duties and obligations discharged, by the Coastal Zone Management Authority or the Coastal Zone Management Institute established under the Coastal Zone Management Act, Cap. 329;
- (c) functions performed, or duties and obligations discharged, by the Department of the Environment under the Environmental Protection Act, Cap.328;

- (d) activities regulated under the High Seas Fishing Act, Cap. 210:01.

## PART II

### *Establishment, Purpose, Functions and Powers of the Authority*

Establishment of  
the Authority.

**4.**-(1) There shall be and is hereby established a body to be known as the Belize Aquaculture Authority which shall be an autonomous institution governed by the provisions of this Act.

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

Authority is a body  
corporate.

**5.**-(1) The Authority,

- (a) is a body corporate with perpetual succession and a common seal; and
- (b) subject to the provisions of this Act and any Regulations made thereunder, has the 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 fulfilment of its purpose; and
- (c) may sue or be sued in its corporate name and shall for all purposes be described by that name; and
- (d) may establish a principal office, and regional and local offices, in any location within or outside Belize as it considers necessary.

(2) The seal of the Authority shall be authenticated by the signatures of the Chairperson or the Chief Executive Officer and one other Director

authorized by the Board to act for that purpose, and the seal thus authenticated shall be judicially and officially noticed.

(3) 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 Chairperson and the Chief Executive Officer, or by a Director duly approved by the Board of Directors of the Authority for that purpose, and the Chief Executive Officer.

6. The principal objectives of the Authority include the following,

Objectives of the Authority.

- (a) recommending to the Minister specific policy actions on issues, problems, plans and programmes relating to,
  - (i) the identification and quantification of the natural resource base for better aquaculture development in Belize, inclusive of all publicly and privately owned offshore and onshore land and water resources and habitats, and native and exotic species potentially suited or related to aquaculture development in Belize;
  - (ii) The identification and prioritization, where appropriate, of pilot or research programs and institutional linkages necessary to bring about, or to promote, the sustainable development of the natural resource base referred to in subparagraph (i) above;
  - (iii) the identification and prioritization of capital requirements necessary for the establishment and development of such pilot or research programmes, institutional linkages and aquaculture development in relation to the natural resource base referred to in subparagraph (i) above;

- (iv) the identification of suitable guidelines and areas of priority in the development of the natural resource base referred to in subparagraph (i), for the benefit and sustainable development of the people and economy of Belize;
  - (v) the identification and establishment of guidelines and other minimum standards regulating the importation and pathological testing of any native or exotic livestock likely to be used as or for aquaculture in Belize, particularly with the objective of eliminating or limiting disease communicability to existing and future aquaculture live stocks or native species;
  - (vi) the identification and establishment of appropriate guidelines and standards, including eco-labelling guidelines and standards, to be observed and used on aquaculture products produced in, and exported from, Belize;
  - (vii) the identification and establishment of appropriate programmes to analyse and formulate resolutions and recommendations in respect of any legal, administrative or technical measures that may constrain the sustainable development of the aquaculture industry in Belize;
- (b) implementing efficient and cost-effective aquaculture management plans for and on behalf of Belize;
  - (c) ensuring that the propagation, rearing or exploitation of aquaculture resources, and the carrying on of any related activities, are conducted in a manner that is consistent with the principles of ecologically sustainable development, in particular the need to minimize adverse effects on non-target species and the environment;

- (d) optimizing economic efficiency and sustainability in the rearing, propagation and exploitation of aquaculture resources;
- (e) establishing a regulatory and revenue collection framework under which aquaculture resources are exploited;
- (f) ensuring accountability to, and the participation in policy formulation implementation by, the aquaculture industry represented by the Association;
- (g) participating in specific aquaculture programmatic areas, including but not limited to,
  - (i) research and development;
  - (ii) technology transfer and technical assistance;
  - (iii) extension of education and training activities to members of the Association;
  - (iv) facilitating the availability of credit to members of the Association;
  - (v) monitoring and surveillance;
  - (vi) marketing;
  - (vii) laboratory testing;
  - (viii) livestock certification; and
  - (ix) eco-labelling;
- (h) requesting from local, regional and international sources, donations for the support of the programmatic activities specified in paragraph (g) above;

- (i) reviewing and assessing, on an annual basis or from time to time as occasion demands, issues relating to aquaculture development in Belize, including the need for research, and technological transfer and assistance;
- (j) achieving government targets in relation to the recovery of the costs of the Authority;
- (k) doing all things necessary and expedient to secure the proper execution and purposes this Act.

Functions of the Authority.

7.-(1) The Authority has the principal function, in consultation and co-operation with members of the Association and departments of government, of promoting and facilitating the sustainable development of aquaculture and ensuring compliance with the laws and regulations governing the aquaculture industry in Belize.

(2) Without prejudice to the generality of subsection (1) of this section, the Authority shall,

- (a) maintain up-to-date, macro-economic, production, technical, land and sea resource utilization statistics on the state of aquaculture in Belize;
- (b) issue, vary, suspend or revoke aquaculture operating licences in accordance with this Act or Regulations made thereunder;
- (c) develop and maintain institutional and other linkages between Government departments, the Association and other relevant agencies necessary for the sustainable development of the aquaculture industry;
- (d) maintain a library of technical and market information of potential value and benefit to the aquaculture industry in Belize;



- (e) establish priorities in respect of research related to aquaculture and arrange for the undertaking of such research;
- (f) consult and negotiate with foreign businesses with the objective of promoting Belize as a destination of foreign investment for the aquaculture industry;
- (g) consult and exchange information with local or foreign bodies having functions similar to the Authority's functions;
- (h) collect, analyse and publish, on a periodic basis, information, statistics and data relevant to the aquaculture industry;
- (i) accept gifts, grants, bequests and devises made to it, with the prior written approval of the Minister, and act as trustee of money and other property vested in it on trust;
- (j) facilitate an exchange of views between persons having an interest in the aquaculture industry;
- (k) inquire into, and report to the Minister, matters referred to it by the Minister in relation to the aquaculture industry;
- (l) do or perform any other function conferred upon it by or under this Act or any other law, or anything incidental to, or consequential upon, the proper exercise of such functions.

**8.-(1)** The Authority may do all things that are necessary, or convenient to be done for or in connection with the performance of its functions.

Powers of the Authority.

(2) Without limiting the generality of subsection (1) of this section, the Authority may,

- (a) establish fees and charges that are reasonable in respect of work done, services provided or information given by the Authority, or in respect of the issuance by the Authority licences or permits;
- (b) do anything incidental to any of its powers that is reasonably necessary or expedient to enable it to fully perform its functions;
- (c) acquire by purchase, lease, exchange, bailment, gift, or otherwise, any interest in land or any other form of property;
- (c) engage any person or body to undertake the management, alteration, development, improvement, repair or maintenance of any of its property;
- (e) enter into agreements with any governmental agency or private sector organization in order to carry out its functions;
- (f) enter into technical co-operation agreements with other regional or international organizations with similar objectives;
- (g) publish reports, recommendations and other information relating to any functions of the Authority or the aquaculture industry;
- (h) appoint committees, officers and other persons to carry out its duties under this Act.

Consultation.

**9.**-(1) The Authority, for the purpose of considering any matter, or obtaining information or advice, relating to the performance of its functions, and the discharge of its duties, shall consult with persons, bodies, the Government or any foreign Government or agency thereof, including,

- (a) persons or bodies representative of the whole or a part of the aquaculture industry;
- (b) the Government, a Government Department or an agency thereof performing any functions related to aquaculture, fisheries, agriculture, natural resources or the environment;
- (c) persons, including members of the scientific and academic community, having an interest in matters associated with the aquaculture industry.

(2) For the purposes of subsection (1) of this section, the Authority may,

- (a) pay travel and subsistence allowances reasonably incurred by a person in connection with consultations by the Authority; and
- (b) subject to written guidelines issued to the Authority from time to time by the Minister, pay expenses; other than travel or subsistence allowances; reasonably incurred by a person or body in connection with consultations by the Authority.

**10.** The Minister may, after consultation with the Chairperson, give to the Board directions of a general character as to the policy to be followed in the performance of any function by the Authority, and the Board shall give effect to such directions.

Policy Directions.

### PART III

#### *Administration*

**11.** There shall be a Board of Directors of the Authority, appointed by the Minister, which shall be constituted as provided in section 12, of this section and the Board of Directors shall be the principal policy making organ of the Authority.

Board of Directors.

Composition of  
the Board.

**12.**—(1) The Board of Directors shall consist of the following persons,

- (a) two members of the Association, nominated by the Association;
- (b) an officer of the Department of the Environment, nominated by the Minister responsible for the Environment;
- (c) a representative of the Belize Agricultural Health Authority, nominated by the Belize Agricultural Health Authority;
- (d) one person nominated by the Minister;
- (e) a representative of the Ministry responsible for Fisheries;
- (f) a representative of fishing cooperatives; and
- (g) the Chief Executive Officer of the Authority who shall be Secretary to the Board and who shall be an *ex-officio* non voting member.

(2) The Directors referred to in subsection (1) of this section, shall be appointed by the Minister for such period not exceeding three 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 17 of this Act, be eligible for reappointment.

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

(4) The Directors shall, at the first meeting of the Board, elect from their number a Deputy Chairperson who shall hold office for a period of two years and shall be eligible for reappointment.

**13.** A person shall not be appointed a Director under section 12 of this Act, unless that person,

Qualifications of Directors.

- (a) has expertise, experience or qualifications in any of the fields of aquaculture sciences, environmental sciences, business management, accounting, economics, international trade or finance, or related disciplines; and
- (b) is of good character.

**14.**—(1) The Board of Directors shall meet at such place and as often as the business of the Board requires but not less frequently than once every month in the year.

Meetings of the Board.

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

(3) A quorum for any meeting of the Board shall be four Directors, and the Chief Executive Officer of the Board.

(4) Decisions of the Board shall be by majority of the votes; 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) Minutes of the meetings of the Board shall be maintained in proper form by the Secretary of the Board.

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

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

Resolutions without meetings.

**15.**—(1) Where,

- (a) copies of a document setting out a proposed resolution of the Board are received by at least Five Directors, including the Chief Executive Officer; and
- (b) at least four such Directors, excluding the Chief Executive Officer, sign a copy of the document,

then the Board shall for all purposes be taken to have passed a resolution in the terms set out in the document at a meeting of the Board.

(2) The resolution is to be taken to have been passed,

- (a) on the day on which copies of the document were signed by the Directors; or
- (b) if the copies were signed on different days, on the latest of those days.

Disclosure of interest.

**16.**—(1) Where,

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

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

(2) A disclosure under subsection (1) of this section, shall be recorded in the minutes of the meeting and the interested Director shall not vote thereat.

Disqualifications to be a Director.

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

(2) The Minister may terminate the appointment of a Director appointed under section 12 (1) of this Act only if the Director, as the case may be,

- (a) by writing under his hand addressed to the Minister resigns his office or if the person or body who nominated him revokes his nomination;
- (b) becomes subject to the disqualification specified in subsection (1) of this section;
- (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) Where any vacancy on the Board is caused by the death, resignation or termination of appointment of a Director, the person or body who or which nominated such Director shall nominate another person, and the Minister shall appoint that person, for the unexpired portion of the term of office of the Director who shall have ceased to hold office.

(5) 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 protected by  
Public Authorities  
Protection Act.

**18.**—(1) The Board shall be entitled to the same protection under the Public Authorities Protection Act, Cap. 31 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.

(2) No Director shall be personally liable for any act or default of the Authority, or of the Board, done or omitted to be done in good faith in the course of the operations of the Authority or the Board.

Delegation of  
powers.

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

- (a) approving annual budgets or programmes activities;
- (b) making Regulations; or
- (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.

Responsibilities of  
the Board.

**20.** The responsibilities of the Board include,

- (a) the implementation of this Act and Regulations made thereunder,



- (b) the adoption and implementation of all policies of the Authority;
- (c) monitoring all activities of the Authority and making periodic reports to the Minister in relation thereto as occasion demands.

**21.**—(1) The Board may establish committees to assist it in the performance of its functions and the exercise of its powers, and may abolish any such committees.

Committees of the Board.

(2) A committee established by the Board under this section may be constituted wholly by members of the Board, or partly by members of the Board and partly by other persons, including technical experts in any area under consideration by such committee.

(3) The Board may from time to time, in writing, determine,

- (a) the manner in which a committee is to perform its functions;
- (b) the terms of reference of a committee when considering any matter;
- (c) the procedure to be followed at or in relation to meetings of the committee, including matters relating to,
  - (i) the convening of meetings of the committee; and
  - (ii) the number of members of the committee who are to constitute a quorum at any meeting of the committee; and
- (d) the selection of a member of the committee to preside at meetings of the committee; and
- (e) the manner in which questions arising at a meeting of the committee are to be decided.

(4) Where,

- (a) a member of the committee has a direct or indirect pecuniary interest in relation to a matter being considered, or about to be considered, by the committee; and
- (b) the interest could conflict with the proper performance of the member's duties in relation to the consideration of the matter, then the member shall, as soon as practicable after the relevant facts have come to the member's knowledge, disclose the nature of the interest at the next meeting of the committee and shall not vote thereat.

(5) A disclosure of interest under subsection (4) of this section, shall be recorded in the committee's minutes.

#### PART IV

##### *Appointment, Powers, Functions of Staff of the Authority and Belize Aquacultures Producers Association*

Appointment and  
duties of Chief  
Executive Officer.

**22.**—(1) There shall be a Chief Executive Officer of the Authority, appointed pursuant to subsection (2) of this section.

(2) The Chief Executive Officer shall be appointed by the Board, on such terms and conditions (including terms and conditions relating to remuneration, duration in office, leave and allowances) as may be determined by the Board with the approval of the Minister.

(3) The Chief Executive Officer shall be responsible, subject to section 26 of this Act, for managing the day to day affairs and activities of the Authority.

(4) The Chief Executive Officer shall act in accordance with the policies determined by, and any directions given by, the Board.

(5) Subject to section 19 of this Act, all acts and things done in the name or behalf of the Authority by the Chief Executive Officer shall be taken to have been done by the Authority.

(6) The Chief Executive Officer shall not engage in paid employment outside the duties of the Chief Executive Officer’s office except with the approval of the Board.

(7) The Chairperson of the Board may grant leave of absence to the Chief Executive Officer on such terms and conditions, if any, whether as to remuneration or otherwise, as may from time to time be determined by the Board with the approval of the Minister.

(8) The Chief Executive Officer may resign by giving to the Chairperson a signed notice of resignation.

(9) The Chief Executive Officer shall give written notice to the Chairperson of all direct or indirect pecuniary interests that the Chief Executive Officer has or acquires in any business or in any body corporate or person engaged in the business of aquaculture.

**23.**-(1) The Board may appoint any employee, at such remuneration and subject to such terms and conditions as it thinks fit, officers, employees and agents as it considers necessary for the proper performance of the functions of the Authority.

Appointment of staff.

(2) No person appointed and employed by the Board under this section shall be employed on terms and conditions more favourable to the terms and conditions which apply to the Chief Executive Officer.

**24.**-(1)The Board may engage persons having suitable qualifications and experience as consultants to the Authority.

Engagement of consultants.

(2) The terms and conditions of engagement of the consultants are to be determined by the Board, with the approval of the Minister.

**25.** The Authority may provide for the establishment and maintenance for the benefit of its officers and employees of a Pension Scheme under the Pension Act, Cap. 30, Social Security Scheme, or Provident Fund

Declaration of benefits policy.

Scheme, as stipulated in Statutory Instruments Nos. 145 of 1992, 111 of 1993, 37 of 1995, 41 of 1997 and No. 69 of 1997, and without prejudice to the generality of the foregoing, such schemes may enable the Authority to,

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

Additional duties of the Chief Executive Officer.

**26.**—(1) The Chief Executive Officer shall, subject to the general policy directions of the Board, be responsible for the management of the Authority, including the organization of staff in accordance with general terms and conditions of service established by the Board.

(2) The Chief Executive Officer shall also 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;
- (c) to dismiss and exercise disciplinary control over officers, employees and agents.

**27.**—(1) The Board shall develop and implement a human resources development programme, including an equal employment opportunity programme, for the staff of the Authority.

(2) The Board shall endeavour, subject to the availability of resources, to train or facilitate the training of the staff of the Authority to better enable such staff to fully execute their duties.

Training of staff and human resources development programme.

(3) The Board shall take whatever action is necessary to give effect to the human resources development programme developed under subsection (1) of this section, and any person who exercises powers in relation to employment matters for the Authority must have regard to the programme when exercising those powers.

(4) Nothing in this section requires anyone to do anything contrary to the principle that employment matters should be dealt with on the basis of merit.

**28.**—(1) Subject to subsection (2) of this section, there shall be and is hereby established an autonomous institution to be known as Belize Aquaculture Producers Association.

Producers Association.

(2) Belize Aquaculture Producers Association incorporated under the Companies Act, Cap. 250, shall be the Association referred to in subsection (1) of this section, and in that capacity shall perform the functions and discharge the duties and obligations specified in its Memorandum and Articles of Association, and in this Act and the Regulations made thereunder.

## PART V

### *Finance, Accounts, Audit and Reports of the Authority*

**29.** The revenues of the Authority shall consist of the following,

Revenue of the Authority.

- (a) penalties and fines related to contravention of this Act or Regulations made thereunder;
- (b) fees and charges for present and future goods and services provided by the Authority;
- (c) payments by Belize Aquaculture Producers Association; and

- (d) any other money lawfully contributed, donated, or bequeathed to the Authority or received by the Authority from any other source.

Expenses of the Authority.

**30.** 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.

Borrowing powers.

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

(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 authorized borrowing of the Authority.

Submission of budget estimates.

**32.**—(1) The Authority shall, on or before the 30<sup>th</sup> November in each year, prepare and submit to the Minister responsible for Finance, through the Minister, estimates the income receivable and the expenditure to be incurred during the financial year commencing on 1<sup>st</sup> April then next following.

(2) The Authority shall submit such 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.

**33.**—(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.

Accounts and audit.

(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.

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

Annual report.

- (a) a statement of its accounts audited in accordance with section 33 (2) of this Act; and
- (b) a report dealing generally with the proceedings, achievements and policies of the Authority during that financial year;
- (c) a summary of the Authority's income and operating budget;
- (d) a summary of operating licences issued by the Authority during that financial year; and
- (e) a summary of all regulatory activities undertaken by the Authority during that financial year.

## PART VI

### *Aquaculture Licences and Regulatory Regime for Export Business*

**35.**—(1) Subject to subsections (2) and (4) of, a person shall not operate an aquaculture facility unless that person holds an aquaculture operating licence granted by the Authority under this section.

Operating licence.

(2) A person who at the commencement of this Act, is operating an aquaculture facility in Belize, and is a member in good standing of the Belize Shrimp Growers Association, shall, be deemed to hold a valid operating licence and shall, upon application to the Authority be issued with an operating licence.

(3) An operating licence issued by the Authority under this Act shall remain in effect unless and until revoked or suspended pursuant to section 38.

(4) An application for an operating licence,

(a) shall be in a form and accompanied by the application fee and such documents as shall be prescribed by Regulations made by the Authority under section 63;

(b) shall be supported by a written recommendation by the Association, the form of which shall be specified in Regulations made by the Authority under section 63. Provided that where the Association fails or refuses to issue a letter of recommendation to an applicant, the applicant may notwithstanding submit his application accompanied by evidence of his attempts to secure a letter of recommendation along with any refusal or other response by the Association.

Grant or refusal of licence.

**36.**—(1) The Authority shall as soon as is reasonably practicable after receipt of an application for an operating licence made pursuant to section 35(4) of this Act,

(a) issue an operating licence to the applicant, with or without conditions; or

(b) refuse to issue a licence.

(2) Where the Authority refuses to issue an operating licence under subsection (1)(b) of this section, it shall give written notice of such refusal to the applicant within thirty days of the decision, and specify the reasons for such refusal.



(3) Where the Authority issues an operating licence under subsection (1)(a) of this section, it shall do so subject to conditions, including but not limited to,

- (a) the particular livestock species to be produced;
- (b) the size and location of the facility;
- (c) livestock movement;
- (d) the control of water abstraction and effluent discharges and treatment;
- (e) environmental impact assessments and mitigation measures approved pursuant to the Environmental Protection Act, Cap.328 and Regulations made thereunder;
- (f) the rearing, propagation and aquaculture methods to be used at the aquaculture facility, and measures relating to the slaughter, product standards, handling, processing and packaging of aquaculture products approved by the Belize Agricultural Health Authority;
- (g) measures regulating chemical uses at the aquaculture facility.

(4) The Authority shall, in proceeding under subsection (2) or (3) of this section, take into account,

- (a) the recommendation by the Association under section 35(4)(b) of this Act;
- (b) the policy directions given by the Minister under section 10 of this Act;
- (c) the objectives of the Authority specified in section 6 of this Act;

- (d) the conditions specified in section 37(3) of this section; and
- (e) observations or objections to the application made under section 36(1), and responses thereto, if any, made by the applicant under section 36(2) of this Act.

(5) Where the Authority intends to issue an operating licence subject to conditions under subsection (3) of this section, shall give written notice of its intention to the applicant within 30 days of its decision, and specify the reasons for the conditions.

**37.**—(1) Any person who is desirous of establishing or operating an aquaculture facility for the purpose of producing aquaculture products primarily for export or sale to buyers who are not residents of Belize or to other aquaculture exporting businesses may apply to the Minister to designate his aquaculture facility and the business conducted thereon to be an aquaculture exporting business.

(2) The Applicant shall furnish in support of his application,

- (a) a valid aquaculture operating licence granted by the Authority under section 35(1) of this section;
- (b) a current certificate of membership of the Association, where applicable;
- (c) proof of title and the availability of the real property required for the purposes of the aquaculture facility;
- (d) such other particulars as may by regulation be prescribed, including but not limited to particulars of,
  - (i) the estimated amount, purpose and source of capital to be expended,
  - (ii) the estimated volume of exports, foreign exchange earnings or savings,

Designation as an aquaculture products exporting business.

- (iii) the number of persons to be employed and the conditions of service, and
  - (iv) arrangements for recruitment of managers and technical assistants.
- (3) If the Minister is satisfied,
- (a) of the feasibility of the applicant's proposed aquaculture exporting business,
  - (b) of the potential for earning foreign currency of the applicant's said business, and
  - (c) that the operation of the applicant's said business will be beneficial to the economy of Belize.

The Minister may, after consultation with the Ministers responsible for Finance, Economic Development, Natural Resources and the Environment, Labour, Agriculture and Fisheries, grant an Export Business Certificate designating the area of the applicant's aquaculture facility and the business conducted thereon to be an aquaculture exporting business.

(4) A person who, at the commencement of this Act, is operating an aquaculture facility in Belize, is a member in good standing of the Belize Shrimp Growers Association and is entitled to have an operating licence issued to him pursuant to section 35(2) of this Act, shall in respect of his aquaculture facility and the business conducted thereon be deemed to be an aquaculture exporting business and shall upon application to the Minister and be granted an Export Business Certificate to that effect, under the Export Processing Zone Act, Cap. 280.

(5) An Export Business Certificate issued to an applicant pursuant to subsection (3) or (4) of this section shall,

- (a) define the Designated Area within which the aquaculture export business shall be carried on and the activities which may be conducted therein; and

- (b) subject to part VII, remain in effect for a minimum period of 15 years of operation with an option to extend its effectiveness for a further period.

(6) Upon the issue by the Minister of his Export Business Certificate, under the Export Processing Zone Act, Cap. 280, in respect of an aquaculture exporting business pursuant to subsection (4) of this section hereof, any Certificate of Compliance issued pursuant to section 7 of the Export Processing Zone Act, Cap. 280, in respect of such business shall automatically expire and cease to have effect.

**38.** The holder of an Export Business Certificate shall,

- (a) conduct its aquaculture exporting business in Belize within the Designated Area defined in the Export Business Certificate and any activities carried on outside such area shall be limited to communication, transportation, distribution and business meetings;
- (b) not sell, lease or transfer any livestock or aquatic species in any place in Belize outside a Designated Area defined in an Export Business Certificate or to any resident of Belize or Belize domestic enterprise, but may make such disposition to other holders of Export Business Certificates in Belize or to individuals or business enterprises outside of Belize, provided that the Authority may in its discretion from time to time waive this restriction in whole or in part and for such period as he deems fit;
- (c) save as in this Part expressly exempted conduct his business in compliance with all applicable legal and regulatory requirements under the laws of Belize and in such manner that it will not have a deleterious on the environment;
- (d) pay for all goods, materials, items, articles and services purchased from domestic Belize suppliers and all wages in Belizean currency;

Establishment of aquaculture products exporting businesses.

- (e) submit to the Central Bank of Belize, if and when requested, such aggregate reports of its purchases and sales as the Central Bank of Belize may require.

**39.**-(1) The Customs Department may maintain an office at each Designated Area included in an Export Business Certificate in order to carry out its responsibilities under this Act, the cost of which shall be borne by the holder of such Certificate who shall also be responsible for maintaining proper surveillance of his aquaculture exporting business and ensuring that a record of all imports and exports to the Designated Area be maintained to the satisfaction of the Customs Department.

Customs on site inspections.

(2) The Customs Department shall defer inspection of any imports consigned to a Designated Area until such imports reach the Designated Area. All such imports shall be transferred from the port of entry and upon arrival at the Designated Area shall be inspected by the Customs Department to ensure that no prohibited articles, items or material are included among them and to verify that they correspond with the related shipping documentation.

(3) The Customs Department shall inspect all exports of an Aquaculture Exporting Business at the Designated Area where the business is carried on to ensure that no prohibited articles, items or material are included among the items exported and to verify that they correspond with the related shipping documentation.

**40.**-(1) Notwithstanding anything to the contrary in any tax laws in force in Belize and any regulations made under the said laws, or in any other law, regulation, rule, order, ordinance or instrument having effect as part of the laws of Belize whether now or hereinafter in force, the following provisions shall apply to the holder of an Export Business Certificate and the aquaculture facility in which his operations are conducted so long as his Export Business Certificate shall remain in force and effect; and the holder of such Certificate and his aquaculture exporting business shall, subject to section 41 of this Act, be exempt from all taxes, duties and imposts levied or imposed under any tax laws in force in Belize, and any regulations made under the said laws, or in any other law, regulation, rule, order, ordinance or instrument having effect as part of the laws of Belize, whether now or hereinafter in force, and from any withholding

Exemptions from taxes, duties and regulations.

tax, sales tax, capital gains tax or any new corporate tax, including taxes on dividends, for a period of fifteen (15) years, with the right to review after the expiration of this period.

(2) All imports of an aquaculture exporting business into the Designated Area described in the Certificate and which are to be used in the production of aquaculture products and the conduct of the aquaculture exporting business and for their exclusive use, including capital equipment, service and utility vehicles, office furniture, spare parts, raw materials, intermediate goods and supplies and fuel used exclusively for the aquaculture exporting business (but not for re-sale) shall, subject to section 41 of this Act, be exempt from all customs duties, excise taxes, trade turnover taxes, consumption, foreign exchange and other taxes, and shall be exempt from all regulations which impose tariffs, quotas, import prohibitions or licensing requirements, other than those which regulate or prohibit the importation of firearms, military equipment or material or illegal drugs.

(3) All exports of an aquaculture exporting business out of its Designated Area shall, subject to section 41 of this Act, be exempt from all customs duties, tonnage taxes, value-added taxes, consumption taxes, sales taxes, excise taxes, trade turnover taxes, foreign exchange or other taxes, and no regulatory restrictions shall apply to such exports, whether in the nature of quotas, licences or prohibitions (other than restrictions and prohibitions relating to the maintenance of quality standards and the export of firearms, military equipment or material and illegal drugs).

(4) If an aquaculture exporting business incurs net losses during the Currency of its Export Business Certificate such losses may be carried forward for tax purposes and be deducted from profits in the years following the expiration of the Certificate.

(5) Any proceeds from the sale of the shares or other partial or complete ownership interest in an aquaculture exporting business shall be exempt from capital gains tax.

(6) All real property within a Designated Area shall be exempt from the taxes imposed by the Land Tax Act and the Town Property Tax Act,

and the sale or transfer of any land within a Designated Area shall be exempt from the duties imposed by the Stamp Duties Act.

(7) No licence or permit shall be required in order to conduct an aquaculture exporting business, except an aquaculture operating licence granted by the Authority under section 35 of this Act and an Export Business Certificate issued under section 37 of this Act and work permits as required by subsection (12) of this section, and the Trade Licensing Act shall not apply to an aquaculture exporting business.

(8) No price controls shall apply to the products sold by an aquaculture exporting business and the Supplies (Control) Act shall not apply to such business.

**41.** The exemptions from taxes and duties granted by section 40 of this Act shall apply only to such activities of the holder of an Export Business Certificate as relate directly to his aquaculture exporting business.

Extent of exemptions.

## PART VII

### *Offences and Penalties*

**42.** The Authority, acting through a Committee appointed pursuant to section 8(2)(a) of this Act, shall have power in respect of any violation by the holder of an operating licence of any of the conditions subject to which the operating licence was granted or of the provisions of this Act or the regulations made thereunder, after proper notice and a hearing in accordance with the regulations, to,

Violation reports.

- (a) suspend the holder's operating licence;
- (b) revoke the holder's operating licence;
- (c) impose such fine as it may consider to be appropriate;
- (d) recommend to the Minister that the holder's Export Business Certificate be suspended or revoked;

- (e) make an order prohibiting the doing of any act or thing which may be conducive to or result in a continuation or repetition of the conduct complained of;
- (f) make an order requiring the doing of any act or thing which is considered desirable in order to remedy or avoid any harm caused or likely to be caused by the conduct complained of;
- (g) order the payment of compensation to any person suffering loss or damage as a result of the conduct complained of, and payment to the Authority by way of indemnity or contribution for any costs which it incurs in taking remedial or preventive action on account of the conduct complained of.

Fines to be credited to the accounts of the Authority.

**43.** Any monies ordered to be paid by the Authority pursuant to section 45 of this Act, shall be credited to the account of the Authority.

Violations by body corporate.

**44.** Where the Authority is satisfied that the allegations made against a holder of an operating licence are true and that the acts complained of were done by a body corporate, every person who at the time when the acts were done was a director, general manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be regarded individually, severally and jointly as having responsibility therefor unless any individual person proves that acts complained of occurred without his knowledge, consent or connivance, and that he exercised such diligence to prevent their occurrence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

Sanctions.

**45.** If the Authority, upon finding that the allegations against the holder of an operating licence are true, decides to exercise any of the powers conferred by section 42(4) of this Act, it shall inform the holder of the operating licence in writing of its decision and the reasons therefor and also of his right to appeal to the Appeal Board established under section 57 of this Act.



**46.** Without prejudice to the powers conferred on the Authority by section 42 of this Act, the Minister shall have power in respect of any violation by the holder of an Export Business Certificate of any of the conditions subject to which the Certificate was granted or of the provisions of this Act or the regulations made thereunder, after proper notice and a hearing in accordance with the regulations, to,

Revocation or suspension of Export Business Certificate.

- (a) suspend or revoke the Export Business Certificate;
- (b) suspend for such period as he deems appropriate or to annul all or any of the benefits to which the holder of the Certificate was entitled under the provisions of section 40 of this Act.

## PART VIII

### *Powers of Designated Officers, Enforcement Notices and Cessation Orders*

**47.**—(1) The Authority may, in writing, designate officers of the Authority to administer and enforce the provisions of this Act.

Designated Officers.

(2) Designated Officers and any other person designated by the Authority for that purpose shall be entitled to exercise every power conferred by this Act for the effective carrying out of the provisions of this Act and any Regulations made thereunder, provided that such Designated Officers when performing their functions outside of a Designated Area shall be accompanied by a lawfully authorized person or officer.

**48.** Subject to section 50 of this Act, a Designated Officer may for the purposes of determining the existence of any violation of the conditions of an operating licence or of the provisions of this Act or any Regulations made thereunder, at all reasonable times,

Power to question and examine.

- (a) inspect any aquaculture facility and the operations carried on within such facility including any vehicle or vessel, premises or place;

- (b) examine any records, documents, apparatus, devices, gears and other articles, with power to make copies and to take samples for testing;
- (c) question any person and request information concerning any aspect of an aquaculture facility and the business carried on therein;
- (d) require the persons mentioned in sub-paragraph (c) to produce any permit, authority, licence or certificate issued in respect of any aspect of the operations of an aquaculture facility within seven days after request for the same,

where the Designated Officer has reasonable grounds to believe that any person is or has been engaged in any activities which constitute a violation of the conditions of an operating licence or of the provisions of this Act or the Regulations made thereunder.

Power to search.

**49.** Subject to section 50 of this Act, where a Designated Officer is satisfied that there are reasonable grounds for suspecting that a violation of the conditions of an operating licence or of the provisions of this Act or Regulations made thereunder has been, is being, or is about to be committed and whether after an examination under section 48 of this Act, or otherwise, the officer may, without notice,

- (a) enter any vehicle, vessel, land, premises, or farming facility and stop and detain any vehicle or vessel;
- (b) search the vehicle, vessel, land, premises, place or aquaculture facility and stop and detain any person found in or on them or it and any person whom the Officer reasonably believes to be about to enter or to have recently left the vehicle, land, premises, aquaculture facility or place;
- (c) break open and search any container, cupboard, drawer, chest, trunk, box, cage, package or other

receptacle, whether a fixture or not, in or on the vehicle, vessel, land, premises, place, or aquaculture facility;

- (d) detain, remove, and secure any aquaculture animals, broodstock larvae and other aquatic organisms and any vehicle, vessel or gear, or any plant, motor, appliance, fitting or equipment in, on, or attached to any vehicle, vessel, land, premises, place or aquaculture facility if the Officer has reasonable grounds for believing that it is evidence of or otherwise related to a violation that has been, is being, or is about to be committed;
- (e) require the master or other person in charge of a vehicle or vessel to cause it to stop or to bring it to a place in Belize and to remain in control of it at that place until a Designated Officer permits the master or other person to depart from that place;
- (f) order a person to open a locked, barred or otherwise secured container, door, lid, drawer or other receptacle, or gate; and
- (g) take such action as is reasonably necessary to prevent the commission of a violation.

**50.**—(1) The powers conferred by sections 48 and 49 of this Act to enter any premises or place does not include power to enter a room that is used solely for domestic purposes.

Use of powers.

(2) Nothing in sections 48 and 49 of this Act, shall be construed so as to require any person to answer a question if the answer might tend to incriminate that person.

(3) Any vessel, vehicle or other conveyance, livestock or other articles seized pursuant to section 49 shall be delivered into the custody of the Chief Executive Officer or to a person authorized by the Chief Executive Officer in that behalf.

(4) Notwithstanding subsection (2) of this section, a vessel, vehicle or other conveyance, livestock or other article seized pursuant to section 49 of this Act may, on application by the person from whom the vessel, vehicle or other conveyance, livestock, or article was seized or, if that person is not the owner, by the owner, be released to that person or, as the case may be, to the owner, under such sureties and conditions including the entering into of a bond or other financial security to secure the payment of money, as the Chief Executive Officer shall specify.

(5) Where, in the opinion of the Chief Executive Officer, any livestock or other article seized pursuant section 49 of this Act may rot, spoil, or otherwise perish, the Chief Executive Officer may arrange for the sale of the livestock, or other article, or may otherwise dispose of them as the Chief Executive Officer thinks fit.

(6) Where the ownership of any vessel, vehicle or other conveyance, gear, implement, appliance, material, container, goods, equipment, or livestock, cannot, at the time of seizure, be ascertained, the property seized shall stand forfeited to the Authority and shall be disposed of as directed by the Authority after ninety days from the date of seizure if it is not required to be used as evidence of a violation and if, within that time, it has not been possible after reasonable enquiry to establish the ownership of the property.

(7) All property seized pursuant to section 49 of this Act and the proceeds from the sale of property pursuant to subsection (5) of this section, except where the property has been released pursuant to subsection (4) of this section or the property or proceeds have been forfeited to the Authority pursuant to subsection (6) of this section shall be held in the custody of the Chief Executive Officer or an authorized person until,

- (a) a decision is made not to proceed to a hearing in respect of the alleged violation for which the property was seized; or
- (b) where proceedings are initiated, upon the completion of proceedings in respect of the alleged violation for which the property was seized,

or such sooner time as the Authority may determine.

(8) The decision whether or not to initiate proceedings in respect of an alleged violation for which any property has been seized under section 49 of this Act shall be made no later than thirty days after the day on which the property is seized.

(9) Neither the Chief Executive Officer nor the Authority or any Director, employee or consultant thereof shall be liable to any person for any spoilage or deterioration in the quality of any livestock or, subject to reasonable care being taken, any deterioration in any vessel, vehicle, other conveyance or other article seized under section 49 of this Act.

(10) Subject to subsection (9) of this section, but notwithstanding any other provisions of this section, where property has been seized under section 49 of this Act then,

- (a) on a decision being made not to initiate proceedings in respect of an alleged violation; or
- (b) on the dismissal of any such proceedings;

the property, or the proceeds from the sale of the property, shall forthwith be released from the custody of the Chief Executive Officer or authorized person to the person from whom they were seized or to their owner.

(11) A person against whom a violation has been proved shall be liable to pay to the Authority the reasonable costs of handling, securing, maintaining, and storing property seized under subsection 49 of this Act in relation to the violation, which costs may be assessed by the Authority and collected in like manner as a civil debt.

(12) Notwithstanding any other provision in this section, a Designated Officer who, at the time of seizure, returns to the aquaculture facility any livestock seized pursuant to section 49 of this Act, that the Officer believes to be alive, shall not be under any civil or criminal liability to the person from whom the livestock was seized in the event of a decision being made not to initiate or continue any proceedings in respect of the livestock, or of the person being held not to be guilty of a violation.

Enforcement notice.

**51.**—(1) If the Authority is of the opinion on reasonable grounds that any person is contravening the provisions of this Act or Regulations made thereunder or is contravening any condition of an operating licence, or is likely to contravene any such provision, Regulations or condition, the Authority may serve on him an enforcement notice.

(2) An enforcement notice shall,

- (a) specify the matters constituting the contravention or the matters making it likely that the contravention will arise;
- (b) specify the steps which must be taken by the person to whom the notice is addressed to remedy the contravention or to remedy the matters making it likely that the contravention will arise, as the case may be; and
- (c) specify the period of time within which those steps must be taken.

(3) An enforcement notice may require,

- (a) the stopping or shutting down of any activity or thing either permanently or for a specified period;
- (b) the cessation of the construction or operation of an aquaculture facility or any part thereof until the Authority is satisfied that the facility or part thereof is or will be constructed or operated in accordance with this Act or the Regulations made thereunder or the conditions subject to which the operating licence was granted;
- (c) the alteration or removal of any buildings or waste; or
- (d) that any activity on the land or sea be not carried on, or be carried on only to the extent specified in the notice.

(4) The Authority may in the enforcement notice, order the immediate cessation of the offending activity if it is of the opinion that the circumstances giving rise to the notice are such as to warrant an order to that effect.

**52.** A copy of an enforcement notice shall be served as soon as is reasonably practicable on the owner and on the occupier of the land, sea or aquaculture facility to which it relates and on any other person, including any agent of the owner, having an interest which, in the opinion of the Authority, is materially affected by the notice.

Service of enforcement notice.

**53.**—(1) The Authority may withdraw an enforcement notice if the person on whom the enforcement notice has been served consents in writing to comply with the requirements set out in the notice.

Variation or withdrawal of enforcement notice.

(2) The Authority shall serve notice of withdrawal on all persons on whom the enforcement notice has been served.

(3) The withdrawal of an enforcement notice does not affect the power of the Authority to issue further enforcement notices.

**54.**—(1) Where, at any time after the end of the period specified in the notice for compliance with an enforcement notice, any step required by the notice to be taken has not been taken or any activity required by the notice to cease is being carried on, the person who is then the owner or occupier of the aquaculture facility is in breach of the notice and shall be liable to be dealt with in accordance with the provisions of Part VIII of this Act.

Offence where enforcement notice is not complied with.

(2) In proceedings against any person for non-compliance with an enforcement notice, it shall be a defence for him to show that he did everything he could be expected to do to secure compliance with the notice.

(3) A person who has control of, or an interest in, the land, premises or aquaculture facility to which an enforcement notice relates of which he has knowledge (other than the owner) shall not carry on any activity which is required by the notice to cease or permit such activity to be carried on.

(4) A person who, at any time before the end of the period for compliance with the notice, contravenes subsection (3) shall be liable to be dealt with in accordance with the provisions of Part VIII of this Act.

Cessation order.

**55.**—(1) Where a person operates an aquaculture facility in respect of which there exists no aquaculture operating licence, the Authority may issue a cessation order in writing to such person directing him to cease operations, by such date as shall be specified in the order.

(2) Where the person to whom an order is issued under subsection (1) of this section, fails to comply with the order to cease operations he shall be liable to be dealt with in accordance with the provisions of Part VIII of this Act.

## PART IX

### *Appeals*

Arbitration.

**56.** An appeal from a decision of the Minister or the Authority to suspend or revoke an Export Business Certificate or licence, or to suspend or annul all or any of the benefits to which the holder of a Certificate or licence was entitled under the provisions of section 40 of this Act, or any other section, shall be referred to the Appeal Board whose proceedings shall be conducted in accordance with the rules of the Aquaculture Board.

Appointment of Appeal Board.

**57.**—(1) The Minister shall appoint an Aquaculture Appeal Board (referred to in this Act as “the Appeal Board”) to hear and determine an appeal from any decision or order of the Authority.

(2) The Appeal Board appointed for the purpose of this Act shall be constituted of,

- (a) a representative of the Global Aquaculture Alliance, who shall be the Chairperson of the Appeal Board;
- (b) one member of the Association;



- (c) one member nominated by the Minister from among persons who have knowledge of aquaculture, environmental sciences or related disciplines and is of good character provided that the person so nominated is not a serving member of the Authority.

**58.** A person who is aggrieved by a decision of the Authority,

Appeals against decisions of the Authority.

- (a) to grant a licence;
- (b) to refuse an application for a licence;
- (c) to revoke or suspend a licence;
- (d) to serve an enforcement notice or a cessation order,

may appeal against the decision to the Appeal Board.

**59.**—(1) The Appeal Board may make rules to regulate its procedure for hearing appeals and such rules shall comply with the rules of natural justice.

Procedure for hearing appeals.

(2) The decision of a majority of its members shall be the decision of the entire Appeal Board.

**60.**—(1) The Appeal Board may affirm or set aside the decision or order appealed against, or may make any other decision or order which the Authority could have made.

Powers of the Appeal Board.

(2) The Appeal Board may give such directions as it thinks fit for the payment of costs or expenses by any party to the appeal.

**61.** An appeal against a decision or order of the Authority shall not have the effect of suspending the execution of such decision or order unless the Authority or the Appeal Board shall order the suspension of such execution pending the determination of the appeal.

Effect of appeal.

Appeal to the  
Court of Appeal.

**62.**—(1) Any party aggrieved by a decision of the Appeal Board may appeal as of right to the Supreme Court on the ground that the decision is erroneous on a point of law or is unconstitutional.

(2) On any such appeal, the Supreme Court may affirm or set aside the decision appealed against, or may remit the matter to the Appeal Board for rehearing and determination by it.

## PART X

### *Miscellaneous*

Regulations.

**63.**—(1) The Authority shall, with the concurrence of the Minister, make such regulations as may be desirable for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of the foregoing, such Regulations may,

- (a) provide for the issue, refusal or revocation of an operating licence and the imposition of conditions to be observed by the holders thereof and may prescribe forms to be used in respect thereof, including any required supporting documentation and the payment of fees relating thereto;
- (b) prohibit or restrict the production, taking, possession, transporting or dealing in any livestock or aquatic species, and provide for the recording of any such movements and making reports thereof;
- (c) prohibit or restrict the disposal of wastes such as offal, sludge, dead livestock, veterinary drugs and other hazardous chemical materials;

- (d) prohibit or restrict the use, manufacture, distribution and sale of unapproved substances connected with aquaculture;
- (e) prohibit or restrict areas in which aquaculture facilities may be located;
- (f) prescribe end product specifications, taking into account international standards and specifications;
- (g) make provisions for the service of documents required to be served under this Act or Regulations made thereunder;
- (h) prescribe the terms for enforcement notices or other orders to be made under this Act or Regulations made thereunder;
- (i) name and prescribe the duties of persons authorized to see to the carrying out of the provisions of this Act;
- (j) prescribe the procedure for the institution and conduct of proceedings in respect of complaints and complaints of violations;
- (k) provide for any other matter incidental or conducive to the purposes of this Act.

(3) The Minister shall, after consultation with the Authority, make such regulations as may be required in respect of any matters or things relating to the designation of aquaculture exporting businesses and the administration of the regime relating thereto established under this Act.

(4) All Regulations made under this Act shall be subject to negative resolution of the National Assembly.

**64.**-(1) Where, on the application of the Authority, it appears to the court that a person has done, or is about to do, or likely to do, any act

Injunctions.

or thing constituted or directed toward the commission of an offence under this Act or Regulations made thereunder, the court may issue an injunction ordering any person named in the application,

- (a) to refrain from doing any act or thing which appears to the court to constitute or to be directed towards the commission of an offence under this Act or the Regulations;
- (b) to do any act or thing which appears to the court may prevent the commission of such offence.

(2) No injunction shall be issued under subsection (1) of this section, unless forty-eight hours written notice is given to the party or parties named in the application or unless the urgency of the situation is such that service of such notice would not be in the public interest.

Commencement.

**65.**—(1) This Act shall come into force on a day appointed By the Minister by Order published in the *Gazette*.

(2) An Order made under subsection (1) may appoint different days on which different sections or Parts of this Act shall come into force.