



BELIZE

**SOLID WASTE MANAGEMENT AUTHORITY ACT
CHAPTER 224**

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CHAPTER 224

SOLID WASTE MANAGEMENT AUTHORITY

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CHAPTER 224

SOLID WASTE MANAGEMENT AUTHORITY

13 of 1991.
S.I. 42 of 2000.

[1st May, 2000]

PART I

Preliminary

1. This Act may be cited as the Solid Waste Management Authority Act.

Short title.

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

Interpretation.

“Authority” means the Solid Waste Management Authority established in accordance with this Act;

“Board” means the Board of Directors of the Authority constituted in accordance with this Act;

“Chairperson” means the Chairperson of the Board;

“construction waste material” includes waste building material from construction, alteration and remodelling building or structure of any kind, such as lumber, concrete, steel roofing, etc.;

“director” means a director of the Authority;

“financial year” means the period of twelve months ending on the thirty-first day of March, inclusive;

“functions” includes powers and duties;

“garbage” includes waste food, vegetables, fruits, meats and other putrescible matter;

“Minister” means the Minister for the time being responsible for pollution control, unless otherwise specified;

“refuse” includes waste paper, bottles, cans, boxes, yard clippings and trash;

“secretary” means the secretary to the Board;

“service area” means such area of the country as may from time to time be declared by the Authority with the approval of the Minister to be provided with solid waste collection service pursuant to this Act;

“solid waste” includes garbage and refuse but shall not include derelict vehicles, construction waste material, limbs of trees, soil, lumber, packaging materials and chemical by-products;

“Vice-Chairperson” means the Vice-Chairperson of the Board.

PART II

Establishment of the Authority

Establishment of
Solid Waste Man-
agement Author-
ity.

3. There is hereby established an Authority to be called the Solid Waste Management Authority which shall be a body corporate with perpetual succession and a common seal and with power as such to enter into contracts, to hold property, to sue and be sued in its corporate name and to do all things necessary for the purposes of this Act.

Board of Direc-
tors.

4.—(1) There shall be a Board of Directors of the Authority which, subject to the provisions of this Act, shall be responsible for the policy and general administration of the affairs of the Authority.

(2) The Board shall consist of a Chairperson, Vice-Chairperson and five other members who shall be appointed by the Minister and shall include as *ex officio* members,

- (a) one member representing the Ministry responsible for the Environment; and
- (b) one member representing the Ministry of Health.

(3) The Minister may appoint any person to act temporarily in the place of any director in the case of the absence or inability to act of any such director.

(4) Subject to the provisions of this Act, the Chairperson, Vice-Chairperson and other members of the Board shall hold office for such period not exceeding three years as may be specified at the time of their appointment and shall be eligible for re-appointment.

(5) If any member of the Board dies or ceases to hold office before the expiration of the term for which he was appointed, the term of office of his successor shall be so fixed as to expire at the end of the first-mentioned term.

5.—(1) Any director, other than the Chairperson or an *ex officio* director, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairperson, and from the date of receipt by the Minister of such instrument such director shall cease to be a director.

Resignation.

(2) The Chairperson may at any time resign his office by instrument in writing addressed to the Minister, and such resignation shall take effect as from the date of the receipt by the Minister of the instrument.

6. The Minister may terminate the appointment of a director, or acting director, other than an *ex officio* director, for repeated absence from meetings of the Board without reasonable cause, misconduct or physical or mental incapacity.

Removal of directors.

7. The names of all directors as first appointed and every change in the composition of the Board shall be published in the *Gazette*.

Publication of composition of Board.

Authentication
of seal and docu-
ments.

8.—(1) The seal of the Authority shall be authenticated by the signatures of the Chairperson, or one director authorised to act in that behalf, and the secretary.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the Chairperson or any director authorised to act in that behalf.

Procedure and meet-
ings.

9.—(1) The Board shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such dates as the Board shall determine,

Provided that the Board shall meet at least once a month.

(2) Minutes in proper form of each meeting of the Board shall be kept by the secretary.

(3) The Chairperson may at any time call a special meeting of the Board and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two directors.

(4) The decisions of the Board shall be by a majority vote.

(5) The Chairperson, or in the absence or inability to act of the Chairperson, the Vice-Chairperson, shall preside at the meetings of the Board, and when so presiding, the Chairperson or the Vice-Chairperson, as the case may be, shall in addition to an original vote have a casting vote in any case in which the voting is equal.

(6) The Chief Executive Officer of the Authority shall attend all meetings of the Board, but shall have no right to vote.

(7) The quorum of the Board shall be three members with voting rights.

(8) Subject to the provisions of this Act, the Board may regulate its own proceedings.

(9) The validity of any proceedings of the Board shall not be affected by any vacancy amongst the directors or by any defect in the appointment of a director.

(10) A member of the Board who is in any way, directly or indirectly, interested in a contract made or proposed to be made by the Board shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

(11) Any disclosure made under subsection (10) of this section, shall be recorded in the minutes of the Board and the member,

- (i) shall not take part after the disclosure in any deliberation or decision of the Board with respect to the contract; and
- (ii) shall be disregarded for the purpose of constituting a quorum of the Board for any such deliberation or decision.

10. There shall be paid to the Chairperson and directors, other than *ex officio* directors, such remuneration, if any, (whether by way of salaries or travelling or other allowances) as the Minister may determine.

Remuneration of directors.

11. Notwithstanding anything to the contrary, no act done or proceeding taken under this Act by the Authority shall be questioned on the ground of any omission, defect or irregularity not affecting the merits of the case,

Protection of Authority.

Provided that any person aggrieved by a decision of the Authority may appeal to the Minister, who may, if he thinks fit, direct the Authority to rectify any such omission, defect or irregularity.

12.—(1) No director shall be personally liable for any act or default of the Authority done or omitted to be done in good faith in the course of the operations of the Authority.

Protection of directors.

(2) Where any director is exempt from liability by reason only of the provisions of this section the Authority shall be liable to the extent that it would be if the said director were a servant or agent of the Authority.

PART III

Functions and Management of Staff of the Authority

Service areas.

13. The Authority may from time to time, with the approval of the Minister, by Order published in the *Gazette*, declare any area in Belize to be a “service area” for the purposes of this Act,

Provided that no Order shall be made under this section in respect of an area within the jurisdiction of a local authority except by a resolution of the local authority concerned.

Duties of the Authority.

14.—(1) It shall be the duty and responsibility of the Authority to make arrangements for the collection and disposal of all solid waste within a service area in accordance with this Act or any regulations made thereunder.

(2) In the exercise of its functions under this Act, the Authority may, with the approval of the Minister, engage the services of a contractor (whether a person or a body corporate) to provide an efficient solid waste collection service within the service areas.

(3) The solid waste collection service will be provided in service areas at least twice per week on days which will be notified from time to time by the Authority.

(4) The Authority shall devise ways and means for the more efficient collection and disposal of solid waste employing modern methods and techniques and exploring the possibility of recycling the waste materials.

(5) It shall be the responsibility of contractors to remove and dispose of all construction waste material resulting from new construction or other works on or at any premises.

(6) In the event a contractor fails to remove construction waste material when required to do so by the Authority, the Authority may remove such materials and recover the cost of such removal from the contractor.

15. The Minister may, after consultation with the Chairperson,

Ministerial directions.

- (a) give to the Authority directions of a general character as to the policy to be followed by the Authority in the exercise and performance of its functions; and
- (b) assign to the Authority other duties and responsibilities connected with environmental protection and pollution control, including the cleansing in the service areas of earth closets, privies, septic tanks, cesspools, or any of them.

16. The use of solid waste collection service in service areas provided by the Authority shall be mandatory save for large commercial establishments specifically excepted by the Minister.

Solid waste collection service mandatory.

17.—(1) The Minister may, in consultation with the Authority, make such regulations as he considers necessary or expedient for giving effect to the provisions of this Act.

Regulations.

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

- (a) require all occupiers of premises in service areas to facilitate the collection of solid waste and to keep their respective areas clean by adopting the prescribed measures;
- (b) prescribe the charges to be paid by occupiers of premises to the Authority for the provision of solid waste collection service;
- (c) provide for the recovery of charges mentioned in paragraph (b) of this subsection;

- (d) prescribe the kind of receptacles and containers to be provided by the occupiers of premises for the depositing of solid waste;
- (e) prescribe methods and designate places for the disposal of solid waste;
- (f) provide for any other matter incidental or conducive to the purposes of this Act.

Chief Executive
Officer and other
staff.

18.-(1) The Authority shall appoint,

- (a) subject to the approval of the Minister, a Chief Executive Officer who shall be responsible to the Board for the management of the Authority in accordance with the provisions of this Act and the regulations made thereunder;
- (b) a secretary to the Board and such other officers and employees as the Authority may determine.

(2) There shall be paid to the Chief Executive Officer, secretary and other officers and servants of the Authority such salaries and remuneration as the Authority may, with the approval of the Minister, from time to time determine.

(3) The Authority shall have the power to dismiss and exercise disciplinary control over its officers and servants except that the Chief Executive Officer shall not be dismissed without the prior approval of the Minister.

(4) Subject to the provisions of this Act, the Authority may make regulations determining generally the conditions of service of its employees provided that no provision shall be made for the payment of any pension, gratuity or other retiring benefit to any employee of the Authority or the grant of benefits to the dependants or legal representatives of such employee without the prior approval of the Minister.

19.—(1) The Board may by resolution delegate to the Chairperson or any director or the Chief Executive Officer such of the functions of the Authority relating to its day-to-day business as the Authority may decide.

Power to delegate.

(2) Nothing herein contained shall authorise the Authority to delegate to any person functions to make regulations or to do any act involving extraordinary expenditure.

PART IV

Finance, Audit, Reports, etc. of the Authority

20. The Government may lend the Authority such sum as the Minister responsible for Finance certifies is required to enable the Authority to commence its functions, to be repaid by the Authority at such times and by such methods as the said Minister may determine.

Loans by Government.

21.—(1) The revenues of the Authority shall be classified under the following heads of receipt,

Financial Procedures.

- (a) dues and charges received by virtue of this Act;
- (b) amounts borrowed by the Authority; and
- (c) miscellaneous receipts, including interest on and service of investments,

and such revenue shall, within seven days of receipt thereof, be paid into a bank account approved by the Minister responsible for Finance.

(2) The revenues of the Authority shall be applied to meet the following heads of expenditure,

- (a) repayment to the Government of loans advanced to the Authority;
- (b) repayment of overdraft, if any, on current accounts;

- (c) interest on loans;
- (d) sinking fund on loan redemption;
- (e) payment to the contractors;
- (f) repairs and maintenance of buildings and equipment and other current expenses;
- (g) any other expenditure approved by the Minister responsible for Finance.

(3) After meeting the expenditure as set out in subsection (2) of this section, twenty *per-cent* of the surplus, if any, shall be paid into the reserve fund established under section 22 of this Act, and the remainder shall be paid by the Authority to the Accountant General for the Consolidated Revenue Fund.

Reserve Fund.

22.—(1) The Authority shall establish and maintain a reserve fund to meet contingencies and for such other purposes as it may think fit.

(2) The management of the reserve fund, the sums to be carried from time to time to the credit thereof, the charges to be made against it and any other application of the monies comprised therein shall be as the Authority may determine,

Provided that,

- (a) no part of the reserve fund shall be applied otherwise than for the purposes of the Authority; and
- (b) the power of the Minister responsible for Finance to give directions to the Authority shall extend to the giving to them of directions as to any matter relating to the establishment or management of the reserve fund, the carrying of funds to the credit thereof, or the application thereof, notwithstanding that the direction may be of a specific character.

23. All monies of the Authority not immediately required to be expended in the meeting of any obligations or the performance of any functions of the Authority may be invested in such securities or other investments as may be approved generally or specifically by the Minister responsible for Finance and the Authority may, with the approval of the said Minister, sell all or any of such securities or other investments.

Power to invest monies.

24.-(1) Subject to the provisions of subsection (2) of this section, the Authority may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

Borrowing powers.

(2) The power of the Authority to borrow in excess of such limits as the Minister responsible for Finance may from time to time fix, 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 in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

25.-(1) The Minister responsible for Finance may from time to time make advances to the Authority out of monies provided by the National Assembly for the purpose.

Advances and guarantee of borrowings.

(2) 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 borrowings of the Authority made otherwise than by way of advance under subsection (1) of this section.

(3) Where the Minister responsible for Finance is satisfied that there has been default in the repayment of any principal monies 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.

Accounts and audit.

26.—(1) The Authority shall keep proper accounts of all its financial transactions, of assets and liabilities, and a complete record of all other matters relating to its finances and shall prepare annually a statement of accounts in a manner satisfactory to the Minister of Finance and in conformity with sound commercial practice.

(2) The accounts of the Authority shall be audited by an auditor approved by the Minister of Finance.

(3) The auditor of the Authority shall be supplied with a copy of the annual balance sheet of the Authority, and it shall be his duty to examine such balance sheet together with the accounts and vouchers relating thereto.

(4) The directors, officers, agents and servants of the Authority shall grant to the auditor access to all books, documents, cash and securities of the Authority and shall give to him on request all such information as may be within their knowledge in relation to the operations of the Authority.

(5) Notwithstanding anything in this section, the Minister of Finance may, in his discretion, at any time require the Auditor General to examine the accounts of the Authority in which event the Board shall afford the Auditor General with all facilities for examination as the Auditor General may require.

(6) All the expenses incurred for the purpose of auditing shall be paid out of the funds of the Authority.

Submission of budget estimates.

27. The Authority shall, in such form and by such dates as may be prescribed by the Financial Secretary, prepare and submit to the Minister of Finance, through the Minister responsible for pollution control, estimates of income receivable and the expenditure to be incurred during each financial year (including any supplementary estimates), and the Minister of Finance shall present the said estimates to the National Assembly, with such amendments and modifications, if any, as he may consider necessary.

28.—(1) The Board shall, not later than four months from the close of the financial year, submit to the Minister a report containing,

Annual report.

- (a) an account of its activities and transactions throughout the preceding year in such detail as the Minister may direct; and
- (b) a statement of the accounts of the Authority audited in accordance with section 26 of this Act.

(2) A copy of the said report shall be laid on the table of the National Assembly.

29.—(1) The income, revenue and other receipts of the Authority shall be exempt from income tax.

Exemption from income tax and stamp duty.

(2) All instruments executed by or on behalf of the Authority shall be exempt from stamp duty.

30. This Act comes into force on the 26th day of June, 1991.

Commencement.