



BELIZE

**BELMOPAN CITY COUNCIL ACT
CHAPTER 86**

REVISED EDITION 2011

**SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011**

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CHAPTER 86

BELMOPAN CITY COUNCIL

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.

PART II

*Constitution, etc., of the Council, Members of the Council,
and their Qualifications, etc.*

3. Constitution of Council.
4. Term of Office of Council.
5. Date of General Election.
6. Qualification of members.
7. Disqualification of certain persons from being members.
8. Penalty for person incapable of election, or of person whose seat has become vacant, who sits or votes.
9. Vacation of seat.
10. Election of Mayor.
11. Leave of absence.
12. Power to fix allowances.

PART III

*Appointment of Officers, Employees, Conditions of Service
and Elections.*

13. Appointment of officers and employees of the Council and conditions of service.
14. Penalty on officers taking gratuity.
15. Qualifications for voting in Council's elections.
16. Election regulations.
17. Election expenses regulations.
18. Returning Officer and Election Clerks.

PART IV

Meetings, Finances, etc., of the Council

19. Council's meetings regulations.
20. Vacancy not to invalidate meetings.
21. Belmopan City Fund.
22. Raising of loans.
23. Submission of budget estimates and control of expenditure.
- 23A Appointment of Financial Controller by the Minister

PART V

Duties and Powers of the Council on Streets and Adjoining Lands

24. General powers as to streets, etc.
25. Council's power to co-ordinate activities of utility agencies.

26. Penalties for damages to streets, etc.
27. Duty to fence or repair fences in certain cases.
28. Council may require owner to erect fence.
29. General powers and duties of the Council.
30. Additional general duties of the Council.
- 30A. Allocation of portfolios and collective responsibility.

PART VI

Pensions etc.

31. Interpretation in this Part.
32. Pensions to be charged on revenues of Council.
33. Pensions not of right.
34. Computation of service for pension.
35. Retirement age.
36. Pension not payable before retirement age except in certain cases.
37. Maximum pensions.
38. Payment of pensions.
39. Qualifying period for pensions.
40. Council may apply part of a person's pension towards the maintenance of his wife or children.
41. Pensions not assignable.
42. Lump sum gratuity with reduced pension.
43. Payment of pension/gratuity upon resignation.
44. Gratuity where service does not qualify for pension.
45. Gratuity for female officer.
46. Pensionable service.

47. Computation of pensions, etc., on what emoluments to be based.
48. Pensions Regulations.

PART VII

Miscellaneous

49. General powers of Council to make by-laws
50. By-laws prescribing fees.
51. Admissibility in evidence of Council's signed documents.
52. Proof of legal proceedings.
- 52A. General penalty
53. Acquisition of land.
54. Execution of work in case of default.
55. Immunity from personal liability.
56. Protection of Council officials.
57. Expenditure of the Council.
58. Additional powers and functions of the Council.
59. Recovery of penalty.
60. Regulations.
61. Status of officers and employees employed by RECONDEV.
62. Transfer of property.
63. Repeals and Savings.

CHAPTER 86

BELMOPAN CITY COUNCIL

4 of 2000.
38 of 2002.
20 of 2008.
S. I. 12 of 2000

[10th February, 2000]

PART I

Preliminary

1. This Act may be cited as the Belmopan City Council Act.

Short title.

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

Interpretation.

“allowance” means money payable under this Act to a councillor or during the time he is a member of the Belmopan City Council;

“Belmopan City Fund” means the fund established under section 21 of this Act;

“City of Belmopan” means such area as the Minister may, in consultation with the Council, from time to time by Order published in the *Gazette* declare to constitute the City of Belmopan, which Order the Minister is hereby empowered to make;

“Council” means the Belmopan City Council constituted under this Act;

“general election” means an election held by reason of the expiration of the term of office of the Council ;

“member” means a member of the Council and includes the Mayor;

“Minister” means the Minister for the time being responsible for the subject of Local Government, unless otherwise specified;

“new Council” means a Council newly constituted after a general election;

“Rules”, “Regulations” or “By-laws” means any Rules, Regulations or By-laws made under this Act;

“voter” means a person registered as a voter in accordance with this Act.

PART II

Constitution, etc., of the Council, Members of the Council, and their Qualifications, etc.

Constitution of council.

3.–(1) There shall be and is hereby constituted and established a Council to be known as the “Belmopan City Council” which shall be a body corporate with perpetual succession and a common seal.

(2) The Council shall have capacity to acquire, hold and dispose of real and personal property and to sue and be sued in all courts of law.

(3) The Council shall consist of a Mayor and six other members duly elected in accordance with this Act and Regulations made thereunder.

(4) The Council is lawfully constituted when the requisite number of members has been elected.

(5) No temporary vacancy caused by death or otherwise shall affect the validity of any proceedings of the Council.

Terms of Office of Council.

4.–(1) Every Council shall hold office for three years and a general election to elect the first Council shall be on the first Wednesday in the month of March, 2000

(2) If during the term of office of the Council, a member’s seat becomes vacant, the vacancy shall be filled within ninety days by holding a by-election,

Provided that a vacancy shall not be filled if it occurs within a period of one year before the time when the seat which is vacated would ordinarily have been vacated.

5. An election of members of the Council shall be held on the first Wednesday next ensuing after the day on which the term of office of the Council expires.

Date of General Election.

6. No person shall be capable of being elected as a member of the Council who is Qualification not a Belizean citizen and a registered voter of the City of Belmopan.

Qualification of members.

7.-(1) No person shall be eligible for election as a member of the Council, or having been elected, shall sit or vote on the Council, who,

Disqualification of certain persons from being members.

- (a) holds an office of employment or place of profit in the gift or disposal of the Council;
- (b) has directly or indirectly by himself or his partner, any share or interest in any contract with the Council;
- (c) is in the employment of the Council; or
- (d) has in Belize or any other Commonwealth country, been sentenced to death or to imprisonment (by whatever name called) for a term exceeding twelve months and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefore or received a free pardon;
- (e) is a person adjudged to be of unsound mind or detained as criminal lunatic under any law in force in Belize;
- (f) is a public officer, other than a teacher or an open vote worker
- (g) is a returning officer for an election to the members of worker;

- (h) has not ordinarily resided in the City of Belmopan for at least one year immediately preceding the date of the election or is not domiciled in Belize or ordinarily resident therein at the date of the election; or
- (i) is or becomes a member of the National Assembly or of any Commission established by or under the Belize Constitution, Cap. 4.

(2) For the purposes of this section, a person shall not be disqualified from being a member by reason of his being interested in,

- (a) any contract in respect of which the Minister shall remove the disqualification if he is of the opinion that such removal will be of public benefit; or
- (b) any newspaper in which any advertisement relating to the affairs of the Council is inserted; or
- (c) any contract with the Council as a shareholder in any joint stock company, but he shall not vote at any meeting of the Council on any question in which such company is interested.

(3) The office of Mayor of the Council and the office of a member are declared not to be offices of employment or places of profit in the gift or disposal of the Council although remuneration may be paid to such Mayor and member out of moneys provided by the Council.

(4) A person shall not be considered as holding an office of employment or place of profit in the gift or disposal of the Council or as being in the employment of the Council or as holding a public office by reason only of the fact that he is in receipt of a pension or other like allowance in respect of service under the Council or the Public Service or that he holds a general retainer as attorney of the Council.

8. Any person who,

- (a) having been returned as an elected member of the Council without having been at the time of his election qualified to be an elected member, or having since his election become disqualified in pursuance of section 7 of this Act from sitting and voting, sits or votes on the Council; or
- (b) sits or votes on the Council after his seat has become vacant under section 9 of this Act,

Penalty for person incapable of election or of person whose seat has become vacant, who sits or votes.

shall, for every day on which he sits or votes after his seat has become vacant, be liable to a fine of one hundred dollars to be recovered by action in the Supreme Court by any person who, with the written consent of the Attorney General, sues for it.

9. If any elected member of the Council,

Vacation of seat.

- (a) dies;
- (b) by writing under his hand addressed to the Mayor, or in the case of the Mayor, to the Deputy Mayor, resigns his seat on the Council;
- (c) makes any declaration or acknowledgment of allegiance to any foreign state or power which does not recognise dual nationality or is hostile to Belize;
- (d) becomes a citizen or subject of any foreign state or power which does not recognise dual nationality or is hostile to Belize;
- (e) is sentenced in Belize or any other Commonwealth country to death, penal servitude or imprisonment for a term exceeding twelve months;
- (f) accepts any office of emolument in the Public Service or under a Town Council or City Council in Belize;

- (g) becomes a member of the National Assembly or of any Commission established under the Belize Constitution, Cap. 4;
- (h) is absent without leave or other reasonable cause from four consecutive meetings of the Council; or
- (i) becomes subject to any of the disqualifications specified in sections 6 and 7 of this Act,

his seat on the Council shall thereupon become vacant.

Election of Mayor.

10.—(1) The Mayor shall be directly elected by the electorate from among persons who offer themselves as candidates for Mayor in a general election held to elect a new Council.

(2) At the first meeting of the Council after every general election to constitute a new Council, and at the end of every year thereafter, the members of the Council shall elect a Deputy Mayor from among their number.

(3) Whenever a vacancy occurs in the office of Mayor through death, resignation or otherwise, the Deputy Mayor shall, subject to sections 6, 7 and 9 of this Act, act as Mayor for the remainder of the term of office of the Council.

(4) During the illness or absence on leave of the Mayor, the Deputy Mayor shall exercise and perform all powers and duties conferred upon the Mayor by this Act and Regulations made thereunder.

(5) The Deputy Mayor may at any time during his term of office be removed from office at a meeting of the Council by a majority resolution of the members of the Council present and voting at that meeting, and a new Deputy Mayor may be elected for the unexpired term of office of the Council by the members of the Council from among their number.

(6) Notice of a resolution under subsection (5) of this section shall be given to all the members of the Council not less than fourteen days before the meeting at which the resolution is proposed.

(7) The Mayor shall, subject to the provisions of this Act and any Regulations made thereunder, be the chief executive officer of the Council and shall be responsible for providing effective leadership and direction for the Council, and without limiting the generality of the foregoing, shall be responsible for,

- (a) developing sister-city or sister-town relations with other cities or towns within and outside Belize;
- (b) supervising the City Administrator and ensuring that the City Administrator implements the decisions of the Council;
- (c) subject to section 11(1) of this Act, granting leave of absence to members of the Council;
- (d) Subject to section 30A of this Act assigning members of the Council, subject to his direction and control, with specific areas of responsibility in the management of the City's affairs in such areas as environmental protection, revenue collection, City zoning, planning and urban infrastructure, City sanitation, public health and market management, tourist promotion and development, co-ordination of public utilities, crime and drug reduction and prevention, recreational planning and development, development of sports and culture, traffic control and management, and coordination of relations and activities between the City, the Government of Belize, non-governmental organisations and civil society organisations;
- (e) ensuring that Council meetings are open to the public, unless he directs otherwise;

- (f) submitting for the consideration of the residents of the City through notices in a newspaper in general circulation in the City or through publications on radio and on television and at meetings held pursuant to paragraph (g) of this subsection, at least once every three months during the term of office of the Council, sufficiently detailed reports showing the developmental and other activities undertaken by the Council for the benefit of the residents of the City;
- (g) arranging, at least once every six months during the term of office of the Council, meetings where the residents of the City may meet the members of the Council and may submit, orally or in writing, any subjects or areas they feel should be addressed by the Council in the administration and management of the City;
- (h) ensuring that the Council discharges the duties imposed upon it by or under this Act;
- (i) such other areas in the administration and management of the City as the Council may, by two-thirds majority resolution, decide to confer on him.

Leave of absence.

11.—(1) The Mayor may, with the concurrence of four other members, grant leave of absence to any member for a period not exceeding six months.

(2) The Council may grant to the Mayor leave of absence not exceeding six months.

Power to fix allowances.
20 of 2008.

12.—(1) Subject to the approval of the Minister of Finance, the Council may by resolution fix an allowance to be paid to members from monies constituting the Belmopan City Fund.

(2) No payment shall be made to any member (whether in the form of salary, allowance or otherwise) unless it has been previously approved

by the Minister of Finance, and every payment made in contravention of this section shall be wholly void and shall be recoverable from the member receiving such payment.

(3) The Accounting Officer or other person who certifies or authorises a payment to a member in contravention of this section is guilty of an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment, and in addition, shall be personally liable for such unauthorised payment.

20 of 2008.

PART III

Appointment of Officers, Employees, Conditions of Service and Elections.

13.—(1) The Council shall appoint a suitably qualified person as City Administrator who shall assist the Mayor in the day to day management of the affairs of the Council and the City of Belmopan.

Appointment of officers and employees of the council and conditions of service.

(2) The Council may appoint such other suitably qualified officers and employees as it thinks necessary for the efficient administration of the affairs of the City of Belmopan.

(3) The power to remove, promote, or take disciplinary action against officers and employees of the Council, including the City Administrator, shall be and is hereby vested in the Council.

(4) The Council may pay its officers and employees such salaries, allowances, pensions, gratuities and other benefits out of the Belmopan City Fund as it considers necessary.

14. Every officer or employee employed for the purposes of this Act who exacts or accepts on account of anything done or not done relating to his duties any fee or reward whatever other than the salary or allowance ordered or allowed by the Council is guilty of an offence and is liable on summary conviction to a fine of not more than ten thousand

Penalty on officers taking gratuity.

dollars or to imprisonment for a period of not less than one year nor more than five years, or to both such fine and period of imprisonment.

Qualifications for voting in council's elections.

15.—(1) Every person who,

- (a) is registered as an elector for the electoral divisions under the Representation of the People Act comprised in the City of Belmopan; and
- (b) subject to subsection (2) of this section, is in possession of an identification card issued to him under that Act; and
- (c) resides within the limits of the City of Belmopan, and has continuously so resided for a period of three months immediately before an election,

shall be entitled to vote at the election of a member of the Council.

(2) Notwithstanding subsection (1) of this section, a person who has been registered under the Representation of the People Act, Cap. 9, but who is unable to produce his identification card, shall be permitted to vote upon proving to the satisfaction of the presiding officer that although he has been registered, he has not been issued with an identification card or that the identification card issued to him has been lost or destroyed.

(3) Where a person is permitted to vote under subsection (2) of this section, the presiding officer shall so state to the candidates or agents then present in the polling station, and also make a record of his reasons for so doing and shall maintain a list of the names and registration numbers of the electors voting without producing their identification cards, showing the number of the ballot paper issued to each of them.

Election regulations.

16.—(1) The Elections and Boundaries Commission may, after consultation with representatives of civil society organisations and other interested bodies, make Regulations,

- (a) to provide for the registration of electors;
- (b) to provide for the holding of elections and by-elections of members of the Council;
- (c) to provide for the conduct of elections of members of the Council;
- (d) to prohibit any act or matter which in its opinion is not conducive to the maintenance of order on polling day;
- (e) to declare any act committed in the course of any campaign for election or at an election, an election offence;
- (f) to declare the grounds upon which an election may be challenged and the persons who may challenge an election;
- (g) to declare the grounds upon which an election may be voided and the procedure for challenging an election;
- (h) to provide for the trial of election petitions and matters connected therewith including the deposit of security and award of costs;
- (i) to prescribe the form of the ballot papers and sample ballot papers;
- (j) to provide for the custody and disposal of ballot papers;
- (k) to prescribe the method of marking voters at elections;
- (l) to provide for penalties for the breach of any Regulations; and

- (m) to prescribe for all such other matters relating to elections as may be necessary for the carrying out of the provisions of this Act.

(2) Contraventions of any Regulations made under subsection (1) of this section may be declared by the Elections and Boundaries Commission to be illegal practices, and provision may be made in the said Regulations for the punishment on summary conviction, of persons committing or aiding, abetting, inciting, taking part or attempting to take part in the commission of such illegal practices, by,

- (a) a fine not exceeding two thousand dollars; and
- (b) disqualification from voting at any election under this Act, the Belize City Council Act, Cap. 85, the Town Councils Act, Cap. 87, the Representation of the People Act, Cap. 9, and from being elected or appointed, as the case may be, as a member of a City Council, Town Council, Village Council, or of the National Assembly for a period of three years from the date of his conviction.

(3) Regulations made by the Election and Boundaries Commission under this section shall be laid on the table of the House of Representatives by the Minister as soon as may be after the making thereof and shall be subject to negative resolution.

(4) Until such time as Regulations mentioned in this section are made by the Elections and Boundaries Commission, Regulations applicable to Belize City in respect of the same matters shall be applied, *mutatis mutandis*, to elections for the City of Belmopan.

17.—(1) The Minister may make Regulations,

- (a) with respect to the incurring of expenses and the making of payments by or on behalf of a candidate, whether before, during or after an election, on account

Election expenses regulations.

of or in respect of, the conduct or management of such election;

- (b) requiring the appointment of an election agent through or by whom all expenses or payments as mentioned in paragraph (a) of this section shall be incurred or made;
- (c) fixing the maximum amount of expenses that may be incurred or paid, whether before, during or after an election, on account, or in respect of the conduct or management of such election;
- (d) fixing the time within which all election expenses shall be paid and barring all claims in respect thereof not made within the prescribed time; and
- (e) requiring a return of expenses and prescribing the form in which the same shall be made and verified.

(2) Contraventions of Regulations made under subsection (1) of this section may be declared by the Minister to be illegal practices, and provisions may be made in the said Regulations for the punishment on summary conviction, of persons committing or aiding, abetting, inciting, attempting to take part or taking part in the commission of such illegal practices, by,

- (a) a fine not exceeding two thousand dollars; and
- (b) disqualification from voting at any election under this Act, the Town Councils Act, Cap. 87, the Belize City Council Act, Cap. 85, the Representation of the People Act, Cap. 9, and from being elected or appointed, as the case may be, as a member of a City Council, Town Council, Village Council or of the National Assembly for a period of three years from the date of his conviction.

(3) Regulations made by the Minister pursuant to this section shall be subject to negative resolution by the House of Representatives.

(4) An election petition may be presented in respect of any illegal practice declared by such Regulations to be the grounds for the presentation of any such petition.

(5) Until such time as the Minister makes Regulations mentioned in this section for elections to the Belmopan City Council, Regulations applicable to Belize City in respect of the same matters shall be applied, *mutatis mutandis*, to elections for the City of Belmopan.

Returning Officer and Election Clerks.

18.—(1) For the purposes of holding an election, the Elections and Boundaries Commission established under section 88 of the Belize Constitution, Cap. 4 shall, from time to time and as occasion demands, appoint a person to be the Returning Officer for the City of Belmopan, and may appoint one or more persons to assist the Returning Officer in the performance of his duties. A person so appointed to assist the Returning Officer shall have all the powers and may perform all the duties of the officer he is appointed to assist, and any reference in this Act or Regulations made thereunder to a Returning Officer shall, unless the context otherwise requires, be deemed to include a reference to every such person.

(2) The Chief Elections Officer shall, with the approval of the Commission, appoint an Election Clerk and one or more Assistant Clerks for the City of Belmopan. If at any time between the dissolution of a Council and the declaration of the result of the election following thereon the Returning Officer dies or becomes incapable of performing his duties as such, the Election Clerk shall forthwith report that fact to the Chief Elections Officer and shall discharge all the duties and exercise all the powers of the Returning Officer until some other Returning Officer is appointed or the Returning Officer ceases to be incapable of performing his duties, as the case may be.

(3) An appointment made under subsections (1) and (2) of this section may be revoked at any time.

PART IV

Meetings, Finances, etc., of the Council

19.—(1) The Council may from time to time make Regulations to regulate Council meetings and proceedings, and the meetings and proceedings of any Committees established by the Council.

Council's meet-
ings regulations.

(2) Without prejudice to the generality of subsection (1) of this section, such Regulations may provide for all or any of the following matters, namely,

- (a) the regulation of the proceedings of the Council and of Committees and the conduct of meetings thereof respectively;
- (b) the regulation of the time and manner of holding annual and other stated and also ordinary meetings of the Council and regulating the business that may be transacted thereat respectively;
- (c) the provision of the custody of documents and regulation of the custody, and use, and mode and form of attestation of the common seal of the Council;
- (d) the regulation of the duties of the Council's officers and employees;
- (e) the procedure to be followed at the election of Deputy Mayor;
- (f) the places at which ordinary and special meetings of the Council may be held;
- (g) the procedure for convening meetings of the Council;
- (h) the period of notice to be given to members before a meeting of the Council;

- (i) the person who shall preside at meetings of the Council in the absence or the inability to preside of both the Mayor and the Deputy Mayor;
- (j) the quorum for meetings of the Council and the manner of voting thereat;
- (k) the prohibition of any member of the Council or of a Committee from taking part in any discussion or voting in respect of any matter in which he is directly or indirectly interested;
- (l) the maintenance of order at meetings of the Council;
- (m) the rights of certain persons to attend meetings of the Council and the powers and privileges of such persons while in attendance; and
- (n) anything incidental to or connected with the matters referred to in this subsection.

(3) Regulations made by the Council under this section shall be subject to negative resolution by the House of Representatives.

(4) Notwithstanding any other rule of law to the contrary, Council meetings shall be open to the public unless otherwise directed by the Mayor.

Vacancy not to in-
validate.

20. The proceedings of the Council or of any Committee thereof shall not be invalidated by any vacancy among its members, or the want of qualification of a member.

Belmopan City
Fund.

21.-(1) There shall be and is hereby established for the purposes of the Council a fund to be known as the "Belmopan City Fund" into which shall be deposited or credited,

- (a) all monies voted from time to time by the National Assembly for the use by the Council in the administration of the City of Belmopan;

- (b) all monies payable in any manner whatsoever to the Council whether under or pursuant to this Act or Regulations made thereunder or otherwise;
- (c) all fines and penalties recovered summarily on the information of the Council or of any officer, employee or member thereof for non-compliance with the provisions of this or any other Act or Rules,

(2) The Belmopan City Fund shall be kept at such banks or other financial institutions as the Council may from time to time determine.

22.—(1) The Council may, with the approval of the Minister of Finance, borrow sums required by it for meeting any of its obligations or discharging of its functions.

Raising of loans.

(2) Subject to subsection (1) of this section, it shall be lawful for the Council to establish companies under the Companies Act, Cap. 250 to raise funds for infrastructural development projects.

(3) The Council may, either directly or through companies established by it, float bonds or issues shares or debentures for the purpose of exercising its borrowing powers under this Act.

(4) Notwithstanding the above provisions, it shall be lawful for the Minister responsible for Finance to advance from the public funds of Belize any sum required by the Council, on such terms and conditions as the said Minister may determine, if the said Minister is satisfied that the Council shall be able from its ordinary revenue to pay the amount advanced within such time as he may determine.

23.—(1) The Council shall, before the end of September in each year, submit to the Minister responsible for Local Government for onward transmission to the Minister of Finance, in such form as may be prescribed by the Financial Secretary, estimates of revenue and expenditure for the period of one year commencing from 1st April then next ensuing, containing full details of salaries, allowances and all other

Submission of budget estimates and control of estimates. 20 of 2008.

items of expenditure whatever, and the Minister responsible for Finance shall present the said estimates to the National Assembly with such amendments, if any, as he may consider necessary having regard to the financial position of the Council.

(2) No expenditure shall be incurred by the Council unless it has been previously approved by the National Assembly but the Minister responsible for Finance may, if it appears to him to be of sufficient urgency, permit the Council to incur any lawful expenditure not prescribed in the approved estimates, and in such case, the Council shall include such extra expenditure in the supplementary estimates and submit the same to the Minister of Finance for the approval of the National Assembly.

(3) In this section, “lawful expenditure” means expenditure incurred in the exercise of any of the powers or performance of any of the duties conferred or imposed on the Council by law.

(4) The Council may from time to time make regulations prescribing the manner in which the accounts of the Council are to be kept and disbursements made, and for the audit of the accounts of the Council by the auditors duly approved by the Council, and all such regulations shall be subject to negative resolution by the House of Representatives.

(5) Every person who contravenes or fails to comply with any of the regulations made under this section is, without prejudice to any civil liability which may be incurred in that behalf, guilty of an offence and shall be liable on summary conviction to a fine not exceeding on thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

23A.—(1) Where the Minister, after considering the financial affairs of the Council, forms the opinion that its financial affairs are not being conducted in accordance with the rules and regulations, or that the financial position of the Council is such that it requires strengthened fiscal management and financial controls, he may, after consultation with the Council, appoint a financial controller to oversee the financial affairs of the Council and may direct that all disbursements from the Belmopan

Appointment of financial controller by the Minister.
20 of 2008.

City Fund above such amount as he may prescribed shall be certified by such financial controller in order to be valid.

(2) In every case where the Minister appoints a financial controller in pursuance of subsection (1) of this section, he shall law a report thereof on the table of the National Assembly at its next practicable sitting.

(3) In every case where the approval or certification of the financial controller is required pursuant to subsection (1) of this section, every person who makes or authorises a payment without such certification or approval is, without prejudice to any civil liability which may be incurred in that behalf, guilty of an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

PART V

Duties and Powers of the Council on Streets and Adjoining Lands

24.—(1) All streets, in which term is included public drains and bridges within the boundaries of the City of Belmopan, shall be under the control, care and management of the Council.

General powers as to streets, etc.

(2) The Council is empowered in respect of any street to do any of the following things,

- (a) to lay out, construct, repair, alter or widen all streets with such material and in such manner as the Council thinks fit;
- (b) to make surveys for the laying out of new streets;
- (c) to determine what part of a street shall be a carriage-way and what part a foot-way only;
- (d) to alter the level of any street;

- (e) to stop temporarily the traffic on any street or part thereof while such street is being constructed or repaired;
- (f) to plant trees in any street in the City of Belmopan and erect tree guards to protect the same;
- (g) to provide for the naming, numbering and lighting of places and streets; and
- (h) to sell the surplus spoil of streets.
- (i) subject to the Motor Vehicles and Road Traffic Act, Cap. 230, to determine traffic flows, parking and all other matters related to traffic regulation.

(3) The Council shall exercise the power to make any new street or divert or widen or diminish the width or alter the level of any street only after inserting a notice to that effect in the *Gazette* at least four weeks previously to the date of the exercise of such power, inviting the residents of the City of Belmopan to make representation in writing to the Council in connection with the exercise of the power. The Council shall, before exercising the power, genuinely consider and take into account the representations, if any, made by the residents of the City of Belmopan, but shall not be obliged to follow them.

(4) Subject to subsection (6) of this section, the Council may by resolution declare that any existing street shall be closed, diverted or turned, and that some other shorter or more convenient course shall be substituted for any street so closed, diverted or turned as the public advantage may require.

(5) Whenever it appears to the Council that having regard to the limited use made of any street, the closing thereof without the provision of any other course will not result in serious handicap, difficulty or inconvenience to the public, the Council may, subject to subsection (6) of this section, by resolution declare that the street be closed without ordering that any other street be substituted therefore.

(6) Before proceeding to exercise the powers conferred upon it under subsections (4) and (5) of this section, the Council shall insert a notice in the *Gazette* at least four weeks previously to the exercise of the said powers and shall in that notice invite the residents of the City of Belmopan to make written representations to it in connection with the proposed exercise of such powers. The Council shall, before exercising the powers, genuinely consider and take into account the representations, if any, made by the residents of the City of Belmopan, but shall not be obliged to follow them.

(7) The Council shall, in addition to the powers specified in this section, enjoy such further additional powers in respect of public roads and streets within the City of Belmopan as are or may hereafter be conferred upon it by or under the Public Roads Act, Cap. 232.

25.—(1) Without prejudice to any other powers conferred on the Council by this Act or any other law, the Council shall have the power and responsibility of coordinating the activities and operations of all utility agencies and property developers within the City of Belmopan with respect to the excavation and restoration of streets, canals, creeks and other public rights of way, with the object of preventing damage to the City infrastructure and minimizing the disruption of utility services to the City of Belmopan.

Council's power to co-ordinate activities of utility agencies.

(2) Where any damage or injury to the infrastructure of the City of Belmopan is caused by a utility agency or the Council in the excavation and restoration of any public road, street, canal, creek and other public right of way, the Council shall be responsible, subject to subsection (3) of this section to make good such damage or injury and to restore the infrastructure to a good state of general repair.

(3) Where the Council incurs extraordinary expenses in repairing the infrastructure by reason of the damage or injury to any street, road, canal, creek and other right of public way caused under subsection (2) of this section or by excessive weight passing along such street, road, canal, creek or other right of public way or extraordinary traffic thereon, the Council may recover the expense from any person by whose order such damage or injury has been caused, as a civil debt in any summary jurisdiction court.

(4) For the purpose of subsection (1) of this section, the Council may make By-Laws to control and regulate the activities and operations of utility agencies.

(5) There shall be established within the administration of the Belmopan City Council a Utility Co-ordination Unit with power to ensure effective coordination between all utility agencies and to enforce By-Laws made pursuant to subsection (4) of this section.

(6) In this section, the expression “utility agencies” means all corporations, companies, and entities which provide electricity, water and sewerage, telephone, tele-fax, gas, and other utility services.

(7) The provisions of this section shall have effect notwithstanding the provisions of any other law to the contrary but shall be exercised subject to the provisions of the Public Utilities Act, Cap. 223.

26.—(1) Any person who, not being authorised by the Council or by any law,

- (a) encroaches on a street or other public right of way by making or erecting any building, fence, ditch, or other obstacle or work of any kind upon, over or under it or planting any tree or shrub thereon;
- (b) places or leaves on a street or other public right of way any timber, earth, stones or other things;
- (c) digs up, removes or alters in any way the soil or surface or scrapings of a street;
- (d) allows any water, tailings or sludge or any filthy or noisome matter to flow from any building or land in his occupation on a street or other public right of way;
- (e) causes or permits any timber or other heavy material not being wholly raised above the ground on wheels to be dragged on a street or other public right of way;

Penalties for damages to streets, etc.

- (f) causes or negligently allows any retaining wall, foundation-wall or fence erected on any land or slope of earth or any building, erection, material or thing to give way or fall so as to injure or obstruct any street or other public right of way;
- (g) does, causes or permits to be done any act whatever by which any injury is done to any street or other public right of way or any work or thing in, or under, it; or
- (h) defaces, obliterates or removes any number, mark or name painted or affixed on any lot, house, building, street, sign, street lights or square,

is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars and to a further sum equal to the cost incurred by the Council in removing the encroachment, obstruction or matter, or in repairing any injury done as specified in paragraphs (a) to (h) of this subsection.

(2) No penalty shall be imposed under this section unless the information or complaint is laid by the authority of the Council or some officer thereof.

27. If any land adjoining any street within the boundaries of the City of Belmopan is allowed to remain unfenced or if the fences of such land are allowed to be or remain out of repair and the land is, owing to the absence or inadequate repair of any such fences, a source of danger to passengers, cyclists or pedestrians, or is used for any immoral or indecent purpose, or for any purpose causing inconvenience or annoyance to the public, the Council may, at any time after the expiration of fourteen days from the service upon the owner or occupier of such land of a notice in writing by the Council requiring the land to be fenced or any fence on the land to be repaired, cause the land to be fenced or the fences thereto to be repaired in a manner it thinks fit, and the reasonable expenses thereby incurred shall be recoverable from the owner or occupier summarily as a civil debt.

Duty to fence or repair fences in certain cases.

Council may require owner to erect fence.

28.—(1) The Council may, by notice in writing to the owner of any land, require such owner, within a reasonable time specified in such notice, to cause a sufficient fence to be erected dividing the land from any adjoining street or to cause any fence dividing the land from any adjoining street to be restored, repaired or otherwise put in a proper state of repair.

(2) An owner who makes default in complying with the requirements of any notice served upon him under this section is liable to a fine of fifty dollars for every day that the default continues after written notice thereof from the Council.

General powers and duties of the Council.

29. The Council is entrusted with the general rule and good government of the City of Belmopan and has power, subject to the provisions of this Part, to do all things necessary to carry out such trust, and in particular has power and authority to do or cause to be done all or any of the matters following,

- (a) to establish, regulate, control, construct, maintain and manage markets, slaughter-houses, bath-houses and wash-houses, public restrooms;
- (b) to impose rents and fees upon persons using or benefited by such markets, slaughter-houses, wash-houses and bath-houses, public restrooms;
- (c) to impose such restrictions upon owners of land as may be necessary to prevent any building upon such land from being or becoming a source of danger to surrounding properties whether from fire or from its insecure construction or dilapidated condition;
- (d) to undertake the marking and numbering of lots, houses, buildings and yards for the purpose of distinguishing the same;
- (e) to establish, maintain and control parks, gardens , squares and open places within the City;

- (f) to erect and maintain any City Hall or other building required for public purposes;
- (g) to establish, maintain and control a public library;
- (h) to manage and dispose of any lands, buildings or other property acquired or owned by the Council for public purposes;
- (i) to prevent stray dogs, cats and other pets and domesticated animals from roaming the streets of the City;
- (j) to prohibit excessive noise from bars, hotels, discotheques and other places of entertainment;
- (k) to do all such other things or matters for the purpose of increasing the convenience and amenity of the City of Belmopan.

30. Without prejudice to any other powers conferred upon, or duties imposed on, the Council by this or any other Act or Regulations made thereunder, the Council shall have the obligation to perform the following duties in the City of Belmopan in an efficient and timely manner,

Additional general duties of the Council.

- (a) to maintain all public cemeteries in the City of Belmopan in a sanitary manner and to keep such cemeteries in a general state of good repair;
- (b) to co-ordinate, control, manage or regulate the timely and efficient collection and removal of all garbage and debris material from all residential or commercial areas in the City of Belmopan;
- (c) to construct, repair, alter, widen, lay out and make surveys for streets in the City of Belmopan, especially in new residential or commercial areas;

- (d) to repair, cleanse and keep clean and in good repair all or any part of the walls of any public drain, canal, open spaces or creek in the City of Belmopan, but this duty shall not be construed as compelling the Council to cleanse any public drain, canal, open space or creek at times when the public health would in the opinion of the Council be endangered by the operation;
- (e) to issue residential and commercial lots within the City limits, on such terms and conditions as may be agreed upon by the Council from time to time, to persons who make application therefor;
- (f) to remove derelict vehicles, subject to any other law, which are an eye-sore on Belmopan's pristine environment.

Allocation of portfolios and collective responsibility.

30A. –(1) For the more efficient discharge of the Council's functions and duties, the Mayor shall, after consultation with other members, allocate portfolios to all members, and every member shall bear primary responsibility for the subjects so assigned to him.

(2) For the purpose of this section, the Council may from time to time make regulations to specify the particular subjects within the Council's departments.

(3) Notwithstanding subsection (1) and (2) of this section, the Council shall remain collectively responsible to the electorate for the discharge of all of its duties and responsibilities under this Act or any other law.

(4) In the exercise of its collective responsibility, the Council may by resolution set aside or override any action or decision taken by a member if the Council is of the opinion that such action or decision was taken without lawful authority or in breach of the relevant rules and regulations.

PART VI

Pensions etc.

31. In this Part, unless the context otherwise requires,

Interpretation in this Part.

“officer” means a person who is on the permanent established staff of the Council;

“pensionable emoluments” includes salary and personal allowance;

“personal allowance” means a special addition to salary granted personally to the holder for the time being of the office;

“salary” means the actual salary attached to an office.

32. There shall be charged on and paid out of the revenues of the Council all sums of money as may be granted by way of pension to an officer in accordance with this Part and Regulations made thereunder.

Pensions to be charged on revenues of Council.

33.—(1) No officer shall have an absolute right to a pension under this Act nor shall anything contained in this Act limit the right of the Council to dismiss an officer without a pension.

Pensions not of right.

(2) Where it is established to the satisfaction of the Council that an officer has been guilty of negligence, irregularity or misconduct, the officer’s pension may be reduced or altogether withheld.

34. Subject to section 44 below, all the service of an officer, including service on probation or agreement if there has been no breach between such service and the confirmation of the officer in his appointment, but not including service while under the age of twenty years, shall be taken into account in computing his pension.

Computation of service for pension.

35. The Council may require an officer to retire from its service at any time after he attains the age of fifty-five years.

Retirement age.

Pension not payable before retirement age except in certain cases.

36. No pension shall be granted to an officer who has not attained the age of fifty- five years, unless on medical evidence to the satisfaction of the Council that he is incapable, by reason of some infirmity of mind or body, of discharging the duties of his office, and that such infirmity is likely to be permanent and is not attributable to his own misconduct or gross negligence.

Maximum pensions.

37. No pension granted to an officer under this Act shall exceed two-thirds of the highest pensionable emoluments drawn by the officer at any time in the course of his service.

Payment of pensions.

38. Subject to this Part, an officer may be granted on his retirement a pension at three-fourths of the rate for which provision is made in the Pensions Regulations made under the Pensions Act, Cap. 30.

Qualifying period for pensions.

39.—(1) Subject to this Part, service qualifying for pension shall be the inclusive period between the date on which an officer began to draw salary from the funds of the Council and the date of his leaving the service of the Council.

(2) Service qualifying for pension shall be unbroken service, except in cases where it has been interrupted by abolition of office or other temporary suspension of employment not arising from misconduct, gross negligence or voluntary resignation.

Council may apply part of a person's pension towards the maintenance of his wife or children.

40.—(1) Where an order of maintenance has been made by a court of competent jurisdiction against an officer to whom a pension has been granted, the Council may, on its being proved to it that there is no reasonable probability of the order being satisfied, from time to time deduct from the monies payable to the officer by way of pension such sum or sums as the Council may think expedient, and apply the same to satisfy wholly or in part the maintenance order.

(2) Where an officer to whom a pension has been granted has left Belize and deserted and left his wife or child within Belize without sufficient means of support, the Council, on being satisfied that the wife or child is by reason of the officer's absence from Belize unable, and would but for the absence be able, to obtain an order of maintenance,

may from time to time deduct from the monies payable to such officer by way of pension such sum or sums as the Council may think expedient, and may apply it for the maintenance and support of the wife or child.

(3) Where an officer to whom a pension has been granted has been adjudicated a person of unsound mind and has a wife or a child or children living, the Council may deduct from the monies payable to such officer by way of pension such sum or sums as it may think expedient and apply it for the maintenance and support of the wife or any child or children of the officer.

41. Subject to section 40 of this Act, no pension granted under this Act shall be assignable or transferable, or liable to be attached, sequestered, or levied upon, for or in respect of any debt or claim whatever.

Pensions not assignable.

42. Any officer to whom a pension is granted under this Act may, at his option, be paid *in lieu* of such pension, a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and one-half times the amount of the reduction so made in the pension.

Pension sum gratuity with reduced pension.

43.—(1) A person who resigns from the service of the Council after completing not less than ten years of continuous service may be granted a gratuity.

Payment of pension/gratuity upon resignation.

(2) An officer who resigns from the service of the Council after completing not less than fifteen years of pensionable service may be granted in accordance with Regulations made under this Act,

(a) a gratuity, if he resigns after completing not less than ten years of continuous service; or

(b) a pension and gratuity, if he resigns after completing not less than fifteen years of continuous service.

(3) In the case of subsection (2) of this section, the pension (but not gratuity), shall be deferred until the officer reaches the normal retirement age, or in special cases with the approval of the Council, any lower age not being less than fifty years.

Gratuity where service does not qualify for pension.

44. Subject to the provisions of this Part, where a person retires from the service of the Council before completing ten years of continuous service, he may be granted in respect of such service, a gratuity not exceeding five times the annual amount of the pension which might have been granted had there been no qualifying period.

Gratuity for female officer.

45.—(1) Where a female officer retires or opts to retire for the reason that she is about to marry or has married, and she is not eligible for the grant of any pension or otherwise eligible for gratuity under this Part, she may be granted in respect of her service under the Council, a gratuity of an amount not exceeding five times the annual amount of the pension for which she would have been eligible had there been no qualifying period.

(2) For the purpose of computing the amount of gratuity under subsection (1) of this section,

- (a) the reference to two-thirds of her highest pensionable emoluments shall have effect as if the reference were a reference to one-fifth of her annual pensionable emoluments;
- (b) the annual amount of that pension shall not exceed one-fifth of her annual pensionable emoluments.

Pensionable service.

46.—(1) For the purpose of computing the amount of an officer's pension the following periods shall be taken into account as pensionable service,

- (a) any periods during which he has been on duty;
- (b) any periods during which an officer has been absent from duty on leave with full pay.

(2) The periods during which an officer has been absent on leave on half-pay shall, for the purposes of this Part, be counted at the rate of one day for every two days of such period.

(3) Any period during which he has been absent on leave, other than those specified above, shall be deducted from the officer's total service in order to arrive at his period of pensionable service.

47. For the purpose of computing the amount of an officer's pension,

Computation of pensions, etc., on what emolument to be based.

- (a) in the case of an officer who has held one office for a period of three years immediately preceding the date of his retirement, the full pensionable emoluments payable to him at that date in respect of that office shall be taken;
- (b) in the case of an officer who at any time during such period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of such transfer or transfers, the full pensionable emoluments payable to him at the date of his retirement in respect of the office held by him shall be taken,
- (c) in other cases, the average of the full pensionable emoluments payable in respect of each of the offices substantively held by the officer during his tenure thereof within such period of three years shall be taken,

Provided that if such average is less than the full pensionable emoluments which were payable to him at the date of the first transfer within such period of three years, the Council may grant him a pension calculated upon the full pensionable emoluments payable to him at that date.

48.—(1) The Council may make Regulations to govern the administration of pensions and gratuities payable to its officers and employees under this Part.

Pensions Regulations.

(2) Regulations made by the Council under subsection (1) of this section shall be subject to negative resolution.

PART VII

Miscellaneous

General powers of
council to make
By-laws.

49.—(1) The Council may from time to time make By-laws on all matters connected with the rule and good order of the City of Belmopan and for of Council to the proper carrying out of the objects and purposes of this Act.

(2) Without prejudice to the generality of subsection (1) of this section, such By-laws may provide for all or any of the following, namely,

- (a) for the establishment, control and use of public lavatories and latrines;
- (b) for the Licencing of horses, mules, carts, drays and handcarts kept or used in or within the City limits and the imposition of rents and fees in respect thereof;
- (c) for the establishment, regulation, control, maintenance, and management of markets, slaughter-houses, bath-houses, and wash-houses, and the imposition of rents and fees payable by persons using or benefited by such markets, slaughter-houses, bath-houses, wash-houses, meat or other stalls therein;
- (d) for regulating the lighting of places, streets, markets and other buildings under the control of the Council, and the naming and numbering of any houses, lots, places and streets in the City;
- (e) for prohibiting, except in the case of wild animals which maybe shot in the bush, the killing or slaughtering of any animal the flesh of which is intended for human food in any place within, or within one mile beyond the limits of, the City of Belmopan, other than in the slaughter-house;

- (f) for prohibiting the exposing or exhibition for sale of the flesh of any animal, other than a wild animal shot in the bush, in any place within, or within one mile beyond, the limits of the City of Belmopan, other than in the market or such other place or places as the Council may appoint;
- (g) for the regulation of parks, gardens, public recreation grounds, bridges, streets, canals and public drains, including the imposition of fees for the use thereof;
- (h) for the service of notices, orders, and other documents required or authorised to be served by or on the Council under this Act or any Regulations made thereunder; and
- (i) generally for all matters connected with the rule and good government of the City of Belmopan and the proper carrying out of the objects and purposes of this Act.

(3) All By-laws made by the Council under this section shall be laid before the House of Representatives through the Minister after the making thereof and shall be subject to negative resolution by that House.

50.—(1) Where any By-laws made by the Council under this Act prescribes any fees, fines, penalties and forfeitures, such By-laws shall be subject to affirmative resolution by the House of Representatives.

By-laws prescribing fees.

(2) All licences, fees, fines, penalties and forfeitures imposed by this Act or any By-laws made hereunder shall be recoverable under the Summary Jurisdiction (Offences) Act, Cap. 98 and Summary Jurisdiction (Procedure) Act, Cap. 99.

51. All documents and notices whatever purporting to be issued or written by or under the direction of the Council and purporting to be signed by the Mayor or City Administrator shall be deemed to be issued or written by or under the direction of the Council without proof unless the contrary be shown.

Admissibility in evidence of Council's signed documents.

Proof of legal proceedings.

52. In any prosecutions or other legal proceeding under this Act or any By-laws made thereunder instituted by, against or under the direction of the Council, no proof shall be required,

- (a) of the persons constituting the Council, or the extent of the City of Belmopan;
- (b) of any order to prosecute or of the particular or general appointment of any officer of the Council;
- (c) of the authority of the Mayor, City Administrator or other officer of the Council to prosecute;
- (d) of the election of the Mayor of the Council; or
- (e) of the presence of a quorum of the Council at the making of any order or the doing of any act,

until evidence is given to the contrary.

General penalty.

52A. Every person, including a member, who contravenes or fails to comply with any provision of this Act or of any rules, regulations or Bye-laws made thereunder, or who willfully violates a lawful decision of the Council, is guilty of an offence and shall, unless some other penalty be specially provided, be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

Acquisition of land.

53. Where any land is required for public purposes by the Council, such land shall for all purposes be taken to be land required by the Minister for public purposes, and may be acquired in the manner prescribed by the Land Acquisition (Public Purposes) Act, Cap. 184.

Execution of work in case of default.

54.—(1) Whenever under this Act any works of any kind are required to be executed or carried out, on any private land, property or premises, the expenses incurred by the Council in respect thereof shall be a debt due to the Council by the owner for the time being of the premises.

(2) The amount of the expenses so incurred by the Council shall bear interest at the rate of seven *per centum per annum* from the date of completion of the work executed or carried out by the Council until payment in full be made to the Council.

(3) Subject to this Act, the amount of the expenses so incurred with the interest thereon and mortgagees' costs shall be a first charge on the property in respect of which the work was executed or carried out by the Council and shall be prior and preferential to all existing or future charges or encumbrances except those in favour of the Government and the Council shall have the like rights and remedies as if the payment of such expenses, interest and costs had been secured by a legal mortgage of a fee simple in favour of the Council.

(4) The Council shall not obtain any charge under this section unless a memorandum giving particulars of the charge is executed by the Council and recorded at the General Registry within two months from completion of the work executed or carried out by the Council or within such further time as the Chief Justice may allow under the General Registry Act, Cap. 327.

(5) The Chief Justice may make Rules prescribing the form of memorandum referred to in subsection (4) of this section.

(6) A memorandum required by this section shall be recorded without the payment of any recording fee and shall be exempt from stamp duty.

55.—(1) No matter or thing done and no contract entered into by the Council and no matter or thing done by any member, officer or employee of the Council shall, if the matter or thing were done or the contract were entered into *bona fide* for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand, whatsoever.

Immunity from personal liability.

(2) Any expense incurred by the Council, or by any such member, officer or employee shall be borne and repaid out of the Belmopan City Fund.

Protection of
Council officials.

56. Every person who obstructs or impedes or insults or molests or attempts to obstruct or impede or insult or molest any member of the Council, or the City Administrator or other officer or employee of the Council lawfully authorised as such by this Act in the discharge of his duties or in his official capacity or in the exercise of his powers either under this or any other Act or any Regulations or By-laws is guilty of an offence and is liable on summary conviction to a fine not exceeding two thousand dollars.

Expenditure of the
Council.

57. All expenses incurred or payable by the Council pursuant to this Act or any Regulations made thereunder shall be paid out of the Belmopan City Fund and all disbursements therefrom shall be in accordance with Accounting Regulations which may be made by the Council from time to time.

Additional powers
and functions of
the Council.

58. Without prejudice to any other law which vests any powers in the Council, the Council shall have and enjoy such additional powers and functions as are or may hereafter be specified in the following Acts,

- (a) Public Roads Act, Cap.232;
- (b) Trade Licensing Act, Cap. 66;
- (c) Intoxicating Liquor Licensing Act, Cap. 150;
- (d) Motor Vehicles and Road Traffic Act, Cap. 230; and
- (e) Towns Property Act, Cap. 65.

Recovery of pen-
alties.

59. An offence under this Act or any Regulations made thereunder may be commenced within one year after the commission of the offence or within one year after the Council becomes aware of the offence, whichever is the later.

Regulations.

60.—(1) The Council may make Regulations for the better carrying out of the objects and purposes of this Act, and without prejudice to the generality of the foregoing, such Regulations may provide for,

- (a) the power of the Council to direct, through a notice published in the *Gazette*, that any lots or land within the City of Belmopan other than National Land be filled up by the owner or occupier thereof to the prescribed level, and the procedure to follow during the filling up of the land;
- (b) the power of the Council to recover costs, and the manner and method of the recovery of such costs (including the sale of land and buildings) incurred by the Council under this Act through doing or causing any work to be done on the property of any person in the City of Belmopan where such person has refused, neglected, defaulted or failed to execute such work himself after due and reasonable notice has been served on him by the Council;
- (c) the authority of the Council to enter upon any land in the City of Belmopan at all reasonable hours for the purpose of carrying out powers and duties conferred or imposed upon it by this Act;
- (d) the discretionary powers of the Council in dealing with indigent or poor property owners in the City of Belmopan;
- (e) street improvement and any matters related thereto;
- (f) the erection of fences between adjacent lots and messages;
- (g) the prohibition of unauthorised encroachments on river banks, and the banks of drains, canals, and creeks in the City of Belmopan;
- (h) the regulation of any bridges in the City of Belmopan, including the imposition of fees, fines and penalties in respect of the use of same;

- (i) the landing, storage and removal of inflammable liquids in the City of Belmopan; and
- (j) any other matter not specifically included in the paragraphs above which may properly be dealt with by way of Regulations.

(2) Regulations made by the Council under this section shall be subject to negative resolution by the House of Representatives.

61.—(1) In this section “transition period” means the period commencing with the date on which a new Council is elected to office following the March, 2000 general elections and expiring on the 1st day of April, 2000.

(2) Upon the expiration of the transition period, the Reconstruction and Development Corporation shall pay the gratuities and other terminal benefits to all the officers and employees employed by it in the discharge of its municipal and development functions in respect of the City of Belmopan pursuant to the provisions of the Belmopan (New Capital) Interim Provisions Act, Cap. 257, R. E. 1980-1990.

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

(2) An Order made under subsection (1) of this section,

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

Status of officers and employees employed by RECONDEV.

Transfers of property.

63.—(1) The Belmopan (New Capital) Interim Provisions Act is hereby repealed.

Repealed and savings.

(2) All Regulations, By-laws, Rules, Orders and other subsidiary legislation made under the repealed Act shall continue in force after the commencement of this Act, until repealed by Regulations, By-laws, Rules, Orders and other subsidiary legislation made hereunder.