



BELIZE

**NATIONAL INSTITUTE OF CULTURE AND HISTORY ACT
CHAPTER 331**

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

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

CHAPTER 331

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CHAPTER 331

NATIONAL INSTITUTE OF CULTURE AND HISTORY

46 of 1999.
S.I. 135 of 2003.

[1st September, 2003]

PART I

Preliminary

1. This Act may be cited as the National Institute of Culture and History Act.

Short title.

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

Interpretation.

“Assembly” means the General Assembly of the National Institute of Culture and History;

“Board” means the Board of Directors of the National Institute of Culture and History constituted in accordance with this Act;

“Institute” means the National Institute of Culture and History;

“Minister” means the Minister responsible for Culture;

“President” means the President of the Institute appointed under section 13 of this Act;

Part II

Establishment, Objects and Powers of the Institute

3.-(1) There is hereby established a body called the National Institute of Culture and History.

Establishment of the Institute.

(2) The Institute shall be a body corporate with perpetual succession and a common seal, with power to enter into contracts, to sue and be sued by law in its corporate name and may for all purposes be described by such name, to acquire, hold, mortgage, lease and dispose of all kinds of property, moveable and immovable, real or incorporeal, and to do and perform all such acts and things as bodies corporate may by law do and perform, subject to the provisions of this Act.

Objects and principles.

4. The objects for which the Institute is established and the principles which shall guide its work are as follows,

- (a) to encourage creativity by promoting full freedom of expression within the law;
- (b) to foster cross-cultural understanding and mutual respect, given Belize's multi-cultural, multi-ethnic, and multi-lingual nature;
- (c) to apply the principle of decentralization in order to ensure that the several districts of Belize are beneficiaries of and contributors to cultural policies and programmes;
- (d) to promote the effective integration of culture and the arts as curricular subjects in primary and secondary schools;
- (e) to ensure the greatest possible participation of civil society in the making and execution of policies and programmes, particularly from cultural workers, artists and organized groups;
- (f) to ensure the participation of youth and the proper handling of gender issues;
- (g) to take full advantage of the latest technological advances, particularly in ensuring that the mass media contribute effectively to cultural development;

- (h) to ensure that cultural promotions stress the values of national and regional community while locating Belizean culture as part of universal culture and insisting on striving for excellence and a strong ethical foundation;
- (i) to so conduct international relations and exchanges as to safeguard and enhance national sovereignty and dignity; and
- (j) to allow free and democratic access to information within the framework of the law.

5. The functions of the Institute are,

Functions of the Institute.

- (a) to implement the objects and principles set out in section 4 of this Act;
- (b) to coordinate and supervise the policies and programmes of the various divisions of the Institute established under this Act; and
- (c) to do any other thing which is concerned directly or indirectly with the strengthening, preservation or development of cultural, historic or artistic activity in Belize.

6. The Institute shall be comprised of the following divisions,

Establishment of divisions.

- (a) the Museum of Belize, established under section 30 of this Act;
- (b) the Institute for the Research and Management of Material Culture, established under section 34 of this Act;
- (c) the Institute of Social and Cultural Research, established under section 71 of this Act;

- (d) the Institute of Creative Arts, established under section 77 of this Act.

Board of Directors.

7.—(1) For the purpose of directing the affairs of the Institute, there shall be constituted a Board of Directors which shall consist of,

- (a) the President of the Institute as Chairperson;
- (b) the Director of the Museum of Belize;
- (c) the Director of the Institute for the Research and Management of Material Culture;
- (d) the Director of the Institute of Creative Arts;
- (e) the Director of the Institute of Social and Cultural Research;
- (f) two members appointed by the General Assembly; and
- (g) one member appointed by the Minister responsible for Tourism.

(2) A quorum of all meetings of the Board shall be seven members.

(3) The Board may act notwithstanding a vacancy among its members

(4) The Chairperson shall preside at all meetings of the Board but, in the absence of the Chairperson, the Directors present shall elect one of their number to preside at that meeting.

(5) All decisions of the Board shall be by a majority of the members present and voting thereon at the meeting and in the case of an equality of votes, the person presiding shall have a second or casting vote.

- (6) (a) 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 that member's knowledge, disclose the nature of the interest at a meeting of the Board.

(b) Any disclosure made under paragraph (a) of this subsection 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.

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

8.-(1) There shall be constituted a body to be known as the General Assembly of the Institute to be appointed as follows,

Establishment of the General Assembly.

(a) two members to be appointed by each Town Council in Belize;

(b) eight members, of whom six shall be appointed by the Belize City Council, and two by the City of Belmopan;

(c) two members for each district to be appointed by the Chairpersons of the village councils;

(d) two members to be appointed by the non-government organization (NGO) community and cultural organizations that have registered with the Institute in accordance with the regulations made under this Act;

- (e) ten members to be appointed by the Minister responsible for Culture, being distinguished artists, academics or other persons who in the Minister's opinion will contribute effectively to the development and preservation of culture in Belize; and
- (f) the members of the Board of Directors of the Institute, *ex officio*, and without a right to vote.

(2) The appointment of every member of the Assembly other than the *ex officio* members shall be evidenced by an instrument in writing given under the seal or other legally acceptable authority of the body appointing such member.

(3) Every member of the Assembly, except *ex officio* members, shall hold office for two years and shall be eligible for reappointment.

(4) Appointments by the elected bodies referred to in subsection (1) (a), (b) and (c) of this section shall take place as soon as possible after the coming into operation of this Act and every two years thereafter, and the tenure of such appointees shall not be affected by any changes in the composition of those bodies, whether caused by elections or otherwise.

9. The functions of the Assembly are, subject to the provisions of this Act,

- (a) to formulate policy guidelines for the proper carrying out of the objects of the Institute;
- (b) to advise the Board on programmes and projects to be carried out in pursuance of the objects of the Institute;
- (c) to monitor such programmes and projects; and
- (d) to receive and consider narrative and financial reports from the Board.

Functions of the
General Assembly.

10.—(1) Meetings of the General Assembly shall take place at least twice per year in April and October of each year and shall be open to the public.

Meetings of the General Assembly.

(2) The first meeting of the Assembly shall not take place until six months after the commencement of this Act.

(3) If for any reason in any year it is impractical to hold a meeting in the month indicated, it shall be held as soon thereafter as practicable.

11. Subject to the provisions of this Act, the General Assembly may provide for its own regulations and the conduct of its meetings.

Regulations.

12.—(1) The common seal of the Institute shall be authenticated by the signature of the President and a member of the Board.

Authentication of documents.

(2) Every document purporting to be an instrument issued by the Institute and to be sealed with the seal of the Institute and authenticated in the manner provided by this section shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

Part III

Management and staff of the Institute

13.—(1) The Chief Executive Officer of the Institute shall be a suitably qualified Belizean citizen called the “President” and shall be appointed by the Minister on such terms and conditions as may be approved by the Minister.

President.

(2) The President shall be paid by the Institute such salary and allowances as may be determined by the Minister.

14. The President shall be responsible for the management of the Institute in accordance with the provisions of this Act and any regulations made hereunder and in accordance with the policies established by the General Assembly.

Duties of President.

Appointment of staff.

15. The President shall, subject to the provisions of this Act, appoint such officers and employees of the Institute and its divisions as may be necessary.

Declaration of pensionable posts.
S.I. 145/1992.

16.—(1) The post of President, and the posts of other officers and employees appointed pursuant to section 15 of this Act who are on the administrative, technical, professional, clerical and secretarial staff shall be pensionable under the Pensions Act, Cap. 30, notwithstanding anything to the contrary in that Act or any other enactment. Persons holding ancillary posts of the semi-skilled or unskilled category shall be entitled to retirement benefits under the Government (Open Vote) Workers Regulations, as amended from time to time.

(2) Where an officer in the public service is transferred to an office under the Institute and he retires or resigns on pension from, or dies while in the service of, the Institute, his service in the public service shall rank as qualifying service or pensionable service, as the case may be, for purposes of determining eligibility for a gratuity or pension under the Pensions Act, Cap. 30.

(3) Notwithstanding any contrary provision in the Pensions Act, Cap. 30 or any other enactment amending or replacing that Act, where a person employed in a pensionable office by the Institute is transferred to a pensionable post in the public service, his service under the Institute shall rank as qualifying service or pensionable service, as the case may be, for purposes of determining his eligibility for a gratuity or pension under the Pensions Act, Cap. 30.

(4) When making payment for a pension or gratuity in respect of officers referred to in subsections (2) and (3) of this section, the Government shall pay the whole pension or gratuity, but the Institute shall contribute to the Government for the portion representing the number of years of pensionable service rendered by the officer in the employment of the Institute.

Regulations relating to staff.

17. Subject to the provisions of this Act, the Board may make regulations determining generally the conditions of service of employees of the Institute, and in particular, may make regulations relating to,

- (a) the appointment, dismissal, discipline, hours of work, pay and leave of such employees;
- (b) appeals by employees against dismissal or other disciplinary measures;
- (c) the grant of pensions, gratuities, salaries or benefits to the employees and their dependants; and
- (d) the establishment and maintenance of superannuation funds and provident funds and the contributions payable thereto and the benefits received therefrom.

18. The Institute may, for the purpose of advancement of the skills of its employees, provide such assistance and facilities as may be necessary for training, education and research.

Training of employees.

19. The Institute shall recognize the right of its employees to form or belong to trade unions for the protection of their interests.

Right to form trade unions.

PART IV

Finances, Audits, Budget and Reports, etc., of the Institute

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

Transfer of property.

(2) All property vested in the Institute under subsection (1) of this section, shall be held in trust for the people of Belize.

21. The Government may lend the Institute such sums as the Minister responsible for Finance certifies are required to enable the Institute to commence or continue its functions, to be repaid by the Institute at such times and by such methods as the said Minister shall determine.

Loans by Government.

Power to borrow money.

22. The Institute may, with the consent of the Minister responsible for Finance, borrow money either within Belize or elsewhere for the purpose of carrying out its duties, powers and functions under this Act.

Funds and resources.

23. The funds and resources of the Institute shall consist of the following,

- (a) such sums as may be provided for the purpose from time to time by the National Assembly;
- (b) such sums as may be made available under sections 21 and 22 of this Act;
- (c) such sums as may accrue to the Institute from the conduct of its business under this Act, including sales of books, documents or journals published by the Institute and all sums recovered in payment of fees or charges imposed by the Institute by regulations;
- (d) grants, donations, benefactions and endowments from any source, including regional and international organizations; and
- (e) all other sums or property which may in any manner become payable to or vested in the Institute in respect of any matter incidental to its functions.

Audit and accounts.

24.—(1) The Institute shall keep accounts of its transactions and all such accounts shall be audited by an auditor to be appointed by the Board.

(2) The members, officers, agents and employees of the Institute shall grant to the auditor appointed under subsection (1) of this section access to all books, documents, cash and securities of the Institute and shall give to the auditor on request all such information as may be within their knowledge in relation to the operations of the Institute and the Board.

(3) The Institute shall, with the approval of the Board, write off bad debts.

25. The Institute shall, not later than six months from the end of the financial year ending on the 31st March of each year, submit to the Minister a report for the preceding financial year containing,

Annual reports.

(a) a balance sheet and a complete statement of profits and losses duly audited; and

(b) the report of the auditor.

26.—(1) The Institute shall, in such form and by such dates as may be prescribed by the Financial Secretary, prepare and submit to the Minister responsible for Finance, through the Minister, estimates of income receivable and the expenditure to be incurred during each financial year (including any supplementary estimates), 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.

Submission of budget estimates.

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

27.—(1) Notwithstanding anything contained in the Income and Business Tax Act, Cap. 55, the income, revenue and other receipts of the Institute shall be exempt from the payment of income tax and business tax.

Tax exemptions.

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

(3) Notwithstanding anything contained in any Act, all material, apparatus or equipment of any kind imported into the country by the Institute for the purpose of carrying on its undertakings shall be free of all customs duty and any other tax whatever.

Charitable status. **28.** The Institute shall have the status of a charity for all the purposes of any law for the time being affecting charities, and in particular the Companies Act, Cap. 250.

PART V

Museum of Belize

Interpretation in this Part. **29.** In this Part, unless the context otherwise requires,

“Director” means the Director of the Museum of Belize appointed under section 31 of this Act;

“Museum” means the Museum of Belize established under section 30 of this Act.

Establishment of Museum of Belize. **30.**—(1) There shall be established as a division of the Institute, a body to be called the Museum of Belize for the collection, preservation and exhibition of objects of scientific, historical or artistic interest.

(2) There shall be established in each district of Belize, as a division of the Museum, a House of Culture for the promotion of Belizean Culture.

Director and other staff. **31.**—(1) There shall be a Director of the Museum who shall be a suitably qualified Belizean citizen appointed by the President with the approval of the Minister under such terms and conditions as may be approved by the Minister in consultation with the Board.

(2) The Director shall, subject to the approval of the President, appoint suitably qualified Belizean citizens as Curators and such other employees as may be necessary for the carrying out of the functions of the Museum.

(3) The Director shall be responsible for carrying out the functions of the Museum, subject to the approval of the Board.

32.-(1) The functions of the Museum shall be to,

Functions of the
Museum.

- (a) develop and promote respect for the natural and human environment of Belize;
- (b) establish such galleries and other suitable forms of display as may be necessary for the exhibition of objects of historical, cultural, natural or scientific interest;
- (c) provide and maintain such services as are necessary or desirable for the operation of the Museum, or as the Board may require;
- (d) collect, preserve and restore objects of historical or cultural interest;
- (e) provide and maintain gardens, greenhouses, rooms for recreation and refreshment, lecture rooms, libraries, museums, Houses of Culture, shops, machinery and conveniences as may be thought desirable for the entertainment, instruction and education of the public with or without charge and to do all things conducive thereto;
- (f) exchange, donate, lend or otherwise allow the use of objects of historical or cultural interest and other museum material in its collection and use any revenue obtained therefrom to further its collection;
- (g) lend or borrow objects of historical or cultural interest and other museum material on long-term or short-term loan;
- (h) organize, sponsor, arrange for and participate in travelling exhibitions, in Belize and internationally, of objects of historical or cultural interest and

- other museum material in its collection and from other sources;
- (i) provide facilities to permit qualified individuals to use and study its collection;
 - (j) promote knowledge, and disseminate information, related to its purpose, throughout Belize and internationally, by such means of education and communication as are appropriate;
 - (k) develop, operate and maintain branches or exhibition centres;
 - (l) promote research and disseminate its research by lectures, publications or other means;
 - (m) liaise with other institutions having similar objects for mutual cooperation; and
 - (n) carry out such other activities as may be prescribed from time to time by regulations made under this Act.

(2) In carrying out the functions of the Museum, the Board may, on the recommendations of the Director,

- (a) construct, alter and maintain buildings at the Museum and elsewhere;
- (b) require other divisions of the Institute to deliver objects and documents for purposes of display in the Museum;
- (c) grant, on such terms and conditions as the Board thinks fit, authority to carry on any trade or business at the Museum;

- (d) grant leases, subleases or other interests or concessions in respect of land or buildings or of the use of the name or logo or other property of the Museum or for the provisions of services to the public subject to the payment of rent or other consideration as the Board may think fit;
- (e) carry on such activities as appear to be advantageous, necessary or desirable for or in connection with the exercise and performance of its functions;
- (f) charge for goods, services and admission and use the revenue obtained therefrom for its own purposes.

PART VI

Institute for the Research and Management of Material Culture

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

Interpretation in
this Part.

“ancient monument” means any structure or building erected by man or any natural feature transformed or worked by man, or the remains or any part thereof, whether upon any land or in any river, stream or watercourse or under the territorial waters of Belize, that has been in existence for one hundred years or more;

“antiquity” means any article manufactured or worked by man, whether of stone, pottery, metal, wood, glass, or any other substance, or any part thereof,

- (i) the manufacture or workmanship of which belongs to the Maya civilization, being of an age of one hundred years or more; or

- (ii) the manufacture or workmanship of which belongs to a civilization other than the Maya civilization, being an article which is of an age of one hundred years or more.

“Director” means the Director of IRMAC appointed under section 36 of this Act;

“IRMAC” means the Institute for the Research and Management of Material Culture established under section 34 of this Act;

“the Repealed Act” means the Ancient Monuments and Antiquities Act, Cap. 330;

Establishment of IRMAC.

34. There shall be established as a division of the Institute, a body to be called the Institute for the Research and Management of Material Culture (IRMAC) responsible for research on the material culture of Belize and for the preservation and management of such objects, structures and sites as are entrusted to it by virtue of this Act.

Objects and functions of IRMAC.

35. The objects and functions of IRMAC shall be as follows,

- (a) to carry out the powers and duties with regard to ancient monuments and antiquities set out in this Act;
- (b) to collect, store, document and catalogue antiquities and other objects of material culture;
- (c) to conduct, licence and supervise research on ancient monuments, antiquities and other objects of material culture;
- (d) to publish by any means whatever the results of its research;
- (e) to provide facilities to permit qualified individuals to study its collection;

- (f) to establish and foster liaison with other organizations with purposes similar to its own;
- (g) to preserve and restore objects within its collection or otherwise in pursuance of its purposes;
- (h) to organize, sponsor, arrange for and participate in exhibitions, including travelling exhibitions in Belize and internationally, of objects of material culture;
- (i) to provide the Museum of Belize, upon request, objects within its collection for the use of the Museum on such terms and conditions as shall be agreed between the Director of IRMAC and the Director of the Museum of Belize;
- (j) to develop, operate and maintain branches or exhibition centres whether permanent or temporary;
- (k) to charge for services and admission and use the revenue thereof for its own purposes;
- (l) to conduct educational and training programmes.

36.—(1) There shall be a Director of IRMAC who shall be a suitably qualified Belizean citizen appointed by the President subject to the approval of the Minister under such terms and conditions as may be approved by the Minister.

Director and other staff.

(2) The Director may, subject to the approval of the President, appoint such other employees as may be necessary for carrying out the functions of IRMAC.

37. All ancient monuments and antiquities wherever situate, whether upon any land or in any river, stream or watercourse, or under the territorial waters of Belize, shall absolutely vest in the State.

Vesting in the State.

Licence to possess
ancient monument
or antiquity.

38.—(1) Subject to this Act, no person shall possess or have in his custody any ancient monument or antiquity except under a licence in writing granted by the Director in the prescribed form.

(2) Any person who contravenes subsection (1) of this section, commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and term of imprisonment, and in addition, any such ancient monument or antiquity shall be forfeited to the State.

Register of an-
cient monuments
and antiquities.

39.—(1) Any person who at any time has or takes or comes into possession, custody or control of any ancient monument or antiquity shall within fifteen days of his first having or taking or coming into such possession, custody or control of the ancient monument or antiquity, register his possession, custody or control with IRMAC.

(2) The register kept under section 6 of the Repealed Act shall be incorporated in and become part of the register to be kept under this Act, and all duties and obligations under section 6 of the Repealed Act shall pass to IRMAC.

(3) Any person who contravenes any of the provisions of this section commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment, and in addition, any such ancient monument or antiquity shall be forfeited to the State.

Acquisition by
State.

40.—(1) Within sixty days of any registration under section 39, the Director may by notice in writing in the prescribed form addressed to and served upon the person who has registered his possession, custody or control of any ancient monument or antiquity, acquire and thereby take possession of such ancient monument or antiquity, if in his opinion the national interest would likely be furthered by such acquisition.

(2) Where in any other case the Director has reasonable cause to believe that any person has in his possession, custody or control any ancient monument or antiquity, and,

- (a) that person has not registered his possession, custody or control of the ancient monument or antiquity under section 39 of this Act; or
- (b) that person has not been granted a licence to keep the ancient monument or antiquity in his possession, custody or control under section 43 of this Act,

the Director may by notice in writing in the prescribed form addressed to and served upon that person, acquire and thereby take possession of such ancient monument or antiquity, if in his opinion the national interest would likely be furthered by such acquisition.

(3) Upon service of any notice pursuant to subsections (1) and (2) of this section, the person to whom the notice is addressed shall deliver up or cause to be delivered up to the Director all ancient monuments and antiquities in his possession, custody or control.

(4) Any person who contravenes subsection (3) of this section, commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and term of imprisonment, and in addition, the ancient monument or antiquity shall be forfeited to the State.

41.—(1) Upon any acquisition under section 40(1) of this Act, the Director may pay to the person who had registered possession, custody or control of the ancient monument or antiquity such sum of money by way of reasonable compensation as the parties may agree to,

Compensation in certain cases of acquisition.

Provided that the Director shall in his absolute discretion be first satisfied that,

- (a) the person had exercised a substantial measure of possession, custody or control over such ancient monument or antiquity; and
- (b) the person had suffered financial loss arising directly out of or in connection with the actual acquisition by

the State of the possession of the ancient monument or antiquity; or

- (c) the person had during the period of five years immediately preceding the date of the service of the notice of acquisition under section 40(1) of this Act, expended sums of money by way of maintenance or preservation or improvement of the ancient monument or antiquity.

(2) Where the parties fail to agree on the amount of compensation to be paid under subsection (1) of this section, the matter of the amount to be paid by way of reasonable compensation shall be referred by the Director to a single arbitrator appointed by the Director, whose award shall be final and binding upon the parties.

(3) The Arbitration Act, Cap. 125 shall have no application to any arbitration pursuant to any reference to an arbitrator under subsection (2) of this section.

(4) No payment or award by way of reasonable compensation under this section shall take account of any market or other commercial valuation of any ancient monument or antiquity or any question of prospective or future loss of any description by any person.

Application for licences.

42. Any person in possession or who has custody or control of any ancient monument or antiquity may at any time after his registration of such ancient monument or antiquity pursuant to section 39 of this Act, and provided that no notice of acquisition pursuant to section 40 of the Act has been served upon him, or in any other case, apply to the Director for a licence in the prescribed form to keep the ancient monument or antiquity in his possession, custody or control.

Granting and revocation of licences.

43.—(1) The granting or withholding of any licence to keep the possession, custody or control of any ancient monument or antiquity shall be in the absolute discretion of the Director.

(2) Any such licence may be revoked by the Director in his absolute discretion at any time and for any reason by notice in the prescribed form addressed to and served upon the licensee.

(3) Upon service of any notice of revocation pursuant to subsection (2), the ancient monument or antiquity the subject of such notice shall be deemed to be acquired in the national interest and section 40(3) and (4) and section 41 of this Act, shall apply to such ancient monument or antiquity.

44.-(1) No person shall sell, transfer or otherwise part with any licence or permit granted to him under the provisions of this Part.

Restriction on transfer of licence or permit or alienation by licence.

(2) No person shall give, sell, transfer or otherwise part with the possession, custody or control of any ancient monument or antiquity of which he is a licensee except with the prior consent in writing of the Director and upon delivery to the Director of his licence.

(3) Where the Director has given his consent under subsection (2) of this section, any person to whom the licensee has parted with his possession, custody or control of the ancient monument or antiquity shall apply to the Director for a licence in the prescribed form to keep such ancient monument or antiquity in his possession, custody or control.

(4) Any person who contravenes this section commits an offence and is liable on summary conviction to a fine of one thousand dollars or to imprisonment for a term of two years, or to both such fine and term of imprisonment.

45. If any person finds any ancient monument or antiquity, he shall within fourteen days of such finding report the details of the finding to the Director.

Report of finding.

46. Any person who contravenes section 45 of this Act, commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and term of imprisonment, and in addition, any such ancient monument or antiquity in the possession, custody or control of the finder shall be forfeited to the State.

Offence and penalty.

- Acquisition of finds by State. **47.** If the Director, after inspecting the ancient monument or antiquity so found, decides that the national interest would be likely furthered by acquiring possession of such ancient monument or antiquity, he shall report the same to the Minister, who may acquire the ancient monument or antiquity by Order published in the *Gazette*.
- Reward to finders. **48.** Upon any acquisition pursuant to section 47 of this Act, the Minister in his absolute discretion may award to the finder of the ancient monument or antiquity such sum of money, if any, as may seem just and equitable in all the circumstances.
- Grant of permits. **49.** Subject to this Act and to any regulations made hereunder, the Director may in his absolute discretion grant permits in the prescribed form,
- (a) to any suitable person or group of persons to enter upon any specified lands or in any river, stream or watercourse or under the territorial waters of Belize where ancient monuments or antiquities are or may be situated to search for and explore or excavate such ancient monuments or antiquities therefrom subject to such conditions as he may specify therein; or
 - (b) to any suitable person or group of persons to consolidate and/ or restore ancient monuments subject to such conditions as the Director may specify; or
 - (c) to any occupier of land to demolish for agricultural or other industrial reasons an ancient monument situated on the occupier's land subject to such conditions as he may specify therein.
- Land owner's consent to issue of permit. **50.** A permit to be exercised on private land shall not be issued without the consent of the owner, occupier, or lessee of the land unless,

- (a) the name and address of the owner, occupier, or lessee of the land is unknown and continues to remain unknown to the Director after he has advertised for this information in at least one newspaper published in Belize and in the *Gazette* and fifteen days have elapsed since the last publication of the advertisement;
- (b) the owner, occupier or lessee of the land neglects or refuses to furnish to the Director his views on an application for a permit upon the Director requesting him to do so, provided that fourteen days shall have elapsed since the Director posted such a letter addressed to the owner, occupier or lessee of the land containing a notice that if by the end of such period the Director has not received any such views from the owner, occupier or lessee of the land he would proceed to consider the application for a permit; or
- (c) the Director is satisfied that the granting of a permit is necessary for cultural or scientific or salvage reasons and that the owner, occupier or lessee of the land has unreasonably withheld his consent.

51. Any person who in the exercise of any rights granted under a permit issued pursuant to section 49(a) of this Act, removes any ancient monument or antiquity from the specified land shall within three days of such removal report the details of the removal to the Director.

Report of removals by permittee.

52. Any person who contravenes section 51 of this Act, commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment, and in addition, any such ancient monument or antiquity shall be forfeited to the State.

Offence and penalty.

53. On every grant or lease of national lands, it shall be an implied condition that there shall be specifically reserved to the State all rights

Reservation in State grant or lease.

of ownership in any ancient monument or antiquity which is found in or upon lands so granted or leased.

Power of entry on lands granted or leased by State.

54. The Director, or any person authorised by him in writing for that purpose, may at any time enter upon lands granted or leased by the State, whether before or after the commencement of this Act, where the grant or lease of such lands was made subject to any reservation clause such as that provided for in section 53 of this Act.

Power of entry, etc., on other lands.

55.—(1) Subject to subsection (2) of this section, the Director, or any person authorised by him in writing for that purpose, may enter upon any land for the purpose of inspecting, searching for and locating any ancient monument or antiquity that may be in or upon such land.

(2) The Director shall, before exercising his power under subsection (1) of this section, give reasonable notice to the owner or occupier of the land of his intention to enter upon the land for the purposes mentioned in subsection (1) of the section.

Prohibition on trade, etc., without licence.

56.—(1) No person shall import, export, sell, or trade in any manner in ancient monuments or antiquities or attempt to do so without a licence in writing granted by the Board in the prescribed form.

(2) Any person who contravenes subsection (1) of this section, commits an offence and notwithstanding any punishment otherwise provided in this Act, upon conviction, any such ancient monument or antiquity and any vehicle or other article whatsoever used in such importation, exportation, sale or trade or attempt shall be liable to forfeiture to the State.

Power to enter and search premises, to stop and search persons, vehicles, etc.

57.—(1) It shall be lawful for the Director, with the written approval of the Board, or any person authorised by the Board in writing for that purpose, or any police officer having a warrant issued by a magistrate, at any time of day or night to enter upon premises wherein he has reasonable cause to suspect that any ancient monuments or antiquities may be found which have been obtained or are being possessed unlawfully and to seize therefrom any such ancient monuments or antiquities.

(2) The Director, or any person authorised by him in writing for that purpose or any police officer shall have the right to stop and search

any person, vehicle, vessel or aircraft or any carrier, who or which he has reasonable cause to suspect of carrying or being used to carry any ancient monuments or antiquities which have been obtained or are being possessed unlawfully and to seize therefrom any such ancient monuments or antiquities.

(3) Any ancient monuments or antiquities seized under subsections (1) and (2) of this section, shall be forfeited to the State unless and until a restoration order has been made by a court of summary jurisdiction which finds that such ancient monuments or antiquities were lawfully obtained or possessed, the onus of proof whereof shall lie upon the person who claims that such ancient monuments or antiquities were lawfully obtained or possessed.

58. Any person who obstructs, molests or hinders in any manner any other person in the exercise of the powers conferred by section 54, 55, or 57 of this Act, commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months or to both such fine and term of imprisonment.

Obstruction, etc.,
of officers.

59. The Minister, on the recommendation of the Board, may by Order published in the *Gazette* declare,

Declaration of
archaeological re-
serves.

- (a) any area of unalienated national land containing or adjacent to an ancient monument to be an Archaeological Reserve;
- (b) any area of alienated national land, title to which has reverted to the State, containing or adjacent to an ancient monument to be an Archaeological Reserve;
- (c) any ancient monument acquired by the Director or the Minister pursuant to section 40(1) or (2) or to section 43(3) or to section 47 of this Act, together with any land adjacent thereto, to be an Archaeological Reserve.

Acquisition of land adjacent to acquired ancient monuments.

60. In the case of any Order pursuant to section 59(c) of this Act, which includes any land adjacent to any ancient monument, no such Order shall have effect unless and until the provisions of the Land Acquisition (Public Purposes) Act, Cap. 184 have been complied with in respect of such adjacent land.

Prohibition of removal of earth or stone.

61.—(1) Subject to subsection (2) of this section, no person shall remove any earth or stone from any ancient monument except under a permit in the prescribed form issued by the Director.

(2) This section shall not apply to any person or group of persons holding a permit granted by the Director under section 49 in so far as they transfer debris or spoil within the specified land as part of their operations.

(3) Any person who contravenes subsection (1) of this section, commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and term of imprisonment.

Damage or destruction of monuments.

62.—(1) Subject to the provisions of this Act, any person who,

- (a) wilfully damages, destroys or disturbs any ancient monument or in any way marks or defaces any ancient monument; or
- (b) wilfully removes any antiquity from any ancient monument or destroys any such antiquity,

commits of an offence.

(2) Any person who wilfully causes or induces or attempts to cause or induce any other person to commit an offence under this Part or who knowingly aids and abets any other person in the commission of any such offence also commits an offence.

Control of land operations.

63.—(1) The Director may direct any land owner, lessee, concessionaire, contractor or any other person who is about to engage in any operation

which in the opinion of the Director is liable to destroy, damage, interfere with or otherwise be to the detriment of any ancient monument or antiquity,

- (a) not to proceed with any operation until the Director shall have had an archaeological exploration and survey carried out; and
- (b) to take or to refrain or desist from taking any such action as part of the operation as the Director may decide to be fair and reasonable for the proper protection of the ancient monument or antiquity.

(2) Any person who contravenes any direction in writing of the Director under subsection (1) of this section, commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and term of imprisonment.

64. In any proceedings for an offence under this Part, the production of a certificate signed by the Director shall be sufficient evidence of the facts therein stated in respect of the age or archaeological source of any ancient monument or antiquity without proof of his signature or official capacity, unless the defence requires that he be called as a witness.

Evidence by certificate.

65.—(1) Where any person is convicted of an offence under this Part and the court by which such person is convicted finds that any aircraft, vessel or vehicle was used or employed by such person in the commission of the offence of which he is convicted, such aircraft, vessel, or vehicle may be forfeited to the State.

Forfeiture.

(2) The owner of any aircraft, vessel or vehicle forfeited under subsection (1) of this section, shall have the rights of appeal of an accused person.

(3) For the purpose of this section, “aircraft”, “vessel” and “vehicle” respectively include everything contained in, being on or attached to any

aircraft, vessel or vehicle which in the opinion of the court forms part of the equipment of such aircraft, vessel, or vehicle.

Offences and penalties.

66.—(1) Every person found guilty of an offence against the provisions of section 44, 56 or 62 of this Act, shall be liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and term of imprisonment.

(2) It shall be within the discretion of the Director of Public Prosecutions whether an offence against the provisions of section 44, 56, or 62 of this Act, shall be prosecuted summarily or on indictment.

Archaeological reserves entrusted to Minister responsible for Tourism.

67. The Minister, after consultation with the Director, may by Order published in the *Gazette* specify the archaeological Reserves or parts thereof which shall by that Order be entrusted to the care and control of the Minister responsible for Tourism for the purpose of having such reserves visited by the public.

Rules and limitations for such reserves.

68. The Minister responsible for Tourism may make rules governing such reserves as are entrusted to him under section 67 of this Act, in respect of when and under what conditions as to charges or otherwise they shall be open to the public, regulations relating to sanitation and safety measures, the appointment and duties of wardens and caretakers and generally for all matters of their general management, and may specify penalties for any breaches of such rules recoverable on summary conviction thereof,

Provided that if at any time the Director should determine that all or any part of such reserve is required for excavation or research purposes by employees of IRMAC or any person holding a permit under section 49, he shall indicate the same to the Minister responsible for Tourism who shall, in accordance with the recommendations of the Director, restrict the access of the public to such areas and otherwise enforce the regulations necessary to allow such excavation or research to take place,

Provided further that no attempt shall be made to restore, repair or otherwise affect the structures of any such reserves without the approval and the supervision of such work by the Director.

69. The Minister may, after consultation with the Director, by regulations, Regulations.
- (a) prescribe any forms of licences, notices, permits or other documents required to be prescribed under this Part;
 - (b) prescribe the charging or levying of any fees in respect of the grant or issue of any licence or permit under this Part or their waiver in specified circumstances and for their collection and recovery;
 - (c) prescribe the keeping and contents of such registers, records or other books or documents by the Director as may seem necessary for the proper carrying out of any of the provisions of this Act;
 - (d) prescribe the manner in which and the place to which any finder or the grantee of any permit shall carry any ancient monument or antiquity found or discovered by him;
 - (e) prescribe the manner in which any ancient monument or antiquity the possession of which has been acquired by the Director or the Minister under this Act shall thenceforth be disposed of or dealt with;
 - (f) prescribe the manner in which any ancient monument or antiquity seized or forfeited under this Part shall thenceforth be disposed of or dealt with;
 - (g) make any other provisions as may seem necessary for the further and better carrying out of any of the provisions of this Act;

- (h) provide for the protection of the collections held by IRMAC, whether or not they are ancient monuments or antiquities and for their restoration, sale, exchange, loan or otherwise; and
- (i) provide that the contravention of any of the provisions of any regulations made pursuant to this section shall be an offence punishable on summary conviction and impose penalties in respect of any such offence being fines not exceeding five thousand dollars.

Repeal of Ancient Monument and Antiquities Act.

70.—(1) The Ancient Monuments and Antiquities Act, Cap. 330 is hereby repealed.

(2) All such things as were done under the repealed Act shall have effect, *mutatis mutandis*, as if they were done under this Act.

(3) Any reference to the repealed Act in any other law, regulation or instrument shall be read and construed a reference to this Act.

(4) All regulations, rules, by-laws and other subsidiary legislation made under the repealed Act shall continue in force after the commencement of this Act to such an extent as they are not inconsistent with the provisions hereof, until repealed or revoked by regulations, rules, by-laws, or other subsidiary legislation made hereunder.

PART VII

Institute for Social and Cultural Research

Establishment of the ISCR.

71. There shall be established as a division of the Institute, a body to be called the Institute for Social and Cultural Research, referred to in this Act as “ISCR”.

Functions of the ISCR.

72. The ISCR shall be responsible for,

- (a) conducting and supervising the carrying out of historical, socioeconomic, cultural and anthropological research;
- (b) publishing and disseminating such research both in Belize and abroad;
- (c) collecting and cataloging any and all social and cultural research on Belize;
- (d) training researchers, both in Belize and elsewhere;
- (e) holding symposia, seminars and workshops in furtherance of its duties under this Act;
- (f) undertaking joint research projects with local and other regional and international organizations; and
- (g) establishing a unit for research of languages used in Belize and for language training.

73. There shall be a Director of the ISCR who shall be a suitably qualified Belizean citizen appointed by the President subject to the approval of the Minister under such terms and conditions as may be approved by the Minister.

Director of the ISCR.

74. The Director of the ISCR shall, subject to the approval of the President, appoint such other staff as may be necessary for carrying out the functions of the ISCR.

Other Staff.

75.—(1) It shall be the duty of the Chairperson of any Commission or Committee of Inquiry established under any law to enquire into a matter of public importance to deposit all records relating to such Commission or Committee, as the case may be, at the ISCR within one month after the rendering of the final report of such Commission or Committee, as the case may be.

Records to be transmitted to the ISCR.

(2) It shall be the duty of the Mayor of any local authority in Belize, and of the Chairperson of any public corporation, statutory body or similar institution, to furnish the ISCR with two copies of every published report referring to his institution within one month after such report has been published.

(3) It shall be the duty of every Chief Executive Officer of a Ministry of Government and every head of department of Government to furnish the ISCR with two copies of every published report of the Ministry or Department within one month after such report has been published.

(4) It shall be the duty of the Clerk of the National Assembly to furnish to the ISCR one copy of all papers tabled in the House of Representatives and of all audio tapes of House proceedings and transcripts thereof, including records of public hearings of Committees, within one month after they become available to him.

(5) It shall be the duty of the publisher of any book, newspaper, periodical, journal, novel or any other matter published in Belize for public sale or distribution to furnish the ISCR with two copies of the same within one month after such publication.

(6) In this section, the words “records” or “publications” and their grammatical derivatives shall include matters recorded or communicated by whatever means, including print, audio, video, computer disc, laser or any other technology.

PART VIII

Institute of Creative Arts

Interpretation in
this Part.

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

“Director” means the Director of the Institute of Creative Arts appointed under section 78 of this Act;

“Institute” or “ICA” means the Institute of Creative Arts established under section 77 of this Act.

77. There shall be established as a division of the Institute, a body to be known as the Institute of Creative Arts responsible for the promotion of the creative arts.

Establishment of the ICA.

78. There shall be a Director of the ICA who shall be a suitably qualified Belizean citizen appointed by the President subject to the approval of the Minister under such terms and conditions as may be approved by the Minister.

Director of the ICA.

79. The Director of the ICA shall, subject to the approval of the President, appoint such other staff as may be necessary for carrying out the functions of the ICA.

Other staff.

80. The objects and functions of the ICA shall be as follows,

Objects and functions of the ICA.

- (a) to encourage the expression, development and preservation of Belizean culture in all its aspects and to stimulate research and study of Belizean culture;
- (b) to encourage, in cooperation with other organizations, the attainment of excellence in all forms of Belizean art;
- (c) to promote, develop and improve the knowledge and practice of all forms of creative activity;
- (d) to foster, support or undertake, in cooperation with other bodies, the development of cultural and artistic activity;
- (e) to develop training programmes which shall include the training of administrative and creative personnel for the various areas of Belizean culture and the arts;

- (f) to carry out any artistic or culture-related activity for promoting the development in particular of youth and of women in Belize;
- (g) to plan and implement programmes and activities for the strengthening, preservation and development of Belizean cultural traditions and identity;
- (h) to establish and maintain institutions such as cultural centres, art galleries and similar fora and to provide for the holding of performances and cultural and artistic exhibitions;
- (i) to provide a scheme for awards, prizes and recognition generally for the encouragement and development of art and culture in Belize;
- (j) to compile, publish, distribute or disseminate (or assist in so doing) any book, volume or part thereof, or newspaper or other printed material in any medium including television and radio for the dissemination of audio-visual images which in the opinion of the ICA are of cultural, historic or artistic interest and value;
- (k) to encourage the development of cultural and artistic endeavour and activity in all schools in Belize as an integral part of the curriculum;
- (l) to establish specialized art schools or to encourage and assist the private sector in so doing, taking care to ensure the active participation of the artistic and general community;
- (m) to assist in the establishment and support in each district of associations of young persons interested in the creative arts and to assist those who wish to do so to pursue a career in any of the arts.

81. The ICA shall as soon as practicable establish a branch office in every district of Belize.

Establishment of branch offices in districts.

82.—(1) The ICA shall promote and support the formation in each district of “ICA Committees”, membership of which shall be open to all artistic associations and groups as well as interested individuals.

Promotion of ICA Committees in districts.

(2) Such Committees shall regulate their own proceedings.

(3) In decisions affecting a particular district, the ICA shall consult the ICA Committee of that district.

PART IX

Miscellaneous

83. In this section and sections 83 to 91 of this Act,

Interpretation in this Part.

“previously existing department or body” means, according to the context, one or all of the following, namely,

- (a) the Department of Museums;
- (b) the Department of Archaeology;
- (c) the National Arts Council; and

“successor body”, in relation to a previously existing department, means,

- (a) in the case of the Department of Museums, the Museum of Belize established by section 30 of this Act;
- (b) in the case of the Department of Archaeology, the Institute for the Research and Management of Material Culture, established by section 34 of this Act; and

- (c) in the case of the National Arts Council, the Institute of Creative Arts established by section 77 of this Act.

Transfer of administration and control of property.

84.—(1) The administration of all employees and control of all property, rights and assets held by or leased to a previously existing department or body immediately before the coming into force of this Act are hereby vested in the successor body of that previously existing department or body.

(2) Heads of Departments of the previously existing bodies shall, during the transition period, act as the Directors and staff of the relevant successor bodies.

Enforcement of obligations.

85. All obligations and liabilities incurred by a previously existing department or body and outstanding immediately before the coming into force of this Act are and shall be deemed to have been incurred by the successor body of that previously existing department or body.

Contracts, etc.

86. Every reference to a previously existing department or body in any deed, contract, agreement or other document shall, unless the context otherwise requires, be read as a reference to the successor body of that previously existing department or body.

Power to delegate.

87.—(1) The President or any of the Directors of the divisions of the Institute may delegate such of their powers and functions as they may determine to any employee of the Institute or of any of the divisions thereof.

(2) Any such delegation shall be revocable by the person who made the delegation, and no delegation shall prevent the exercise by that person of any power or function so delegated.

Protection of members of the Board.

88. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

89. Any summons, notice or other document required or authorised to be served on the Institute under any Act may, unless in any case there is express provision to the contrary, be served by delivering the same to the President or by sending it by registered post addressed to the President at the principal office of the Institute.

Service of documents.

90.—(1) The President may, after consultation with the Board, make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

Regulations.

(2) In particular and without prejudice to the generality of the foregoing, the President may make regulations for or in respect of all or any of the following matters,

- (a) the manner in which the bodies which by section 8 are required to name members of the General Assembly shall so do;
- (b) the requirements and procedures for non-governmental organizations to register with the Institute;
- (c) all matters stated or required in this Act to be prescribed or in respect of which regulations are required or authorized to be made under this Act; and
- (d) the publication of books or journals by the Institute, and the sale of such books or journals.

(3) All regulations made under this section shall be subject to negative resolution by the National Assembly.