



BELIZE
BELIZE NATIONAL AIDS COMMISSION ACT.
CHAPTER 34:01
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CHAPTER 34:01

BELIZE NATIONAL AIDS COMMISSION

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CHAPTER 34:01

BELIZE NATIONAL AIDS COMMISSION

6 of 2004.
15 of 2008.
S.I.6 of 2009.

[21st February, 2004]

PART I

Preliminary

1. This Act may be cited as the Belize National Aids Commission Act. Short title.
2. In this Act, unless the context otherwise requires, Interpretation.
- “AIDS” means the acquired immune deficiency syndrome caused by the human immunodeficiency virus;
- “Chairperson” means the Non-Executive Chairperson of the Commission appointed by the Prime Minister under section 3 of this Act; 15 of 2008.
- “Commission” means the Belize National AIDS Commission established under section 3 of this Act;
- “ Executive Director” means the Executive Director of the Commission appointed under section 12 of this Act; 15 of 2008.
- “HIV” means the human immunodeficiency virus.

PART II

*Establishment, Composition, Objectives
and Functions of the Commission*

- 3.–(1) A body to be known as the Belize National AIDS Commission shall be and is hereby established for the purposes of this Act as an autonomous institution governed by the provisions of this Act. Establishment and composition of the Commission.

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

(3) The Commission shall consist of the following members,

15 of 2008.

- (a) a Non-Executive Chairperson appointed by the Prime Minister;
- (b) a representative of the Ministry of Health;
- (c) a representative of the Ministry of Human Development;
- (d) a representative of the Ministry of Education;
- (e) the Labour Commissioner or his representative;
- (f) a representative jointly nominated by the Medical Practitioners Association and the Dental Practitioners Association;
- (g) a representative from the nurses association;
- (h) a representative from the Council of Churches;

15 of 2008.

- (i) a representative nominated by the Leader of the Opposition;
- (j) four representatives from Non-Governmental Organizations involved in HIV/AIDS prevention and intervention;

15 of 2008.

- (k) a representative from the United Nations Theme Group on HIV/AIDS to provide technical support, without a right of vote;
- (l) the Chairperson of the National Committee for Families and Children;

- (m) four representatives from community-based groups involved in HIV/AIDS prevention and intervention;
- (n) a representative from the ministry responsible for youth;
- (o) a representative from the Ministry of Tourism;
- (p) a representative from the private sector nominated by the business community;
- (q) a person representing persons with HIV/AIDS; 15 of 2008.
- (r) Executive Director, *ex-officio*, without a right of vote. 15 of 2008.

(4) The members of the Commission referred to in subsection (3)(a), (b), (c), (d), (e) and (l) of this section, shall be *ex-officio* members.

(5) The members of the Commission referred to in subsection (3)(f), (g), (h), (i), (j) and (k) of this section, may be removed from the Commission by the Prime Minister on the recommendation of the organization which, or the person who, nominated their appointment.

(6) The Prime Minister shall appoint the members of the Commission.

(7) The Members of the Commission shall elect a Deputy Chairperson from their number.

4.-(1) The Chairperson shall, subject to subsection (2) of this section, preside at all meetings of the Commission.

Chairperson of the Commission to preside at meetings.

(2) If the Chairperson is for any cause unable to preside at any meetings of the Commission, the Deputy Chairperson shall preside if present and able to do so, and if the Deputy Chairperson is absent or unable to preside, the members of the Commission present shall elect one of their number to preside.

Commission is a body corporate.

5.-(1) The Commission shall be a body corporate having perpetual succession and a common seal and subject to the provisions of this Act, shall have the power to acquire, hold and dispose of movable and immovable property of whatever kind and to enter into contracts and do all things necessary for the attainment of its objectives and functions.

(2) The Commission may sue and be sued in its corporate name and shall for all purposes be described by that name.

(3) Service upon the Commission of any notice, order or other document shall be executed by personally delivering the same or by sending it by registered post addressed to the Chairperson of the Commission at the main office of the Commission.

Seal of the Commission and authentication of documents.
15 of 2008.

6.-(1) The seal of the Commission shall be kept in the custody of the Chairperson of the Commission or such member of the Commission as the Commission may approve and may be fixed to instruments pursuant to a decision or resolution of the Commission in the presence of the Chairperson, and one other member of the Commission duly designated by the Commission to act for that purpose.

(2) The seal of the Commission shall be authenticated by the signature of the Chairperson of the Commission and one other member of the Commission designated by the Commission to act for that purpose and such seal shall be judicially and officially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Commission may be signified under the hand of the Chairperson or the Executive Director.

Meetings of the Commission.

7.-(1) The Commission shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Commission may determine.

(2) The Chairperson or, in the absence of the Chairperson, the Deputy Chairperson, may at any time call a special meeting of the Commission within seven days of a written requisition for that purpose addressed to him by any ten members of the Commission.

(3) Twelve voting members of the Commission shall constitute a quorum. 15 of 2008.

(4) Subject to this Act, the decisions of the Commission shall be by a majority of votes and, in addition to an original vote, in any case in which the voting is equal, the Chairperson, or the person presiding at any meeting, shall have a second or casting vote.

(5) Minutes of every meeting of the Commission shall be kept in proper form by the Executive Director of the Commission and shall be confirmed by the Commission at its next meeting and signed by the Chairperson thereof, or by the person who presided at such meeting. 15 of 2008.

(6) The Commission may co-opt any public officer or other person to attend any particular meeting of the Commission for the purpose of assisting or advising the Commission, but no such co-opted person shall have any right to vote.

8.-(1) The Commission may from time to time appoint committees to carry out such tasks as the Commission may assign to them.

Powers of the Commission to appoint Committees.

(2) Without prejudice to the generality of subsection (1), the Commission may, when establishing Committees,

- (a) appoint a member of the Commission to be the Chairperson of the Committee;
- (b) appoint officials of Government Ministries and Departments, Statutory Bodies, Non-Governmental Organizations and private sector representatives knowledgeable in the issues and matters to be determined by the Committee, to be and to form part of the Committee;
- (c) clearly state in writing the terms of reference of each Committee and the period for which it is appointed.

(3) Every such Committee shall, through its Chairperson, report its proceedings to the Commission and the decisions and conclusions of the Committee shall be subject to the approval of the Council.

(4) Meetings of every Committee shall be governed by the same rules as those governing the meetings of the Commission, subject to any special rules that may be made by the Commission in that behalf.

Objectives of the Commission.

9. The objectives of the Commission include the following,

- (a) the inter-sectoral coordination of the implementation of a national AIDS strategic plan, development of policies, mobilization of resources for the purposes of the national AIDS strategic plan, advocacy and development of mechanisms for monitoring and evaluation;
- (b) identifying and adopting, in conjunction with other relevant institutions, all such measures and policies that promote safe sexual practices in Belize;
- (c) undertaking or commissioning research related to the socio-economic impact of AIDS in Belize;
- (d) facilitating and ensuring that Belize has an adequate supply of professionally trained persons in the medical and social fields capable of delivering, treating, counselling and assisting persons infected with AIDS or HIV;
- (e) facilitating the development, establishment and monitoring of broad policy guidelines on public education and awareness programmes that will make the public perceptive of the impact of AIDS in its social, economic, medical and legal dimensions;
- (f) fostering and maintaining a strong interdependent partnership based on the principle of equal partnership and mutual respect between the Commission, the Government, Non-Governmental Organizations, International Organizations and Statutory Bodies so as to create an enabling multi-sectoral approach for the

full participation of such entities in the fight against the spread of AIDS and HIV;

- (g) developing and implementing a national AIDS strategic plan.

10. The duties and functions of the Commission include, but are not limited to the following,

Duties and functions of the Commission.

- (a) multi-sectoral coordination, evaluating and monitoring of the national AIDS strategic plan referred to in section 9(g) of this Act;
- (b) making submissions to international organizations for and on behalf of Belize, for the supply of financial, technical, medical and pharmaceutical drugs and assistance for use in fighting the spread of AIDS and HIV, and for treating AIDS and HIV patients in Belize;
- (c) liaising with educational institutions, the print, television and radio media and advocating the development of programmes that educate the public on the social, economic, medical and legal impact of AIDS and HIV;
- (d) facilitating the promotion of a cost-effective approach to the acquisition by Belize of pharmaceutical drugs used to treat HIV;
- (e) entering into agreements, memoranda of understanding, contracts and other arrangements with research institutions and other organizations, within and outside Belize, involved in activities related to the prevention and control of AIDS and HIV;
- (f) generally taking all such other lawful measures as it considers fit and proper to assist in carrying out its functions most effectively.

General powers of the Commission to transact business.

11. Subject to this Act, the Commission shall have power, for the purpose of attaining its objectives, discharging its duties and performing its functions,

- (a) to carry on all activities the carrying on of which appears to be requisite, advantageous or convenient for or in connection with the discharge of its duties and performance of its functions;
- (b) to do anything and to enter into any transaction (whether or not involving expenditure, borrowing, the acquisition of any property or rights) which in its opinion is calculated to facilitate the proper discharge of its functions or is incidental or conducive thereto.

PART III

Staff, Finances, Accounts, Reports etc., of the Commission

Appointment of Executive Director and other staff.
15 of 2008.

12.—(1) The Commission shall appoint and employ, at such remuneration and subject to such terms and conditions as it thinks fit, a suitably qualified Executive Director.

(2) The Executive Director shall report to the Commission and shall, subject to the directions of the Commission, be responsible for the day-to-day operation and management of the affairs of the Commission.

(3) The Commission may appoint and employ, at such remuneration and subject to such terms and conditions as it thinks fit, such other officers and employees of the Commission as may be necessary for the proper performance of the functions and the attainment of the objectives of the Commission.

(4) The person who, immediately before the commencement of this Act, was the Director of the Commission shall continue as Executive Director as if appointed under subsection (1) of this section.

13.—(1) Without prejudice to section 12(2) of this Act, the Executive Director shall, subject to the general policy directions of the Commission, be responsible for the administration of the affairs of the Commission, including the organisation of staff in accordance with the general terms and conditions of service established by the Commission.

Duties of the Director.
15 of 2008.

(2) The Executive Director shall have authority,

15 of 2008.

- (a) to sign, jointly with the Chairperson, reports, balance sheets and other financial statements;
- (b) to enter into negotiations and agreements with any organization, with the approval of the Commission, for the attainment of the Commission's objectives.

14. The revenues of the Commission shall consist of the following,

Revenue of the Commission.

- (a) revenues allocated from the Consolidated Revenue Fund;
- (b) grants or other financial assistance from international, regional or local agencies;
- (c) any other monies lawfully contributed, donated, or bequeathed to the Commission from any source.

15. The expenses of the Commission, including the remuneration of the Executive Director and staff, shall be paid out of its annual approved budget.

Expenses of the Commission.
15 of 2008.

16.—(1) The Executive Director shall, in such form and by such date as may be prescribed by the Financial Secretary, prepare and submit to the Minister of Finance, estimates of revenue and expenditure (including any supplementary estimates) for the Commission in respect of each financial year, and the Minister of Finance shall present the said estimates to the National Assembly with such amendments, if any, as he may consider necessary.

Submission of budget estimates.
15 of 2008.

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

Accounts and audits.

17.—(1) The Commission shall keep accounts and other records in relation to its operations and shall prepare annually a statement of accounts in accordance with generally accepted accounting principles.

(2) The Commission shall open and maintain, at such bank or banks as it may from time to time determine, accounts for the funds of the Commission.

(3) All accounts of the Commission shall be audited annually by an auditor appointed by the Commission, with the approval of the Minister of Finance.

Annual Report.

18.—(1) Within four months after the end of each financial year, the Commission shall cause to be prepared and shall submit to the Prime Minister,

- (a) a statement of its accounts audited in accordance with section 15 (2) of this Act; and
- (b) a report dealing generally with the proceedings, policies and performances of the Commission during that financial year.

(2) The Prime Minister shall cause a copy of such report, within three months of receiving it, together with the annual statement of accounts and the auditor's report thereon, to be tabled in the National Assembly.

PART IV

Miscellaneous

Validity of Commission's acts.

19. No acts done or proceedings taken under this Act shall be questioned or invalidated on the grounds of,

- (a) the existence of any vacancy in the membership, or of any defect in the constitution, of the Commission; or
- (b) any omission, defect or irregularity.

20.-(1) The Commission shall be exempt from the payment of income tax, business tax, property tax and import duty on medical supplies, medical equipment and educational material.

Exemption from income tax, property tax, stamp duty and import duty.

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

21.-(1)The Prime Minister may make Regulations generally for the better carrying out of the objects and purposes of this Act.

Regulations.

(2) Without prejudice to the generality of the foregoing, such Regulations may provide for all or any of the following,

- (a) the class of activities or services, if any, for which the Commission may charge fees;
- (b) the level of fees to be charged for such services.
