



BELIZE

**BELIZE PETROLEUM HAULERS' ASSOCIATION ACT
CHAPTER 149:02**

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CHAPTER 149:02

BELIZE PETROLEUM HAULERS' ASSOCIATION ACT

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CHAPTER 149:02

PETROLEUM HAULERS' ASSOCIATION

28 of 2003.
S.I. 21 of 2004.

[26th January, 2004]

PART I

Preliminary

Short Title.

1. This Act may be cited as the Belize Petroleum Haulers' Association Act.

Interpretation.

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

“apprentice” means a person who works as an assistant on a full-time basis with a member of the Association in the business of transporting petroleum or petroleum products;

“Association” means the Belize Petroleum Haulers' Association established under section 3 of this Act;

“commercial haulage” means haulage to any facility dealing in petroleum products not owned by the haulage entity;

“Committee” means the Committee of Management of the Association established under section 12 of this Act;

“Department” means the Department of Transport;

“Minister” means the Minister for the time being responsible for transport;

“petroleum products” includes diesel, gasoline, bunker fuel, oils and any other combustible fuel whether solid, liquid or gas;

“private haulage” means haulage of petroleum products for one's own use or for sale in one's own facility.

PART II

Belize Petroleum Haulers' Association

3.–(1) There is hereby established a body corporate by the name of the Belize Petroleum Haulers' Association with perpetual succession and a common seal which shall be judicially noticed, which may sue and be sued in its corporate name and may make contracts and hold and dispose of land of whatever tenure and other property for the purpose of carrying out its functions.

Establishment of Belize Petroleum Haulers' Association.

(2) All deeds, documents or other instruments requiring the seal of the Association in the presence of the Chairperson and one other member of the Committee who shall sign every such deed, document or other instrument to which the common seal is affixed, and such signing shall be sufficient evidence that such seal was duly and properly affixed and that it is the lawful seal of the Association.

(3) The Association may enter into contracts with individual petroleum haulers relating to all matters connected with the petroleum haulage industry.

(4) The Association is and shall be the only legal entity authorised to conduct the business of petroleum transportation in Belize, save and except haulage to a private facility not owned by an oil company or its affiliates.

4.–(1) The objects of the Association shall be,

Objects of the Association.

- (a) to promote, foster and encourage the growth of the petroleum haulage industry and the safety, integrity and order thereof;
- (b) to assist in the preparation of or the settling of terms and conditions and contracts between petroleum haulers and other persons;
- (c) to assist its membership in settling disputes which may arise between petroleum haulers and labour, *inter se*;

- (d) to act as agents for its membership in any matter within the scope or objects of the Association and to undertake and execute any trusts or any agency business which may seem directly or indirectly conducive to the objects of the Association;
- (e) to make representations to the Minister on any matter affecting the interests of petroleum haulers;
- (f) to invest and deal with the monies of the Association in such manner as may from time to time be determined by the Committee and to pay all costs, charges and expenses that may be incurred by the Association at any time;
- (g) to undertake, promote and facilitate the investment of monies of the Association, either alone or in association with other persons or entities, including the formation of companies or corporations conducive to the attainment of its aims and objectives;
- (h) to establish, support and aid in the establishment and support of any other association and to become members of any such association in Belize or elsewhere formed for all or any of the objects of the Association;
- (i) to endeavour to obtain for and to extend financial aid to such members who may require such aid in the carrying on of their business;
- (j) to borrow or raise or secure the payment of money for the purposes of the business of the Association;
- (k) generally to do all such acts, matters and things as may appear to the Committee to be conducive to the attainment of the above aims and objects or any of them.

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

5.—(1) Members of the Association shall be of two kinds namely, full members and provisional members.

Membership.

(2) Any person or business that satisfies the Committee that he has not less than five years' experience in the business of transporting petroleum or petroleum products shall be entitled to become a full member of the Association on application to the Committee and on payment of the prescribed fee.

(3) Every other person who satisfies the Committee that he has at least two years' experience of driving and operating a petroleum tanker for haulage to a private facility (except facilities owned by oil companies or their affiliates) shall be entitled to become a provisional member of the Association on application and on payment of the prescribed fee. Provisional members may attend meetings of the Association and participate in the discussions thereat, but shall not vote and shall not be eligible to hold office in the Association.

(4) Provisional members may apply to become full members after three years of provisional membership.

(5) Any person desirous of becoming a petroleum hauler may apply to the Committee for registration on the register of apprentices.

6.—(1) The Committee shall keep, in such form as may be prescribed, a register containing in respect of each member of the Association particulars of,

Register of members.

- (a) his full name and address;
- (b) the number of vehicles owned by each member and the type of business for which his vehicles are used;
- (c) the number of vehicles leased, rented or otherwise hired out by a member and particulars of the same;

(d) such other particulars as may from time to time be specified.

(2) The register shall be open to inspection during normal office hours by any member of the Association.

Rules of the Association.

7. The Association may make rules for regulating its proceedings.

Annual general meeting.

8. An annual general meeting of the Association shall be held within one month of this Act coming into force and thereafter once in every calendar year not later than 15 October, at such place as the Committee may appoint,

Provided that the Committee may, if satisfied that it is not practicable to hold the annual general meeting before 31 October in any year, allow such meeting to be held on any other date not later than 31 December of that year.

Special general meeting.

9.—(1) A special general meeting of the Association shall be called by the Secretary,

(a) upon the direction of the Committee; or

(b) upon the receipt by him of a requisition signed by not less than 25% of members on the register of members at the time and specifying the business to be transacted thereat.

(2) Every special general meeting called on the requisition of members of the Association shall be held not less than ten nor more than twenty-one days from the receipt of the requisition by the Secretary.

Quorum at meeting of the Association and notice of meeting.

10.—(1) The quorum at any general meeting, whether annual or special, shall be seventy-five per cent of the total number of registered members.

(2) Every member of the Association shall be given at least ten days' notice of every general meeting, whether annual or special.

(3) Every notice shall, in the case of a special general meeting specify the business to be transacted thereat.

11.—(1) Subject to this Act, the Association in general meeting may make rules for,

Rules by the Association.

- (a) prescribing the rights and privileges and for regulating the admission and removal of members of the Association;
- (b) regulating the use of the facilities of the Association by members of the Association and by the public;
- (c) prescribing the entrance fees and annual subscriptions to be paid by members of the Association;
- (d) prescribing the fees to be charged by the Association for any of the services provided by it.

(2) Rules made by the Association in general meeting shall come into force forthwith.

PART III

Committee of Management, Estimates, Accounts and Reports of the Association

12. The affairs of the Association shall be managed by a Committee of Management which shall have control of the income, capital and property of the Association and shall have full authority in all matters connected with the appointment and dismissal of officers and servants of the Association and with the administration of the affairs and the accomplishment of the objects and purposes of the Association.

Management of the Association.

13.—(1) The Committee shall consist of seven members as follows, a Chairperson, a Vice Chairperson, General Secretary, an assistant General Secretary, a treasurer and two other members who shall be elected annually by a majority of the members present and voting.

Composition of the Committee of Management.

(2) The Committee shall have and may exercise all the powers conferred upon the Association by this Act.

(3) The tenure of office of a member of the Committee shall be one year from the date of election, unless he sooner resigns or vacates his office, but he shall be eligible for re-election.

(4) Four members of the Committee shall form a quorum.

(5) Any person who is indebted to the Association, in any sum exceeding one thousand dollars at the time of nomination shall not be eligible for election to the Committee,

Provided that after such person has fully discharged his indebtedness to the Association, he may, subject to the foregoing provisions of this section, be eligible for election to the Committee,

(6) Where any member of the Committee is or becomes indebted to the Association in any sum exceeding one thousand dollars and remains delinquent for more than six months, he shall be deemed to have vacated his seat.

(7) The Committee shall meet at least once a month for the transaction of business.

14.—(1) A member of the Committee shall vacate his seat if he,

- (a) ceases to be a petroleum hauler for a period of one year;
- (b) is absent from three consecutive meetings of the Committee without leave of the Committee; or
- (c) resigns or is removed from the Committee under the provisions of subsection (2) of this section.

(2) A member of the Committee may at any time be removed from office for cause by a majority of two-thirds of the members present and entitled to vote at a special general meeting of the Association.

(3) The Committee may fill any vacancy among its members caused by the death, resignation, illness, absence from the country or inability to act of a member by a temporary appointment from among the members

Vacancy in Committee.

of the Association until an appointment has been made by the Association in general meeting.

(4) The proceedings of the Committee shall not be invalidated by reason of any temporary vacancy or vacancies in the membership of the Committee and notwithstanding any such vacancy the Committee shall, subject to the existence of a quorum, be deemed to be properly constituted.

(5) The Committee shall appoint a General Manager of the Association who shall be the Chief Executive Officer of the Association and who shall be charged with the general supervision of the affairs and operations thereof and shall be present at all meetings of the Committee.

15.—(1) The Committee shall, on or before 1st January in each year, prepare estimates of the income receivable and expenditure to be incurred by the Association during the financial year commencing on 1st April next following.

Committee to submit estimates of revenue and expenditure.

(2) The Committee shall keep full and proper accounts of all of its financial transactions in respect of each financial year.

(3) The Committee shall prepare and present to the annual general meeting of the Association a report of its proceedings for the year ending 31st March preceding such meeting together with a complete statement of its financial position and its accounts, audited and certified by an auditor appointed by the annual general meeting for such period.

PART IV

Petroleum Haulage Licences

16. The provisions of this Part of this Act shall prevail over any provisions to the contrary in the Motor Vehicles and Road Traffic Act , Cap. 230, or any other law.

This Act to prevail over other Acts.

Prohibition of haulage of petroleum without a licence.

17. No person shall transport petroleum or petroleum products above 500 gallons at any one time by whatever means without a licence to do so issued by the Department.

Applications for licences, etc.

18.—(1) Any person who is desirous of operating a petroleum tanker to haul petroleum products above 500 gallons on a commercial basis shall apply for a licence to the Department on the form set out in the First Schedule to this Act.

(2) Any person who is desirous of operating a petroleum tanker to haul petroleum or other petroleum products above 500 gallons to a private facility (except facilities owned by oil companies or their affiliates) shall apply for a licence to the Department on the form set out in the First Schedule to this Act, such licence to be renewed annually (except that approval of the Association shall not be required for the issuance of such licence). Such licence shall clearly state “for private haulage only”.

(3) In addition to the provisions in the Motor Vehicles and Road Traffic Act, Cap. 230, or any other law, all motor vehicles equipped for the haulage of petroleum products shall require a special licence, such licence being in the form set out in the Second Schedule.

(4) Every licence issued under this Part shall expire at the end of twelve months from the date thereof.

(5) Any person who is aggrieved by the decision of the Department not to issue him a licence may appeal to the Minister whose decision thereon shall be final.

Criteria for licensing.

19.—(1) In considering applications for a licence under this Part, the Department shall have regard to the following factors,

- (a) the applicant is a member of the Association and certified by the Committee;
- (b) security equipment available on the motor vehicle;
- (c) the type and condition of the vehicle to be used;

- (d) adequate insurance to cover potential liability from a spill,

Provided that motor vehicles to be licensed for haulage to a private facility (except facilities owned by oil companies or their affiliates) shall not be required to comply with subsection (1) above.

(2) The Department shall not issue a special licence to an applicant unless such applicant is,

- (a) medically fit to operate a petroleum tanker as determined by a medical certificate from a certified medical practitioner;
- (b) adequately trained to operate a petroleum tanker;
- (c) recommended by the Association;
- (d) otherwise a fit and proper person.

20. The fees to be paid for a petroleum haulage licence shall be set out in the Third Schedule to this Act.

Licence fees.

21. The Minister may from time to time, after consultation with the Committee by Order published in the *Gazette* amend any of the Schedules to this Act.

Amendment of Schedules.

22. The licences issued under this Part shall not be assignable or transferable without the consent in writing of the Department after consultation with the Committee.

Licences not transferable.

23.—(1) Every person who, at the commencement of this Act, is an active member of the existing Association, if he intends to continue conducting business, shall apply to the Department for a licence under this Part within one month of such commencement, and shall, if the licence is refused, forthwith cease to transport petroleum or petroleum products above 500 gallons at any one time.

Transitional provision.

(2) The Committee of the Petroleum Haulers' Association existing immediately before the commencement of this Act shall act as the Committee of Management for the purpose of this Act until such time as a new Committee is elected at the first annual general meeting of the Association held after the commencement of this Act.

Penalty.

24. Every person who contravenes the provisions of this Part of this Act shall be guilty of an offence and shall be 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 imprisonment.

Regulations.

25.—(1) The Minister may, after consultation with the Association and the representatives of the oil companies in Belize, make regulations for the better carrying out of the provisions of this Act and for prescribing anything that needs to be prescribed.

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

- (a) standards of safety and integrity in the transport of petroleum and petroleum products;
- (b) specifications of petroleum tankers and ancillary equipment;
- (c) qualifications of inspectors for petroleum tankers and related equipment;
- (d) qualifications of petroleum haulers; and
- (e) precautions to be observed by oil companies and petroleum haulers to avoid accidents and to ensure public safety.

FIRST SCHEDULE

LICENCE APPLICATION FORM

BELIZE PETROLEUM HAULERS' ASSOCIATION ACT

Application for A Petroleum Haulage Licence to Transport

Petroleum or Petroleum Products (Fuel)

[Section 18]

Name of owner or company:

Address:

Name of driver:

Address:.....

Date of last medical examination of driver:.....

Type of product to be transported:

Type of vehicle:

The above mentioned driver is applying to operate a fuel tanker single axle or tandem drive or a towhead with single trailer (as appropriate) over public roads within Belize to transport petroleum/petroleum products for the period from
to

Signature of applicant:

Recommendation of Association:

Date:

SECOND SCHEDULE

LICENCE

BELIZE PETROLEUM HAULERS' ASSOCIATION ACT
Licence to Transport Petroleum/Petroleum Products
(Section 18)

Name of Owner:

Address:

Licence Plate of vehicle to be used :.....
.....

Type of vehicle and capacity:

The above-mentioned vehicle is licensed to transport petroleum/petroleum products (diesel, gasoline, LPG, etc. specify as appropriate) over public roads within Belize for the period from to

Transport Officer:

Date:

**Office
Stamp &
Date**

THIRD SCHEDULE

BELIZE PETROLEUM HAULERS' ASSOCIATION ACT

Licence Fees
(Section 20)

<u>No. of gallons to be hauled</u>	<u>Amount of Fee</u>
501-3,500	\$ 50.00
3,501-5,000.....	\$75.00
5,001-10,000.....	\$100.00
10,001 and over.....	\$150.00
