



BELIZE

**RECONSTRUCTION AND DEVELOPMENT
CORPORATION ACT
CHAPTER 193**

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CHAPTER 193

RECONSTRUCTION AND DEVELOPMENT CORPORATION

CAP. 156,
R.E., 1980-1990.
17 of 1962.
20 of 1963.
40 of 1963.
7 of 1968.
22 of 1987.
14 of 1989.
S.I. 82 of 1962.

[19th November, 1962]

PART I

Preliminary

1. This Act may be cited as the Reconstruction and Development Corporation Act.

Short title.

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

Interpretation.

“Board” means the Board of Directors established under section 4 of this Act;

“Corporation” means the Reconstruction and Development Corporation established by section 3 of this Act;

“financial year”, in relation to the Corporation, means the period of twelve months beginning on 1st January in any year;

“local authority” means any authority which the Minister shall, by Order published in the *Gazette*, declare to be a local authority for the purposes of this Act, and within the area and to the extent specified in the Order.

PART II

*Establishment, Powers, Duties, etc.,
of Reconstruction and Development Corporation*

Establishment of
Reconstruction
and Development
Corporation.

3. There is hereby established a body to be called the Reconstruction and Development Corporation which shall be a body corporate with perpetual succession and a common seal with power to purchase, take, hold and dispose of land and other property of whatever kind, to enter into contracts, to sue and be sued in its corporate name and to do all things necessary for the purposes of this Act.

Board of Direc-
tors.

4.—(1) The general supervision, control and administration of the affairs and business of the Corporation shall be vested in a Board of Directors constituted in accordance with section 5 of this Act.

(2) The Board may exercise all the powers and do all the acts which may be exercised or done by the Corporation.

14 of 1989.

(3) The Board may, with the approval of the Minister responsible for Finance, utilise the funds of the Corporation for the purpose of defraying any expenditure incurred in the management of the affairs of the Corporation, the transaction of the business of the Corporation, the remuneration of the directors and employees of the Corporation, and the exercise of the powers and the performance of the duties of the Board under this Act.

(4) The Board shall take all such measures as may be necessary to ensure that any financial assistance rendered by the Corporation to any enterprise is utilised for the purpose for which it is given.

(5) The Corporation shall not make an investment in or otherwise transact business with an enterprise in which a director of the Corporation is a partner, director or shareholder, or is in any other way directly or indirectly interested, unless the transaction is unanimously approved by the other directors of the Corporation.

5.-(1) The Board shall consist of not less than seven nor more than nine persons appointed annually by the Minister and shall hold office during the pleasure of the Minister.

Appointment of directors.
7 of 1968.
40 of 1963.

(2) The Chairperson of the Board shall be appointed by the Minister.

6.-(1) If any director dies, resigns, or is removed from office, the vacancy caused thereby shall be filled by a fresh appointment made by the Minister.

Casual vacancy among directors.

(2) If any director is temporarily absent from Belize or temporarily incapacitated through illness or for any other sufficient reason from performing his duties as a director, another person may be appointed in his place by the Minister.

7.-(1) The Corporation may borrow from any person or body whether corporate or unincorporate such sums as may be necessary for the purposes of conducting the business and affairs of the Corporation or for exercising any of the powers conferred upon the Corporation by this Act.

Borrowing powers.
7 of 1968.

(2) The Government may lend to the Corporation for any of the purposes set out in subsection (1) of this section any sum either out of the Consolidated Revenue Fund or out of any loan raised by the Government for the purposes of the Corporation, or out of any funds deposited with Government, subject to such terms and conditions as may be agreed between Government and the Corporation.

(3) Every sum borrowed from any person or body corporate or incorporate other than Government shall be borrowed upon such terms and conditions as may be approved by the Minister.

8.-(1) Where any sum is borrowed under the powers conferred by section 7 of this Act from any person or body corporate or unincorporate other than Government, the repayment of such sum, including any interest payable thereon, may be guaranteed by Government upon such terms and conditions as the Minister may think fit.

Government guarantees.
7 of 1968.

(2) Where the Minister of Finance is satisfied that there has been default in the repayment of any principal moneys or interest guaranteed under this section, he shall direct the repayment out of the Consolidated Revenue Fund and assets of Belize of the amount in respect of which there has been such default.

Appointment of General Manager and staff.

9.-(1) The Minister shall, on such terms and conditions as he may determine, appoint a fit and proper person to be the General Manager of the Corporation.

40 of 1963.

(2) The General Manager shall be the chief executive officer of the Corporation and shall be responsible to the Corporation for,

- (a) the day to day administration of the Corporation's affairs; and
- (b) the provision of technical advice and guidance in matters of policy.

(3) The Board may appoint and employ, at such remuneration and on such terms and conditions as it thinks fit, a secretary and such other officers, agents and servants as it thinks necessary for the proper carrying out of this Act.

Enforcement of securities.

10. Where any property mortgaged as security for a loan under this Act is acquired by the Corporation, the Corporation may either manage and hold such property or carry on any business with such property or sell or otherwise dispose of it as it may think fit.

Minutes receivable in evidence.

11.-(1) Minutes made of meetings of the Corporation shall, if duly signed by the Chairperson or director presiding at the meeting, be receivable in evidence in all legal proceedings without further proof and every meeting of the Corporation in respect of which minutes have been so signed shall be deemed to have been duly convened and held and all the directors present thereat to have been duly qualified to act.

(2) As soon as may be possible after each meeting, the Chairperson shall send a copy of the minutes to the Minister.

12. Any director who has or acquires, directly or indirectly, by himself, his partner or his agent,

Director interest-
ed not to act.

- (a) any share or interest in any contract made with, or in any work done for, the Corporation, or in any company or with any person or in respect of any undertaking with which the Corporation desires to contract; or
- (b) any beneficial interest in land proposed to be acquired, purchased, leased or otherwise dealt in or built on by the Corporation or which he knows to be affected or likely to be affected by any scheme made or proposed to be made under this Act,

shall, before taking part in any proceedings at a meeting of the Board, relating to or affecting directly or indirectly any such contract or land, inform the person presiding at the meeting of the nature and extent of such interest, and such information shall be recorded in the minutes of the Board, and the director unless specifically authorised by the Chairperson, shall not vote upon any resolution or question relating to the contract, acquisition, purchase, lease, dealing, or scheme, or take part in any deliberation or decision relating thereto, or to matters incidental thereto.

13.–(1) If the Minister is satisfied, after consultation with any local authorities who appear to him to be concerned, that it is expedient in the public interest that any area of land should be developed as a new town by the Corporation, he may make an Order designating that area as the site of the proposed new town.

Designations of
sites of new towns.
40 of 1963.

(2) An Order made under this section may include in the area designated as the site of the proposed new town any existing town or other centre of population, and references in this Act to a new town or proposed new town shall be construed accordingly.

(3) When the Minister has made an Order designating an area as the site of a proposed new town the Corporation shall with all convenient speed prepare a scheme with respect to that area and shall follow as far as

may be possible the procedure followed by the Central Authority in the preparation of schemes under the provisions of the Housing and Town Planning Act, Cap. 182.

Powers of the Corporation.

14.—(1) Notwithstanding anything contained in this Act, the Corporation shall have power,

7 of 1968.

- (a) to make grants or loans to persons upon such security as it thinks fit for housing, business or agricultural purposes whether for rehabilitation or otherwise, including the purchase of land for such purposes; and
- (b) to prepare schemes in accordance with any Order made under section 13 of this Act and to lay out and develop any new town in accordance with such scheme and for such purpose,
 - (i) to acquire, hold, manage and dispose of land and other property;
 - (ii) to carry out building and other operations;
 - (iii) subject to the provisions of any law or agreement to the contrary, to provide water, electricity, gas, sewerage and other services;
 - (iv) to carry on any business or undertaking in or for the purposes of the new town; and
 - (v) generally to do anything necessary or expedient for the purposes of the new town or incidental thereto.

40 of 1963.

(2) Without prejudice to any of the provisions of this Act requiring the consent of the Minister to be obtained for anything to be done by the Corporation, the Minister may give directions to the Corporation for restricting the exercise by it of any of its powers under this Act, or for requiring the Corporation to exercise those powers in any manner specified in the directions,

Provided that,

- (a) before giving any such directions the Minister shall consult with the Chairperson of the Board of the Corporation, or, if the Chairperson is not available, with the deputy Chairperson, unless he is satisfied that, on account of urgency, such consultation is impracticable; and
- (b) any transaction between any person and the Corporation acting in purported exercise of their powers under this Act shall not be void by reason only that it was carried out in contravention of any such directions, unless that person had actual notice of the directions.

(3) For the avoidance of doubt, it is declared that the provisions of subsection (1) of this section with respect to the powers of the Corporation relate only to their capacity as a statutory corporation, and nothing in this section shall be construed as authorising the disregard by the Corporation of any enactment or rule of law.

15.-(1) For the purposes of this Act in respect of all aspects of the planning, control and execution of development in any new town, there is hereby conferred on the Corporation all the powers and duties conferred on the Central Authority under the provisions of the Housing and Town Planning Act, Cap. 182 and the regulations made thereunder.

Planning and control of development and acquisition of land in new towns.

(2) All the provisions of the Housing and Town Planning Act, Cap. 182 and the regulations made thereunder shall apply in respect of the scheme prepared by the Corporation for any new town in the same manner as if the new town were an area in respect of which the Central Authority had prepared or had decided to prepare a scheme under the Housing and Town Planning Act, Cap. 182 and as if for references to the Central Authority in the Housing and Town Planning and the regulations made thereunder, there were substituted references to the Corporation.

16.-(1) Subject to any directions given by the Minister, the Corporation may dispose of any land acquired by it for the purposes of this Act, to such persons, in such manner, and subject to such covenants or conditions

Disposal of land by Corporation. 40 of 1963.

as the Corporation considers expedient for securing the development of the new town in accordance with the proposals or schemes approved by the Minister under the provisions of this Act.

Provided that the Corporation shall not have power, except with the consent of the Minister, to transfer the freehold in any land or to grant a lease of any land for a term of more than ninety-nine years.

(2) The powers of the Corporation with respect to the disposal of land acquired by it under this Act shall be so exercised as to secure, so far as practicable, that persons who were living or carrying on business or other activities on land so acquired shall, if they desire to obtain accommodation on land belonging to the Corporation, and are willing to comply with any requirements of the Corporation as to its development and use, have an opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them.

(3) In this Act, disposal of land shall be construed as references to the disposal in any manner, whether by way of sale, exchange or lease, by the creation of any enactment, right or privilege or otherwise, but shall not be construed as disposal of land by way of gift.

17. The Corporation may, subject to the approval of the Minister, secure the repayment of any sum borrowed by the Corporation for the purposes of this Act by the mortgage or charge of any property vested in the Corporation or of any revenue receivable by the Corporation under this Act.

18. The Corporation 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 responsible for the Corporation, 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.

Loans may be secured by mortgage.
40 of 1963.

Submission of budget estimates.
14 of 1989.

PART III

*Accounts, Audits, Annual Report., etc.,
of the Corporation*

19.—(1) The Corporation shall keep proper accounts and other records in relation to its activities under this Act and shall prepare, in respect of each financial year, annual accounts in such form as the Minister of Finance may direct.

Accounts, audit,
annual report, etc.

(2) The accounts kept by the Corporation under this Act shall be audited by the Auditor-General.

(3) As soon as the annual accounts of the Corporation kept under this Act have been audited, the Corporation shall send to the Minister of Finance a copy of the accounts prepared by it for that year in accordance with this section, together with a copy of any report made by the auditor thereon.

(4) The Minister of Finance shall prepare, in respect of each financial year, an account of the sums advanced by him to the Corporation under this Act and of sums received by him from the Corporation and paid into the Consolidated Revenue Fund under this Act.

(5) The Corporation shall, within three months after the end of each financial year, make to the Minister of Finance a report dealing generally with the operations of the Corporation under this Act during that year and the Minister of Finance shall lay a copy of every such report before the National Assembly.

(6) Without prejudice to the requirements imposed by subsection (5) of this section, the Corporation shall provide the Minister of Finance with such information relating to the undertaking of the Corporation under this Act as he may from time to time require, and for that purpose shall permit any person authorised by the Minister of Finance in that behalf to inspect and make copies of the accounts, books, documents or papers of the Corporation and shall afford such explanation thereof as that person or the Minister of Finance may reasonably require.

General powers of Corporation.

20. For the purposes of this Act and without prejudice to the generality of other powers conferred upon it, the Corporation may,

- (a) appoint or employ such officers and servants as may reasonably be necessary and under such terms and conditions of service as the Corporation may determine;
- (b) enter into contracts with other persons that such persons should build or do any work on behalf of the Corporation;
- (c) acquire any plant, vehicles, machinery, equipment, stores, components, building machinery and accessories of any kind;
- (d) manage all land, houses or buildings vested in or belonging to the Corporation;
- (e) conduct such research and experimental investigations in connection with the development of low cost housing, hurricane resistant construction and building methods generally, the behaviour of materials, the utilisation of local materials and resources, and the applicability of timber structures, independently or in collaboration with other organisations, as are necessary for the performance of the functions and duties of the Corporation;
- (f) employ and pay agents and technical advisers, whether attorneys-at-law, bankers, surveyors or valuers or other persons, to transact any business or do any act required to be transacted or done in the execution of the duties of the Corporation or for the better carrying into effect of its purposes, and may pay all charges and expenses so incurred;
- (g) enter into contracts or do any other act or matter necessary and proper for carrying into effect the purposes of this Act.

21. The Public Authorities Protection Act, Cap. 31, shall apply to any action, suit, prosecution or proceeding against the Corporation or against any member, officer, servant or agent of the Corporation in respect of any act, neglect or default done or committed by the Corporation or such person in such capacity under the provisions of this Act.

Protection of Corporation's members, officers.

22. Every application for a loan or grant under this Act shall be in such form and shall contain such particulars as the Corporation may require.

Application for loan or grant.
7 of 1968.

23. Where an application is submitted to the Corporation under this Act,

Powers and duties of Corporation in relation to application.

(a) the Corporation shall acknowledge and register such application;

(b) a member of the Corporation or any person authorised in writing by the Corporation may, if the Corporation thinks it necessary, on producing, if so required, his authority, inspect any premises in relation to which an application has been made for the purpose of obtaining information as may be reasonably required by the Corporation for the purpose of the exercise of any of its functions; but if the premises are occupied, admission thereto shall not be demanded as of right unless twenty-four hours notice of the intended entry is given to the occupier by registered post;

(c) the Corporation shall carry out such inquiry as may be necessary for ascertaining the ability of the applicant to repay any loan or advance made in pursuance of, or any expenditure incurred in giving effect to, his application.

24. The Corporation may either grant or refuse an application made under this Act or may call upon the applicant to fulfil such conditions or to do such act as the Corporation may think necessary prior to granting the application.

Decision of Corporation.

Offences.

25. Any person who,

- (a) being an applicant for a grant, loan or advance under this Act, knowingly fails to disclose any material information, or knowingly makes a statement which he knows to be false or does not believe to be true;
- (b) applies any grant or loan or part thereof made to him under this Act to any purpose other than that for which the grant or loan was made,

commits of 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.