

**BELIZE:**

**NATIONAL CULTURAL HERITAGE PRESERVATION ACT,**  
**2017.**

**ARRANGEMENT OF SECTIONS**

**PART I**

**Preliminary**

1. Short title.
2. Interpretation.

**PART II**

**Functions of NICH**

3. Responsibility of NICH.
4. Functions of NICH.
5. Inventory of heritage assets.
6. Arrangement with other entities.

**PART III**

**National Heritage Advisory Council**

7. Establishment of Council.
8. Appointment and Composition of Council.
9. Procedures of Council.
10. Declaration of Interest.
11. Personal Liability of Council Members.
12. Functions of Council.
13. Appointment of Committees.

**PART IV**

**National Heritage Fund**

14. Establishment of Fund.
15. Revenues of Fund.

16. Fund accounts, moneys.
17. Power to invest.
18. Activities etc., to be funded.

**PART V**

**National Heritage Protection Plan**

19. Preparation of Plan.
20. Endorsement of Plan.
21. Plan requirements.

**PART VI**

**Designation and Deaccession of Heritage Assets**

22. Decision to designate and register.
23. Criteria for designation.
24. Designation of heritage assets and registration.
25. Notice of designation and registration, etc., of a heritage asset.
26. Deaccession.
27. Notice of intention to sell a registered heritage asset.
28. Change of ownership of a registered heritage asset.
29. Effect of registration of object.
30. Amendment or removal from Register.
31. Commissioner of Lands and Surveys to maintain a register.

**PART VII**

**The National Heritage Asset Register**

32. Establishment of a register.
33. Composition of Register.
34. Categories of registration.
35. Serving of notices.
36. Appeal.

**PART VIII**

**Nominations and Procedures for Registration**

37. Nominations for assets to be designated and registered.
38. Certain nominations not to be accepted.
39. Notice to owner on nomination.
40. Deferral of consideration of nomination.
41. Statement to owner on submission of nomination.
42. Obligations of owners.
43. Notice of recommendation for nomination.
44. Scope of section.

**PART IX**

**Interim Protection Orders**

45. Power to make interim order.
46. Effect of interim protection order.
47. Manner of service of order.
48. Period of interim protection order.

**PART X**

**Repairs Notice**

49. Repairs Notice.
50. Purpose of repairs notice.
51. Contents of repair notice.
52. Serving of repairs notice.
53. Procedure for failure to preserve building.
54. Power of entry for purpose of ascertaining repairs.

**PART XI**

**Acquisition and Compensation**

55. Acquisition of Land, etc..
56. Declaration of land required for specific purpose.

- 57. Exception from acquisition.
- 58. Duty to serve notice.
- 59. Right of Government over building.
- 60. Compensation.
- 61. Right of access to courts.

**PART XII**

**Financial**

- 62. Power to borrow.
- 63. Estimates.
- 64. Fees to be paid into Fund.

**PART XIII**

**General**

- 65. Annual Report.
- 66. Index of designated assets.
- 67. Transfer of property.
- 68. Guardianship.
- 69. Contracts of supply and works.
- 70. Permit for intervention on heritage asset.
- 71. Suspension notice.
- 72. Power of entry and inspection.
- 73. Penalty for damage, etc., to heritage assets.
- 74. Penalty for destruction, etc., of heritage assets.
- 75. Offence by body corporate.
- 76. Regulations.
- 77. Amendment of Schedules.

**First Schedule**

**Second Schedule**



No. 40 of 2017

I assent,

(SIR COLVILLE N. YOUNG)  
*Governor-General*

*22nd August, 2017*

**AN ACT to make provisions for the designation, protection and conservation of heritage assets under the leadership of the National Institute of Culture and History (NICH); to establish a Council to assist NICH in discharging its functions under this Act; to establish a fund exclusively for matters connected with heritage assets and to provide for a National Heritage Protection Plan for the proper implementation of the provisions of this Act; to provide for an inventory of heritage assets; and to provide for matters connected therewith or incidental thereto.**

*(Gazetted 26th August, 2017).*

*BE IT ENACTED, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:*

**PART I**  
*Preliminary*

1. This Act may be cited as the

Short title.

**NATIONAL CULTURAL HERITAGE**  
**PRESERVATION ACT, 2017.**

## Interpretation

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

“assets” or “heritage assets” means, irrespective of origin or ownership

- (a) moveable or immoveable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;
- (b) buildings whose main and effective purpose is to preserve or exhibit moveable property forming part of the heritage assets as defined in paragraph (a), such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, moveable property heritage assets as defined in paragraph (a);
- (c) cemeteries, objects, and structures of historic, cultural, architectural, archaeological, scientific, artistic, ethnographic, paleontological or national interest and significance, and any information or data relating thereto,

“Council” means the National Heritage Advisory Council established under Part III of this Act;

“cultural property” means moveable or immoveable property forming part of the heritage assets;

“designation” means designation by the Minister and includes the identification and listing of heritage assets such as buildings, in order to ensure that they are protected, to allow them to be passed on to future generations;

“Fund” means the National Heritage Fund established under Part IV of this Act;

“heritage objects” means collections of art objects, manuscripts, books, published material, archives, audio-visual material, reproductions of any of the preceding, collections of historical value, and other tangible heritage assets;

“heritage places” means buildings, monuments, sites, places, areas, landscapes, groups of buildings, cemeteries, structures or land of historic, cultural, architectural, archaeological, scientific, artistic, ethnographic, paleontological or national interest or significance or closely connected to events of major historical importance which have contributed to national memory or to national historical identity;

“historical building” means a building that is a heritage place;

“Institute of Archaeology” means the Institute of Archaeology established under the National Institute of Culture and History Act;

“intangible cultural heritage” includes the practices, representations, expressions, knowledge, skills, as well as the instruments, objects, artefacts and cultural spaces associated therewith, that communities, groups and in some cases, individuals recognize as part of their cultural heritage such as oral traditions and expressions, including language as a vehicle of the intangible cultural heritage, the performing arts, social practices, rituals and festive events, knowledge and practices concerning nature and the universe, and traditional craftsmanship related to the purposes of this Act;

“integrated conservation” means the whole range of measures aimed at ensuring the perpetuation of the cultural heritage, its maintenance as part of an appropriate environment, whether man made or natural, its utilization and its adaptation to the needs of society to be achieved through the revitalization

and integration of cultural heritage within the physical environment of present day society and by assigning a social function to such cultural heritage compatible with its dignity and its setting;

“list” means a list of listed properties;

“listed property” means a property included in a list of properties prepared in accordance with this Act;

“Minister” means the Minister with responsibility for culture;

CAP. 331.

“NICH” means the National Institute of Culture and History established under the National Institute of Culture and History Act;

“Plan” means the National Heritage Protection Plan prepared in accordance with Part V of this Act;

“President” means the President of NICH;

“Register” means the National Heritage Asset Register kept under section 32;

“restoration” means a highly specialized activity to conserve the integrity of a heritage asset to reveal its cultural values and to improve the legibility of its original state, form and design, within the limits of still existing material;

“safeguard” in relation to intangible cultural heritage means measures aimed at ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage.

**PART II***Functions of NICH*

3. Notwithstanding anything contained in the National Institute of Culture and History Act and subject to the provisions of this Act, NICH, through its Institute of Archaeology, shall be responsible for the administration of this Act.

**Responsibility  
of NICH.**

**CAP. 331.**

4. (1) The general functions of NICH under this Act shall be to promote and encourage the designation, protection, preservation, promotion and maintenance of heritage assets for the benefit and enjoyment of the present and future generations of the people of Belize and to ensure that the character of such assets is protected and that future changes made to them do not result in the loss of their significance.

**Functions of  
NICH.**

(2) Without limiting the generality of its powers under subsection (1), NICH shall,

- (a) provide leadership in the preservation of heritage assets;
- (b) recommend to the Minister the designation of heritage assets and where necessary, whether or not such assets should be acquired by the Government;
- (c) liaise with other government and international organizations with respect to cooperation in, and protection of, heritage assets;
- (d) after consultation with the Council, advise the Minister on the need for enforcing urgent repair or conservation works on heritage assets, in accordance with this Act as well as the need for acquisition of historical buildings or other assets by the Government for the better protection and conservation of heritage assets;

- (e) draw the attention of the Government or of any organization or person to any urgent action that may be required in the field of cultural heritage;
- (f) permanently preserve any heritage assets of interest as far as practicable, retaining their natural features and conserving any animal and plant life where necessary;
- (g) preserve, restore, reconstruct, rehabilitate, maintain, repair, and service heritage assets, where such assets comprise buildings, and augment the amenities of such buildings and their surroundings, or arrange to have such done;
- (h) provide information to the owners of designated heritage assets and other assets with demonstrated or likely research significance, about the need for protection of same, and the available means of protection;
- (i) encourage owners to preserve heritage assets intact and in place, and offer such owners information on assistance available for the preservation of same;
- (j) erect and maintain tablets to mark or commemorate heritage assets and events of national, historical or archaeological significance;
- (k) make provisions for the access to and enjoyment of heritage assets by the local public, tourists and other interested bodies;
- (l) promote and encourage research in the field of cultural heritage, in order to foster scientific, technical and artistic studies, as well as research methodologies, with a view to effectively safeguard the heritage assets;

- (m) secure, collate, compile, and preserve drawings, plans, photographic or architectural records of heritage assets;
- (n) carry out necessary investigation and research relating to particular heritage assets to obtain true and accurate historical and archaeological facts, records, data and relevant information concerning the same;
- (o) operate and manage heritage assets acquired, designated or otherwise, together with lands and adjoining buildings for the benefit of the public, such authority to include the power to charge reasonable visitation fees and grant concessions, leases, or permits for the use of land, building space, roads, or trails when necessary or desirable, either to accommodate the public or to facilitate administration;
- (p) develop and promote an educational programme and service for the purpose of promoting public knowledge, education, appreciation and enjoyment of cultural heritage, including intangible cultural heritage;
- (q) endeavour to ensure the widest possible participation of communities, groups and where appropriate, individuals that create, maintain and transmit cultural heritage;
- (r) advise the Government on the conservation and preservation of heritage assets, and on any or all of the matters referred to in the above paragraphs;
- (s) safeguard the practices, representations, expressions, knowledge and skills that communities, groups and in some cases

individuals, recognize as part of their cultural heritage;

- (t) solicit funds by means of subscription, donations, bequests and grants for the effective achievement of its objectives, and the implementation of this Act;
- (u) perform any other functions which may reasonably be required to fulfill the objectives of this Act.

(3) The duty of NICH to protect and conserve heritage assets shall include the duty to intervene in accordance with this Act whenever deemed fit, including in circumstances of misuse, lack of conservation, or application of wrong conservation methods.

(4) The duty to protect shall also include the duty to encourage the sustainable use and maintenance of the heritage assets in accordance with the principles of integrated conservation.

(5) NICH may consult and collaborate with and seek the advice of the Council with respect to any of its functions or any other matter under this Act.

(6) A function of NICH under this Act shall not be interpreted as usurping or derogating from the powers of any other authority under any other Act, and where, but for this subsection, a conflict between NICH and any other authority would exist, NICH shall make best efforts not to interfere with or otherwise affect the exercise of the powers of the other authority.

5. It shall be the duty of NICH to establish, update, manage and where appropriate, publish and ensure the compilation of an inventory of heritage assets belonging to,

- (a) any public body;
- (b) any individual or entity that is not a public body,  
and “public body” means any department or agency of the Government or body established under any enactment to perform public functions, including a town council, city council or village council.

6. (1) NICH shall initiate consultations with other government and non-government entities performing various functions pertaining to the preservation and management of any heritage assets with the objective of formulating memoranda of understanding or other arrangements in writing between NICH and such other entities, which shall establish the mechanisms for coordination across jurisdictional lines and provide for the implementation of integrated programmes for the preservation and management of heritage assets.

Arrangement  
with other  
entities.

(2) Memoranda of understanding or other arrangements developed under this section and any other such arrangements developed thereafter may be amended from time to time, in order to further the objectives of this Act.

### PART III

#### *National Heritage Advisory Council*

7. There is hereby established for the purposes of this Act a council to be known as the National Heritage Advisory Council, in order to better assist NICH in fulfilling the objectives of this Act, and whose functions shall be as outlined in the provisions of this Act.

Establishment  
of Council.

8. (1) The Council shall consist of persons with knowledge and experience in cultural heritage and shall comprise,

Appointment  
and  
Composition of  
Council.

- (a) the President of NICH;

- (b) the Director of the Institute of Archaeology;
- (c) the Director of the Central Building Authority;
- (d) the Commissioner of Lands and Surveys or his representative, being a person having expertise in physical planning;
- (e) a representative of the Association of Professional Architect of Belize;
- (f) the Director, Belize Archives and Records Service;
- (g) the Director, Belize Tourism Board or his representative, being a person having expertise in tourism product development and destination planning;
- (h) a person who represents a major private sector association with national scope;
- (i) a professional in the discipline of trademarks, copyrights, and other means of intellectual property management;
- (j) a professional in the discipline of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation or landscape architecture, or related disciplines to the extent that those professionals are available in the community.

(2) The members of the Council shall be appointed by the Minister and shall hold office for a term not exceeding two years and may be eligible for reappointment.

(3) The President shall be the Chairman of the Council and the Council shall appoint one of its members to be the Vice Chairman.

(4) The Director of the Institute of Archaeology shall have no voting rights.

(5) The validity of any proceedings of the Council shall not be affected by any vacancy in the membership of the Council or by any defect in the appointment of a member thereof.

(6) A vacancy occurring in the Council shall be filled in the same manner as the appointment or election of the member vacating office and a person so appointed or elected shall hold office for the unexpired term of the person vacating office.

(7) The Institute of Archaeology shall serve as Secretariat to the Council.

9. Subject to the provisions of the First Schedule and the other provisions of this Act, the Council may adopt such rules as may be necessary to establish its procedures and govern the manner of its operations, organization and personnel.

**Procedures of Council.  
First Schedule.**

10. (1) A member of the Council or any other person present at a meeting of the Council and who is in any way, whether directly or indirectly, interested in any contract or proposed contract or other matter with the Council that is the subject of consideration by the Council, shall during any time when he is present at that meeting forthwith declare that interest and shall withdraw from the meeting and remain absent whilst the matter is under discussion and shall not take part in the discussion, consideration, deliberation or decision or voting on such contract or other matter.

**Declaration of Interest.**

(2) Any disclosure made under subsection (1) above shall be recorded in the minutes of the Council meeting and the

member shall be disregarded for the purpose of constituting a quorum of the Council for any such discussion, consideration, deliberation, decision or voting.

(3) Any member of the Council who

- (a) knowingly fails to declare any interest he is obliged by subsection (1) to declare;
- (b) having declared such interest in accordance with subsection (1) fails to withdraw from the meeting; or
- (c) having withdrawn from the meeting in accordance with subsection (1), returns to that meeting during the time he is required by subsection (1) to absent himself from the meeting,

commits an offence and is liable on summary conviction to a fine not exceeding twenty thousand dollars, or to imprisonment for a term not exceeding five years, or to both such fine and term of imprisonment.

**Personal  
Liability  
of Council  
Members.**

11. No personal liability shall be attached to any member of the Council for any act or omission of the Council or for anything done or permitted in good faith in the course of the operations of the Council under this Act.

**Functions of  
Council.**

12. (1) The Council shall advise NICH generally on matters relating to heritage assets and shall exercise and discharge the functions conferred upon it by this Act and may do anything reasonably necessary or convenient for the exercise and discharge of those functions.

(2) Notwithstanding the generality of subsection (1) above, the particular functions of the Council shall be to,

- (a) assist NICH in the preparation of the Plan in accordance with the provisions in Part V;
- (b) prepare, in conjunction with NICH, guidelines and principles to be applied when deciding whether heritage assets, such as a building, should be designated;
- (c) make recommendations to NICH about any asset which in its opinion is a potential asset for designation or deaccession as a heritage asset;
- (d) make recommendations to NICH for inclusion or exclusion of heritage assets via amendments to the Register;
- (e) meet regularly and consult with non-governmental organizations and with persons operating in the commercial sector who are working in the field of cultural heritage;
- (f) encourage and promote the protection of heritage assets; and
- (g) do anything necessary or convenient for the exercise and discharge of its functions as may be reasonably required to further the objectives of this Act.

(3) In making recommendations as to the designation of heritage assets, the Council shall consult with or seek assistance as appropriate from any relevant scholarly, knowledgeable, skilled, experienced or professional individual, department or agency, educational or scientific body or organization, in the appropriate relevant disciplines.

13. The Council may appoint a committee or subcommittee for any of the purposes of this Act, and delegate to the

committee or subcommittee with or without restrictions or conditions as it thinks fit, any of its powers under this Act and any such committee or subcommittee shall be chaired by a voting member of the Council.

#### **PART IV**

##### *National Heritage Fund*

**Establishment  
of Fund.**

14. There shall be established a fund to be known as the National Heritage Fund which shall be used exclusively for the designation, research, restoration, preservation, and other matters connected with heritage assets and which shall be kept separate and distinct from any general funds of the Government of Belize and NICH.

**Revenues of  
Fund.**

15. The revenues of the Fund shall consist of the following

- (a) all moneys appropriated by the National Assembly for the purposes of this Act;
- (b) all moneys earned or arising from heritage assets acquired by NICH;
- (c) all moneys lawfully contributed, donated or bequeathed to the Fund from any legitimate source;
- (d) sums borrowed by NICH for the purpose of meeting any of its obligations or discharging its functions under this Act;
- (e) all income derived from the investment of moneys by or on behalf of the Fund;
- (f) all other lawful sums which may in any manner become payable to or vested in the Fund in respect of any matter incidental to its powers and functions.

16. (1) NICH shall with the approval of the Minister of Finance open and maintain at such bank or banks as it may from time to time determine, accounts for the moneys of the Fund.

Fund accounts,  
moneys.

(2) All moneys forming part of the Fund shall, as soon as practicable after received, be paid into the Fund account.

(3) All payments out of the Fund, except petty disbursements not exceeding such sums as may be fixed by NICH, shall be made by such officer or officers as shall be appointed or designated for the purpose.

(4) Cheques against, and withdrawals from, any bank account of the Fund shall be signed and counter signed by such officers as may be determined or designated by NICH.

(5) The President shall cause to be kept proper, complete and accurate accounts and other records in relation to

(a) all the financial and business transactions of the Fund;

(b) assets and liabilities; and

(c) all other matters relating to the finances of the Fund;

and shall prepare annually a statement of accounts in a form satisfactory to the Minister of Finance, being a form which shall conform to best accounting and commercial standards and practices.

(6) Moneys of the Fund which have been allocated to a given project and which have not been expended on such project shall be returned to the Fund for reallocation or reinvestment.

(7) Moneys of the Fund shall be expended only to meet the objects and purposes authorized by this Act including necessary administrative, management and operational costs, and to repay principal and interest on loans made in connection with this Act.

(8) NICH shall keep full and accurate records of all moneys received and expended by the Fund.

(9) The accounts of the Fund shall be audited annually under such arrangements and in such manner as may be approved by the Auditor General.

Power to invest.

17. (1) Subject to the provisions of this section, all moneys of the Fund not immediately required to be expended in the meeting of any obligations or the performance of any functions of the Council or NICH under this Act may be invested in such securities or other investments.

(2) NICH may make an investment from the Fund, only after seeking written professional independent financial advice and after prior written approval from the Minister of Finance, and provided that the money to be used for the investment is not designated for a specific purpose unrelated to the intended investment.

Activities etc., to be funded.

18. (1) The Council may recommend assistance to persons or entities in the form of funding of activities or training which may be eligible for such funding and to achieve the specific objectives of this Act.

(2) No moneys shall be awarded from the Fund to recipients unless an application for a disbursement of same is based upon guidelines established by the Council.

(3) Any moneys disbursed under this section shall be in fulfilment of the goals and objectives of this Act and only upon satisfaction of the criteria required under the relevant guidelines.

(4) All grant aid schemes or assistance programmes under the Fund shall be in accordance with the objectives of the Plan.

## PART V

### *National Heritage Protection Plan*

19. (1) NICH shall, in conjunction with the Council, and with assistance from appropriate technical, professional, qualified, knowledgeable and relevant personnel, prepare, oversee and review the implementation of a National Heritage Protection Plan which shall outline the national strategy for cultural heritage.

Preparation of Plan.

(2) The Plan shall be reviewed as often as may be necessary, and in any case not less than once in every five years, or earlier as the Minister may, at any time, determine, to ensure its priorities continue to be relevant and up to date.

(3) The first Plan shall be drawn up within a period of twelve months from the coming into force of this Act.

(4) The Plan shall, among other things, identify priorities following widespread consultation with relevant owners, individuals, local communities, organizations, relevant skilled and qualified experts, and shall identify what heritage assets are in danger of being lost.

20. (1) The proposed Plan, as prepared in accordance with section 19, shall be presented to the general public to facilitate further consultations, amendments, input and suggestions before finalization.

Endorsement of Plan.

(2) The finalized Plan shall be submitted to Cabinet for its endorsement and approval.

21. (1) The Plan shall outline policies and strategic directions to achieve the objectives of this Act and shall

Plan requirements.

- (a)** assist in predicting what may put heritage assets at risk in the future;
- (b)** identify current risks to heritage assets and responses to same;
- (c)** promote the discovery, research and recording of previously unknown heritage assets;
- (d)** involve decision making about what and why heritage assets matter;
- (e)** carry out actions to protect and conserve heritage assets by creating records or by listing;
- (f)** assist communities in protecting their heritage assets when changes are being planned;
- (g)** include actions to protect, conserve and promote major collections of heritage assets;
- (h)** initiate and support training and the development of skills needed for the preservation and maintenance of heritage assets;
- (i)** provide for cooperation at all levels to ensure that heritage assets are taken into consideration at all levels of planning and development;
- (j)** contain any other relevant and necessary information.

**PART VI***Designation and Deaccession of Heritage Assets*

22. (1) In accordance with the principles and procedures laid down under this Act, NICH shall submit for approval of the Minister, assets that should be designated and included in the Register, as well as categories of designation in which the assets shall be registered.

Decision to designate and register.

(2) Notwithstanding the generality of subsection (1), NICH may submit to the Minister for his approval

- (a) a list of historical buildings and sites of particular national, historic, cultural or architectural interest which it has determined should be preserved as listed properties and which can effectively be so preserved under the provisions of this Act and any such list shall describe the lands included in the list with precision either in words or by reference to a registered deed, certificate of title, land certificate, crown grant or other title;
- (b) a list of properties of interest not falling under paragraph (a) or categories of such properties which should be preserved as listed properties under the provisions of this Act;
- (c) the revocation of any listing of any property or the revision of the listing of any category of property.

(3) Upon approval by the Minister of any list or of any revocation or revision of any listing prepared under subsection (2), such list or revocation or revision shall be published in the *Gazette* and the properties or categories of properties comprised in the list shall be or cease to be, as the case may be, listed property under this Act.

(4) Prior to the publication in the Gazette of any list prepared under subsection (2) (a) or of any revocation or revision prepared under subsection (2) (c), a true copy thereof as approved by the Minister shall be supplied to the Commissioner of Lands and Surveys who shall maintain a register of the listing or revocation or revision, as the case may be.

(5) The Commissioner of Lands and Surveys shall forthwith include any such list or revocation or revision in the register.

(6) The Commissioner of Lands and Surveys shall as far as reasonably possible, make the register available for inspection by members of the public.

**Criteria for designation.**

23. (1) Where a heritage asset is proposed to the Minister for designation, the Council or NICH shall be guided by principles required to be established under this Act, in addition to the guidelines in the Second Schedule, when giving advice or making recommendations to the Minister.

(2) The state of repair of a building shall not be a relevant consideration when deciding whether a building is eligible for designation, and the Minister shall designate a building which has been assessed as meeting the statutory criteria, irrespective of its state of repair.

(3) For the purposes of this Act, a heritage asset shall fall within the scope of this Act, irrespective of the age or contemporaneity of same so long as the asset is of cultural, artistic, historical, ethnographic, scientific, industrial or other relevant value that is worth preserving.

**Designation of a heritage asset and registration.**

24. After considering the recommendations of the NICH, the Minister shall where he is satisfied that it is appropriate to do so under this Act designate a place or object as a heritage asset and direct that it be entered into the Register.

25. (1) NICH shall notify the owner in writing by post or otherwise, and the general public, by publication in the Gazette, of the designation and registration, or of the deaccession, of a heritage asset.

Notice of designation and registration, etc., of a heritage asset.

(2) NICH shall notify in writing the Commissioner of Lands and Surveys and other relevant authorities of a designation or deaccession of a heritage asset.

(3) A notice given pursuant to this section shall contain clear identification of the heritage asset and shall include the terms and conditions of the designation.

26. A heritage asset may be deaccessioned and removed from the Register in any one or more of the following circumstances

Deaccession.

(a) where the asset is damaged or destroyed by a natural disaster and the cost of the repair is determined to outweigh the value of the asset;

(b) where the asset is in a state of disrepair or has deteriorated such that conservation and maintenance outweigh the value of the property;

(c) where a duplicate or similar asset is acquired that is in a better condition and is determined to have more value for exhibition and research purposes;

(d) where major urban development or state sponsored infrastructural projects impact the heritage asset and it has been determined by NICH and the Council that the value of such projects outweighs the conservation of such property.

27. (1) The owner of a registered heritage asset who enters into a contract of sale of the whole or any part of that heritage asset must notify NICH in writing of the prescribed information in relation to that heritage asset and about the

Notice of intention to sell a registered heritage asset.

existence of that contract within 28 days of the date of the contract.

(2) A person who fails to comply with subsection (1) commits an offence, and is liable on summary conviction to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

Change of ownership of a registered heritage asset.

28. (1) A person who purchases or acquires a heritage asset must, within 28 days of the date of the completion of the purchase or acquisition, notify NICH in writing of

(a) the person's name and address; and

(b) in the case of the purchase or acquisition of a building, whether the person intends to occupy the building.

(2) A person who has notified NICH of information under subsection (1) must, within 28 days of the date of any change to the information provided, notify NICH in writing of the change.

(3) A person who fails to comply with this section commits an offence, and is liable on summary conviction to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

Effect of registration of object.

29. If an object is registered in relation to a place and that place is destroyed the object remains on the Register until removed from the Register in accordance with the provisions of this Part.

Amendment or removal from Register.

30. The Minister on the recommendation and advice of NICH, may amend an item in or remove an item from the Register.

31. The Commissioner of Lands and Surveys shall maintain a register of properties which are designated or deaccessioned under this Part.

Commissioner of Lands and Surveys to maintain a register.

**PART VII**

*The National Heritage Asset Register*

32. NICH shall be responsible to develop and manage a National Heritage Asset Register and all lists required under this Act, and shall make the Register and lists available for public scrutiny during business hours.

Establishment of a register.

33. The Register to be developed and maintained pursuant to section 32 shall include the following information

Composition of Register.

- (a) descriptive details to identify the place or object designated;
- (b) status of heritage asset; and
- (c) any other detail deemed relevant to the heritage asset.

34. In recording the heritage asset in the Register, NICH shall categorize the asset as a,

Categories of registration.

- (a) heritage place; or
- (b) heritage object.

35. (1) NICH shall serve notice in accordance with the provisions of this section on any persons affected under section 23.

Serving of notices.

- (2) NICH shall cause a notice to be served either
  - (a) personally or by post, addressed to the last known place of abode if within a postal district, on every person who is known to be the owner

or to be in possession of any specific property which is the subject of a listing, revocation or revision under section 23 (1); or

(b) by posting such notice conspicuously on the said property where no one is in possession and the owner is not known, and by publishing the same in at least three issues of a daily newspaper circulating in Belize as well as in the Gazette.

(3) Every such notice shall be signed by the President or the Director of Institute of Archaeology on behalf of NICH and shall specify the property listed and the date of the listing or revocation or revision in question, as the case may be.

Appeal.

36. (1) A person aggrieved by the listing of any property or designation of any asset may within three months of the date of listing or designation, appeal in writing to the Minister against the decision setting out the grounds of his appeal.

(2) Where an appeal is made to the Minister under this section, the Minister,

(a) shall consider the appeal within six weeks of the date of its submission to him in writing; and

(b) may dismiss the appeal, giving his reasons in writing; or

(c) may direct NICH in writing giving reasons, to revoke or revise the listing or designation, as the case may be, if it is shown among other things, that the listing or designation does not meet the necessary criteria, and NICH shall comply with any direction given it by the Minister under this section.

(3) Where the Minister dismisses an appeal made to him under this section, the person aggrieved by the decision may

by originating summons served on NICH, appeal to a Judge in Chambers who may,

- (a) pending a decision in the matter, make such interim order as he sees fit to preserve the respective interests of the parties in the matter; or
- (b) dismiss the appeal, or order that the listing or designation be revoked or revised or amended.

(4) A Judge's order revoking, revising or amending a listing or designation shall be deemed to be a list or designation for the purposes of this Part except that no notice shall be required to be served under section 35, on the parties to the appeal.

## PART VIII

### *Nominations and Procedure for Registration*

37. (1) A person or body corporate may nominate a place or object for inclusion in the Register.

Nominations  
for assets to be  
designated and  
registered.

(2) A nomination made pursuant to subsection (1), shall be made in writing to the Council in a manner approved by NICH.

(3) Where the Council receives a nomination made pursuant to subsection (1) it shall assess the merit of the nomination and where it is satisfied that it meets the criteria established under this Act, it shall recommend to NICH the consideration of the place or object for recommendation to the Minister for designation and registration.

(4) The Director of NICH may nominate a place or object for inclusion in the Register.

(5) A nomination made under this section shall specify reasons to warrant inclusion in the Register and must indicate satisfaction of criteria for designation as provided for in this Act.

(6) In considering a nomination under this section, NICH may request such additional information it deems fit as needed to assist the consideration of the nomination.

Certain nominations not to be accepted.

38. (1) NICH must not accept a nomination of a place or object under this section if

(a) in the preceding 12 months, the Minister had refused to register or had revoked the registration of that place or object ; or

(b) in the preceding 12 months, the Council had refused an application for reasons of non-compliance, and at the date of the application, there was still non-compliance with the conditions

(2) NICH may accept a nomination relating to a place or object referred to in subsection (1)(a) or (b) if NICH receives significant new information relating to that place or object which was not available to NICH, the Council or the Minister in reaching the decision referred to in subsection (1).

Notice to owner on nomination.

39. Where the nominator is not the owner of the place or object nominated under section 37, NICH shall within thirty days of the nomination notify the owner of the nomination.

Deferral of consideration of nomination.

40. (1) Where a place or object which is the subject of a nomination has been offered for sale or is offered for sale within sixty days of the making of the nomination, NICH shall defer, with the agreement of the owner of the place or object, the consideration of a nomination until after completion of the sale.

(2) The owner of a place or object which is the subject of a nomination under this Act, shall, before entering into a contract for the sale of that place or object, inform the purchaser of the place or object of the nomination and of any deferral of consideration of the nomination.

(3) If the owner of land or an object which is the subject of a nomination under this part fails to comply with subsection (1), the contract of sale is not invalid, but is voidable at the option of the purchaser.

41. (1) If NICH recommends to the Minister that a place or object be included in the Register, NICH shall notify

Statement  
to owner on  
submission of  
nomination.

- (a) the owner of the place or object;
- (b) the nominator of the place or object; and
- (c) the relevant municipal authority.

(2) A notification given under subsection (1) shall

- (a) be in writing;
- (b) set out the terms of the recommendation;
- (c) include a brief statement of the cultural heritage significance of the place or object;
- (d) advise the owner or nominator that the NICH will make a recommendation on the nomination to the Minister within sixty days;
- (e) advise the owner that the owner may
  - (i) make a submission in response to the recommendation to the Council at any time within that period of sixty days; and
  - (ii) request a hearing in relation to that submission; and
- (f) set out a summary of the rights and obligations under this Act of the owners of designated assets of that kind as set out in this Act.

Obligations of owners.

42. An owner that has received a statement pursuant to section 41, shall inform NICH within thirty days of receipt of the statement of

- (a) information on any works being carried out;
- (b) any application for a planning permit or a building permit or amendments to any such planning permit that has been made in relation to the place, but not determined at the time the statement is given;
- (c) any sale or activities to partially or wholly dispose of the place or object; and
- (d) any other activities that may be carried out.

Notice of recommendation for nomination.

43. (1) NICH shall cause a notice of recommendation for nomination to be published in three consecutive issues of the *Gazette* and in at least two issues of a newspaper circulating generally in the area in which the nominated place or object is located.

(2) A notification published under subsection (1) shall invite any person aggrieved by the intention of the designation to submit a concern with reasons in writing within thirty days of the last publication.

(3) NICH shall consider any representations made pursuant to subsection (2) in making a determination for nomination under this Part.

## PART IX

### *Interim Protection Orders*

Scope of section.

44. (1) This Part has effect despite anything in or authorized by the Building Act or any other Act but is subject to

- (a) any regulation; or

- (b) any emergency order under the Building Act relating to the securing, pulling down or removal of dangerous buildings.

45. (1) The Minister may make an interim protection order in relation to a place or object if, in the opinion of the Council or NICH, it is necessary or desirable to do so for the purposes of this Act.

Power to make interim order.

(2) An interim protection order must be in the form prescribed by NICH.

(3) The Council or NICH shall cause the interim protection order or a reproduction of the order to be served on the owner, occupier or person apparently in charge of the place or object.

(4) In the case of

- (a) a place which is a government building or government land; or
- (b) an object which is in or on a government building or government land,

NICH shall give the order required to be served under subsection (3) to a Minister or any other person or body of persons, whether corporate or unincorporate, responsible for the care, management or control of that building or land.

46. (1) An interim protection order takes effect on the service of the order under section 45.

Effect of interim protection order.

47. (1) An interim protection order may be served on a person

Manner of service of order.

- (a) by delivering it to that person; or

- (b) by leaving it at his or her usual or last known place of residence;
- (c) by forwarding it by post in a prepaid letter addressed to him or her at his or her usual or last known place of residence;
- (d) by forwarding it electronically to that person at his or her last known personal or business email address;
- (e) in the case of a place, by displaying it at that place; or
- (f) in the case of an object, by displaying it on or near the object.

(2) If an interim protection order

- (a) is served on a person other than an owner of a place or object; or
- (b) in the case of a place or object, is served on the owner by displaying it at that place or on or near that object

NICH or the Council shall, as soon as possible after the service of the order cause a copy of the order to be served on the owner in accordance with subsection (1)(a), (b), (c) or (d) or if the address of the owner is unknown, cause a copy of the order to be published in a newspaper circulating generally in Belize.

Period of interim protection order.

48. (1) An interim protection order relating to a place or object continues in force,

- (a) for a period of 4 months or for any further period specified by the Minister under subsection (3); or

(b) until

- (i) the place or object is included in the Register;
- (ii) the Minister, on the advice of NICH determines that the place or object does not warrant inclusion in the Register; or
- (iii) the Minister removes the order, whichever first occurs.

(2) The Minister may when he considers it necessary, remove an interim protection order.

(3) The Minister may, at any time after an interim protection order is served, extend the period of which an interim protection order continues in force.

(4) A notice of an extension under subsection (3) must be served in the same manner as the interim protection order is served.

## PART X

### *Repairs Notice*

49. (1) A repairs notice shall be served on an owner where the protracted failure by the owner to keep a designated building in reasonable care places the building at risk, such as where a building is neglected so that the need for permanent repair has accumulated to the point where the building is at risk of serious harm.

**Repairs Notice.**

(2) NICH may serve a repairs notice on an owner where

- (a) it is shown that a designated building is in a serious state of disrepair and the owner is unwilling or unable to carry out the repairs himself;

- (b) the owner has not taken reasonable steps to preserve the building;
- (c) it is expedient that the building should be preserved; and
- (d) it is shown that the building will be better off in the ownership and care of the Government or in the guardianship of some other entity which the Government may entrust or issue a lease to for the purpose of securing its preservation.

Purpose of repairs notice.

50. A repairs notice shall only be intended to secure works for the long term preservation of a designated building and there shall be no requirement under this Act to consider the financial means of an owner when specifying the works under a repairs notice.

Contents of repair notice.

51. A repairs notice shall specify the works which are reasonably necessary for the proper preservation of a designated building and such notice shall fix a time limit within which any necessary repair or restoration shall be effected.

Serving of repairs notice.

52. A repairs notice shall be served in the manner specified under section 35 of this Act.

Procedure for failure to preserve building.

53. Where after not less than three months of serving a repairs notice, it appears that reasonable steps are not being taken by the owner for the proper preservation of a building, or repairs are not being carried out in a timely and efficient manner in accordance with a repairs notice, NICH may after obtaining a resolution of the Council to this effect, initiate the process of acquisition of the building from the owner.

Power of entry for purpose of ascertaining repairs.

54. NICH may authorize the entry into a designated building or adjoining land for the purpose of ascertaining whether or not any, and if so, to what extent, restoration or repairs are

necessary, or whether or not any, and if so, what restoration or repairs have been carried out, and whether such restoration or repairs have been carried out in the manner specified in a repairs notice served under this Part.

**PART XI**

*Acquisition and Compensation*

55. (1) Where, under this Act, it is necessary to acquire land or buildings or any estate or interest in land, in furtherance of the promotion of cultural heritage or the preservation of the national or historical identity in accordance with the provisions of this Act, such acquisition may, subject to this Part, be effected by way of gift, private treaty, agreement to purchase or compulsory acquisition.

Acquisition of Land, etc.

(2) Any land or building, or an estate or interest in land, or any part thereof which is intended to be compulsorily acquired for the purposes of this Act for the benefit of the people of Belize shall be acquired in accordance with the provisions of the Land Acquisition (Public Purposes) Act.

CAP. 184.

(3) An acquisition for the purpose of this Act shall be deemed to be a “public purpose” within the meaning of that term in the Land Acquisition (Public Purposes) Act.

CAP. 184.

56. Where a declaration is made for the acquisition of land on account of the fact that it is a designated heritage asset, the said declaration shall state that fact.

Declaration of land required for specific purpose.

57. (1) A historical building that is privately owned and kept in a good state of repair and maintenance and to which access to the public, whether or not against payment or otherwise, is granted on a regular basis by its owner or administrator for educational, cultural or touristic purposes, shall not be acquired as a historical building under this Act.

Exception from acquisition.

(2) A historical building that falls within a classification established as excepted from acquisition shall not be acquired as a historical building under this Act.

Schedule.

Duty to serve  
notice.

58. Where it is necessary to acquire any land or building or any estate or interest thereof for the purposes of this Act, notice of such intended acquisition shall be served upon the owner or occupier thereof in accordance with section 35 of this Act.

Right of  
Government  
over building.  
CAP 184.

59. (1) Notwithstanding the provisions of the Land Acquisition (Public Purposes) Act but subject to the provisions of this section, where any land acquired under same for the purposes of this Act, consists of a dwelling house actually occupied as such, the owner or the occupier of same shall yield up possession thereof to the Government within twenty working days from the date of the second publication of the declaration in the Gazette.

(2) The occupier of a dwelling house shall not be required to yield up possession thereof before the lapse of twenty days from the date when alternative accommodation, reasonably sufficient for the persons resident in that dwelling house, has been offered in writing by the Government to the said occupier.

(3) On the elapsing of the time mentioned in subsection (2), the Government may without any further formality enter upon and take possession of the land and property, or authorize any person to enter upon and take possession of same and, notwithstanding any restriction imposed on such land or property by any other law or by any instrument or otherwise, do or authorize any person to do in or upon or in relation to same, any work or other thing whatsoever which any person having an unrestricted interest in the land and property would be entitled to do by virtue of that interest saving the liability of the Government to reinstate the land or pay compensation for any damage caused if in the cases permitted under the Land Acquisition (Public Purposes) Act the acquisition is not completed.

CAP. 184.

60. (1) In assessing the amount of compensation payable to the owners of land and buildings acquired for the purposes of this Act under the Land Acquisition (Public Purposes) Act, regard shall be had, among other things, to the following:

Compensation.

CAP. 184.

(a) the state of disrepair of the building; and

(b) the fact that the owner has deliberately allowed the building to fall into disrepair.

(2) Subject to subsection (3), in the case of a historical building, the value thereof shall be calculated as the full value of the historical building if sold on the open market, subject to the condition that the use that can be made thereof shall be limited to use for educational, touristic or cultural purposes, less the amount required for the historical building to be restored in accordance with internationally accepted guidelines and standards of craftsmanship and practice for the purpose of rendering it suitable for such educational, touristic or cultural use.

(3) Where the value of a historical building as calculated in accordance with this section results in an amount that is higher than the open market value of the said building at the time of the second publication in respect thereof, the full value of the historical building shall not exceed the said open market value.

(4) In this section, “the full value of the historical building” means, if the historical building belongs in absolute ownership to the person from whom it has been expropriated, the full value of that building.

61. Notwithstanding the provisions contained in the Land Acquisition (Public Purposes) Act, any person claiming an interest in or right over any property compulsorily taken possession of or acquired for the purposes of this Act, shall have a right of access to the courts for the purpose of

Right of access to courts.

CAP. 184.

- (a) establishing his interest or right, if any;
- (b) determining whether or not the taking of possession or acquisition was duly carried out for a public purpose in accordance with this Act and the Land Acquisition (Public Purposes) Act;
- (c) determining the amount of any compensation to which he may be entitled; and
- (d) enforcing his right to any such compensation.

## **PART XII**

### *Financial*

Power to borrow.

CAP 331.

62. Notwithstanding the provisions of the National Institute of Culture and History Act, NICH shall be entitled to exercise the following powers for the purposes of this Act

- (a) NICH may, after consultation with reputable financial experts and after obtaining a resolution of the Council to borrow, borrow sums required by it for meeting any of its obligations or discharging any of its functions under this Act;
- (b) the power to borrow under this section shall be exercisable only with the approval of the Minister of Finance, as to the amount, the source of the borrowing and the terms on which the borrowing may be effected, and any approval given in any respect for the purposes of this section may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

Estimates.

63. (1) NICH shall cause to be prepared not later than eight weeks before the end of each financial year, estimates of its income and expenditure for the next following financial year, for meeting any of its obligations or discharging any of its functions under this Act.

(2) In the preparation of such estimates NICH shall take into account any funds and other moneys that may be due to be paid to it out of the Consolidated Revenue Fund during the relevant financial year, whether by virtue of this Act or an Appropriation Act or any other law; and NICH shall so prepare the said estimates as to ensure that its total revenues are at least sufficient to meet all sums properly chargeable to its revenue account including, but without prejudice to the generality of that expression, "depreciation."

(3) Such estimates shall be submitted to the Minister through the President.

64. All fees, penalties, compensation and other moneys derived under this Act shall be payable into the Fund.

Fees to be paid into Fund.

**PART XIII**

*General*

65. (1) NICH shall, no later than the last day of April in each year, prepare a report dealing generally with its activities during the financial year and containing such information relating to its proceedings and policy and Plan.

Annual Report.

(2) The report shall be submitted to the Minister through the President and shall be laid on the table of the National Assembly.

66. NICH shall keep a separate and distinct index of all designation of heritage assets made and revoked under this Act.

Index of designated assets.

67. (1) The Minister of Finance may, by Order published in the Gazette, transfer to NICH any heritage assets belonging to the Government to enable such assets to be properly preserved and maintained under this Act.

Transfer of property.

(2) An Order under subsection (1).

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

(3) Any heritage assets vested in NICH under this section shall be held in trust for the people of Belize.

**Guardianship.**

68. (1) NICH may, with the authority of the Minister in writing, and in concurrence with the Minister responsible for lands, enter, by public deed, into a guardianship contract with any local or foreign organization or other related entity whereby the custody and administration of Government owned designated buildings or other heritage assets is passed over to such entity as the case may be, in accordance with the provisions of this Act and subject to such conditions not inconsistent therewith as may be contained in the deed.

(2) A guardianship deed under this section shall state the term for which it is entered, which term shall be approved by the Minister on a case by case basis, following the careful consideration of the feasibility and scale of undertaking of each proposal.

(3) Before entering into a guardianship deed, NICH shall seek the views of the Council as to the conditions to be included in the deed, such conditions in particular to take the following matters into consideration

- (a) the protective measures that are to be taken to safeguard the heritage assets subject to the deed; and
- (b) the conservation and management plan relative to the property, the organizational, operational and financial arrangements in connection therewith,

and the organizational, operational and financial resources to be dedicated therefor.

(4) A guardianship deed shall not prejudice any powers of NICH or the Council under this Act with regard to the property in question subject to such deed.

(5) The property subject to the guardianship deed shall remain the property of the Government.

(6) The Minister may in consultation with the Council, and at any time by Order published in the Gazette, rescind the guardianship deed if any conditions stipulated therein or the provisions of this Act are not observed by the other party.

(7) No later than six weeks after each anniversary of a guardianship deed, the entity in whose custody the heritage asset is placed shall transmit to the Minister and NICH, a report of its activities in relation to the heritage asset and the manner in which it has executed the guardianship deed during the previous year.

(8) The Minister may, upon recommendation of NICH and in consultation with the Council, make rules generally in relation to guardianship.

69. NICH shall not enter into any contract for the supply of goods or materials or for the execution of works or for the rendering of services in connection with this Act, without following proper transparent procurement and tendering procedures established by the Ministry of Finance.

**Contracts of supply and works.**

70. (1) No person shall make any alterations to or carry out any works or development on any designated heritage asset without first applying to and obtaining permission from NICH.

**Permit for intervention on heritage asset.**

(2) A person desiring to make alterations to a designated heritage asset shall apply in writing to NICH for permission to do so.

(3) Before determining an application under this section, NICH may require such information including the results of such tests, examinations or inspection by such person or persons accredited under this Act for the purpose as may be required by NICH, and such research on the history, composition, provenance or other aspect of the relevant heritage asset as may be considered necessary for the purpose.

(4) In granting permission under this section, NICH may impose such conditions as it may consider appropriate, including without prejudice to the generality of the foregoing

- (a) that the work or any part thereof shall be carried out in accordance with such protocol as may be prescribed or as may be attached to the permission;
- (b) that the work and the various phases thereof be photographed or otherwise documented or recorded;
- (c) that a report on the work be delivered to NICH at such times as may be stated in the permission; and
- (d) that the work or any part thereof as may be stated in the permission is carried out, by or under the supervision as shall be stated in the permission, of such person or persons accredited under this Act for such work.

Suspension  
notice.

71. Where any development or other work is being carried out in respect of any heritage asset

- (a) in contravention of any of the provisions of this Act;
- (b) which does not conform to guidelines and criteria established by NICH; or

(c) which does not conform to any condition attached to a permission,

NICH may serve a suspension notice on the owner or occupier of such heritage asset to suspend all such development or other work.

72. (1) Any officer or employee of NICH duly authorized in writing by NICH may enter any area, property, site under investigation, or building if NICH considers it necessary to do so in the discharge of any function under this Act or if NICH considers that there are reasonable grounds to believe that an offence under this Act, or permit conditions made hereunder has been or is about to be committed.

Power of entry and inspection.

(2) Where entry is for the purpose of inspection or documentation purposes, NICH shall serve a written notice the occupier of heritage a asset, of its intended entry, and thereupon the officer or employee authorized as aforesaid shall be given access to such heritage asset where conservation, restoration, works carried out under a repairs notice, or development is taking place.

(3) No person shall enter any building or any court or garden attached to any dwelling house except with the consent of the occupier or owner thereof and unless previously giving such occupier or owner at least twenty-four hours' notice of his intention to do so.

73. (1) Any person who alters, damages, modifies or makes any unauthorized changes to any heritage asset commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

Penalty for damage, etc., to heritage assets.

(2) In addition to the penalty imposed under subsection (1) above, the court may order such person to pay to NICH by way of compensation, an adequate sum for the purpose of

repairing or restoring the heritage assets so altered, damaged, modified or changed.

Penalty for destruction, etc., of heritage assets.

74. (1) Any person who willfully demolishes or destroys or causes to be demolished or destroyed any heritage assets commits an offence and is liable on summary conviction to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

(2) In addition to the penalty imposed under subsection (1) above, the court may order such person to pay to NICH by way of compensation, an adequate sum for the heritage assets so demolished or destroyed.

Offence by body corporate.

75. Where an offence under this Act is committed by a body corporate and it is proved to have been committed with the consent, knowledge or connivance of, or to be attributable to any negligence on the part of any director, manager, secretary or other officer of the body corporate, he as well as that body is deemed to be guilty of that offence and is liable to be proceeded against and penalized accordingly.

Regulations.

76. (1) The Minister may make regulations as may be necessary or expedient for giving full effect to the provisions of this Act and for prescribing anything that needs to be prescribed.

(2) Regulations made under this section shall be made after consultation with relevant stakeholders and shall be subject to negative resolution.

(3) Regulations made under this section may provide that a contravention or breach thereof shall be punishable on summary conviction by a fine not exceeding five hundred thousand dollars or by a term of imprisonment of up to five years, or to both.

Amendment of Schedules.

77. The Minister may from time to time, by Order, subject to negative resolution, published in the *Gazette*, amend any Schedule to this Act.

**FIRST SCHEDULE****[Section 9]****Rules of Council**

- (a) The Chairman of the Council shall preside at all meetings of the Council and in the absence of the Chairman, the Vice Chairman shall act as the chairman at any meeting of the Council.
- (b) Where for any reason, the Chairman or Vice Chairman is unable to preside at any meeting of the Council, the members present shall elect one of their number to preside at the meeting.
- (c) A pro tem chairman elected under subsection (2) above shall have all powers of the chairman at that meeting, including the power of exercising a casting vote in addition to his original vote.
- (d) The quorum for any meeting of the Council shall be five members and the decision of the majority present at any meeting shall be the decision of the Council.
- (e) The Chairman shall ensure that a minute book is kept with proper and accurate records of the Council's meetings, resolution, decisions, proceedings, all business transacted at each meeting, and all other relevant information.
- (f) The Council may co-opt one or more persons to attend any particular meeting of the Council for the purpose of advising or assisting the Council in its deliberations but such person shall have no voting rights.

**SECOND SCHEDULE****[Section 23]****Criteria for designation.**

1. (1) In determining the criteria for designation and inclusion of a heritage asset in the Register, the following shall be considered

- (a) historicity;
- (b) rarity and uniqueness;
- (c) social and cultural association;
- (d) design and aesthetics;
- (e) potential to educate;
- (f) artistic excellence;
- (g) provenance;
- (h) local and regional patrimony;
- (i) Scientific attributes;
- (j) International repute;
- (k) Indigenusness to Belize;
- (l) any other relevant consideration.

(2) In respect of historic buildings, the criteria to be considered for designation are

- (a) individual architectural merit;
- (b) historical associations;
- (c) sociological interests;
- (d) technological innovation;
- (e) association with well known character or events;
- (f) group value, in urban and rural planning.