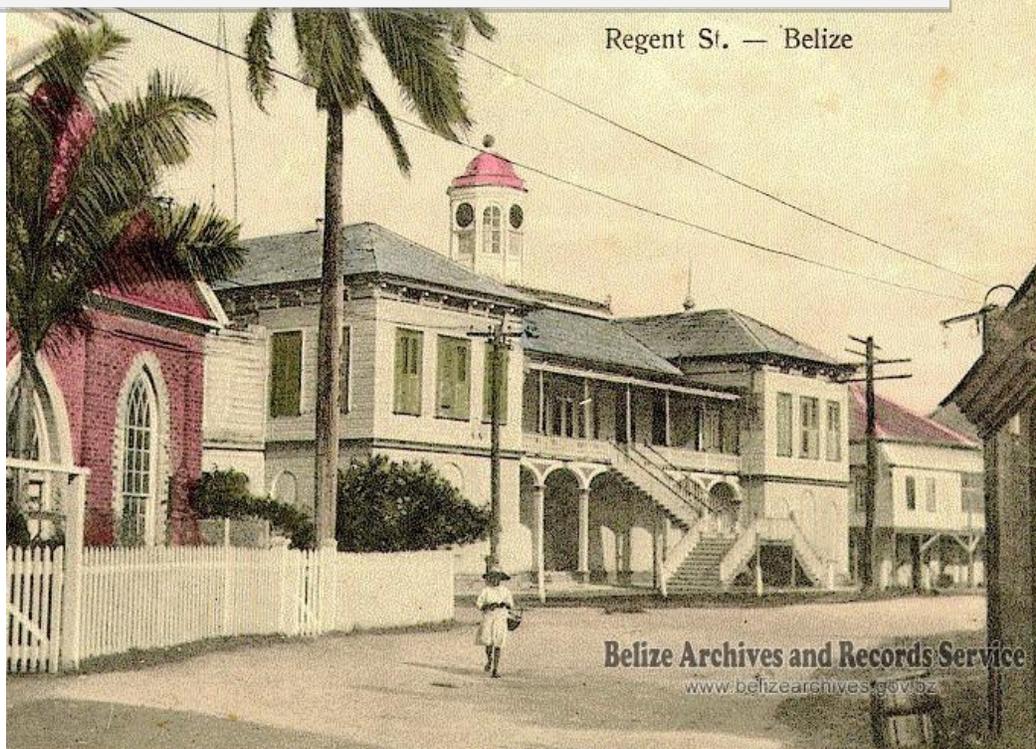




**Inter-American
Development Bank**

2012

Action Plan for Heritage Trust



PADECO

i.E.

March 2012

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Attachment 1: Belize National Trust Revisions

1. Policy for Heritage Protection

(i) Introduction

Belize City's historic buildings and public spaces are key factors in shaping the character of the city and each of its districts and contribute to what can make Belize City unique in the future. Protection and use of the city's historic heritage assets are integral to the sustainable management of Belize's built resources. It is an important priority for the Belize City Master Plan stakeholders, and mainly NICH, to identify areas of the city that represent cohesive collections of heritage places and individual buildings.

Protecting the city's heritage is not about locking it up. Constantly acknowledging the past provides the population with an enhanced sense of place, sense of belonging and sense of pride in the heritage in the city. The continued use of heritage buildings is essential to the city's survival and should not be at the loss of important heritage fabric. The challenge is to protect the most valued heritage places in an evolving environment while meeting the needs of a rapidly changing community.

Protection of buildings implies the following issues:

- Protection from decay;
- Protection from demolition;
- Protection of the whole parcel, where the heritage building is situated;
- Protection of historic heritage from inappropriate subdivision, use and development.

(ii) Factors affecting heritage

- Compact and integrated urban layout;
- Historic street patterns;
- Historic public spaces;
- Historic infrastructures as the canals;
- Traditional land-use patterns;
- The distinct character of communities, neighbourhoods, urban quarters, including people, buildings and public spaces.

(iii) Framework for heritage protection

The drawing up of a Heritage Protection Schedule (or list) must be part of an overall future Heritage Protection Policy by NICH, the City Council or any other institution that undertakes this task. The Heritage policy must have a number of high-level goals and a number of objectives. Each objective has a number of actions which relate to what is important to achieve the objective. These objectives provide the direction and framework for what the stakeholders want to achieve in the next five years.

(iv) Goals

Recognition: Belize City's heritage is acknowledged as contributing to our understanding of our cultural diversity and awareness of sense of place.

Protection, Conservation and Use: Belize City can be a place of unique character if it is enhanced by the protection, conservation and use of its heritage.

Sustainable Economic Use: Belize's heritage is recognized as being able to contribute to the development of its economy.

(v) Monitoring of outcomes

Implementation of Belize City's Heritage Policy is not within the scope of this Master Plan, but in the future, its benefits should be assessed to ensure the objectives are being achieved. The three goals listed above should be used as the base for the assessment.

2. Actions Required for Heritage Protection

Under broad principles, actions for a strategy toward city heritage protection are provided below, based on international best practice.

RECOGNITION: To start to recognize heritage buildings or places as essential elements of a vivacious and evolving city.

Actions:

IDENTIFICATION

- Adopt a heritage-area approach to identify important areas within the city that will contribute to the community's sense of place;
- Identify heritage places with significant heritage value to ensure their protection, promotion, conservation and appropriate use for present and future generations;
- Recognize buildings with significant interiors to ensure their protection, promotion, conservation and appropriate use for present and future generations;
- Acknowledge the contribution surroundings make to the heritage value of places;
- Acknowledge the value of vernacular architecture that is closely link to a way of living and understanding life in the city now and in the past;
- Establish and implement clear criteria for identifying individual places and heritage areas;
- Identify nationally significant places at risk from natural disaster for inclusion in a Heritage Disaster/Emergency Management Plan;
- Start a continuous liaison with different institutional departments, professionals, property owners and the community in identifying the city's heritage.

INVENTORY

Maintain and expand a comprehensive inventory of the city's heritage.

RESEARCH

- Ensure that places continue to be fully researched, documented and recorded for regulatory and non-regulatory purposes;
- Establish a liaison with National Archives, universities, and other research and archive institutions to ensure information about heritage places in the city is accessible;

PROTECTION: To protect the city's heritage from adverse effects that may compromise the heritage values of a place, including physical deterioration, flood or hurricane risk and inappropriate subdivision, development and use.

Actions:

- Map the protected buildings and places with significant heritage value through a listing in the Master Plan and in any other planning instruments that are implemented in the future;
- Draw up regulations and building codes related to the protection of buildings and places;
- Devise the correct way to enforce the protection of the buildings within the different administrations;
- Ensure proper legislation is passed to support all the heritage protection actions;
- Make use of other statutory provisions, including the use of encumbrances, heritage orders and covenants that provide for the management and preservation of heritage places;
- Promote appropriate levels and methods of flood and hurricane strengthening that minimize the negative impact on the heritage fabric of a listed buildings;
- Assess the importance of other harmful attacks to the building fabric as for example, termites or other wood eating insects.

Public Awareness: Nowadays, the general public has little awareness of the heritage values of most of the listed buildings in Belize City. For the most part, only former colonial government buildings are viewed as having heritage value. Vernacular buildings do not feature as a heritage asset and neither are other infrastructure, such as the canals.

So it must be a mandate to the city's heritage administrators in the future to promote and celebrate the city's heritage.

Actions:

PROMOTION

- Undertake promotional activities to highlight the contribution heritage conservation makes to the built and non-built environment;
- Make information about the city's heritage resources available to owners, stakeholders, the community and visitors;
- Explore opportunities to promote important heritage properties in public ownership;

- Community and stakeholder partnerships;
- Establish effective partnerships with owners and stakeholders to ensure better management and sustainable use of the city's heritage;
- Liaise with other heritage stakeholders in the development and provision of conservation guidelines that promote the city's heritage;
- Co-sponsor and coordinate workshops periodically with heritage stakeholders to provide technical advice to participants, including owners, about appropriate conservation practices and techniques;
- Work with local communities to establish trails, run guided tours of the community, and hold workshops and other programmes that identify and interpret the city's heritage.

Conservation: To ensure that best practice in heritage conservation is followed by the City Council's staff, heritage practitioners, owners and occupiers of heritage buildings and to minimise the loss of heritage value.

Actions:

- Adopt a set of guiding principles for conserving the city's heritage to ensure that the heritage values of a listed place are retained;
- Advocate the appropriate conservation of heritage places with developers, owners, the community and other stakeholders to ensure new uses are consistent with heritage values;
- Develop an Emergency Management Plan for nationally significant heritage buildings in the event caused by a natural disaster;
- Require the preparation of an appropriate plan (e.g. heritage inventory, maintenance plan or conservation plan) for any heritage place, which is subject to a major development that could affect the heritage value of that place;
- Endorse and promote the use of international best practice methods to guide heritage planning and work.

SUSTAINABLE ECONOMIC USE: To encourage and support economic growth that preserves and enhances the distinct character of communities, neighborhoods, urban quarters through the sustainable use of the heritage assets.

Actions:

- Encourage the sustainable use of heritage buildings for present and future generations;
- Support owners and managers of heritage items by establishing a Heritage Incentive Fund, targeting specific heritage projects that are consistent with the Heritage Trust criteria. The fund will support:
 - Providing grants for conservation work, including stabilization, repair or restoration, for at-risk significant heritage items;

- Providing grants to property owners to assist with fire protection and maintenance and repair work that will aid the conservation of a heritage building;
- Funding for professional services (e.g. to undertake conservation plans, heritage inventories, condition reports, hurricane prone engineer's reports, for listed heritage buildings).
- Provide free conservation advice and technical assistance to owners of heritage buildings;
- Promote a fees waiver for non-notified resource consent applications for conservation work on listed heritage buildings;
- Provide an accelerated approval process for listed heritage items, where an appropriate plan has been prepared to international conservation standards;
- Promote alternative approval for resource consents that are considered to have a minor impact and consents of a more complex nature;
- Investigate the use of appropriate financial instruments, covenants and other voluntary mechanisms for the protection of heritage places;
- Work with the tourism and business industries to discuss ways in which the retention of heritage items can be promoted and encouraged.

ADMINISTRATIVE EFFECTIVENESS: To provide effective support for the implementation of NICH and Council's objectives and aspirations for the city's heritage.

Actions:

MANAGEMENT

- Integrate heritage management into other Council-related functions by promoting an across Council approach to heritage and provision of up-skilling workshops for Council and NICH staff;
- Develop relationships with key stakeholders and interested parties, property owners, appropriate government and non government agencies and local community groups, to ensure wider heritage goals are met;
- Publicise the Council's heritage role and related activities, e.g. conservation work on Council or public-owned buildings;
- Provide technical advice and information to the public, specifically heritage property owners, regarding work required for upgrading hurricane prone buildings;
- Ensure Annual Plan funding to support heritage activities.

3. Heritage Trust Act

The Heritage Act for Belize is currently under preparation and will be stipulated as a national policy with the goals to promote the permanent preservation of lands and tenements (including buildings, infrastructural works and in-tangible heritage) of beauty or historic interest and to protect natural

landscapes (so far as practicable) and for the conservation of plant and wildlife. The act will reference a special historic housing database to be established by each locality¹. Different categories will be established for different types/classes in the database; through the act, the houses will receive varying degrees of protection according to their categories.

NICH is the Statutory Board agency that governs and manages cultural and heritage interests in Belize. It is under this Body that the proposed Heritage Trust will be established, and that the Heritage Act to govern this Trust, would be a compliment to the already existing NICH Act, which is an amalgamation of the Ancient Monument and Antiquities Act.

To complement the Heritage Act, Belize City is currently preparing its housing database through the Master Plan project. Surveys reveal that the area between Collect Canal and the Water Front plus the fort George area has more than 800 houses of historic, architectural and/or cultural interest². The 800 properties have been divided into 5 different classes (as set out in the Master Plan). When owners want to make modifications to the building, the style and degrees of changes have to comply with rules corresponding to the building's class.

Protecting these buildings will be of utmost importance for protecting the historic part of Belize City. The renovation of these buildings will also be an important element in a more comprehensive and integrated Inner City Revitalization Programme. The large number of significant houses (no capital in the region has an equivalent stock of historic properties) is an economic asset that should be recognized by the government and the private sector. Action needs to be taken soon; at least 20 of the listed houses have disappeared or have been demolished in the last 6 months between November 2010 and May 2011.

Within the Heritage Trust, several organizations will work together, making use of each other's expertise. The Heritage Act will be drafted and legislated under the NICH and the Heritage Trust will be chaired by NICH, but managed by a (small) team of experts (recruited externally) and monitored by a board of multiple organizations.

4. Heritage Trust Structure and Organization

Main Functions and Priorities of the Heritage Trust

The intention of the Heritage Trust is to save the cityscape of Belize City by emphasizing the residential potential of the city combined with its cultural, business and shopping functions. The Trust should facilitate more than merely building-restoration; in addition to restoring and rehabilitating buildings it should also provide advice, undertake research and propagate awareness campaigns. The Trust should also help address the city's significant housing shortage and help improve the present security situation in town. However, the Trust is not responsible for enforcing the Heritage Act or ensuring that buildings included in the database are actually protected. This legal obligation can only be enforced by the government

¹ It is advisable to start with Belize City as a pilot example before expansion to other cities or areas.

² It should be noted that approximately 50% of these are important building made in wood for the city landscape but have less value as individual building. These buildings are most vulnerable. Demolishing these buildings (and replace them with brick, often high rise, buildings) would have a negative impact on the overall image of the town and should be avoided.

A possible Mission Statement of the trust might state the following: To promote, protect and enhance the history, facilities, structures, and amenities (tangible and in tangible) of the city of Belize and the surrounding area for the benefit of its inhabitants by utilizing funds which are generated and/or donated and subsequently invested in heritage projects in Belize.

The organization should:

- Legally protect heritage sites and buildings;
- Manage and maintain specific heritage sites;
- Provide technical advice to owners of heritage sites;
- Guide the development of heritage sites and buildings e.g. through a Heritage Architectural Review Board (HARB);
- Assist community groups in protecting their heritage through the establishment of Heritage Foundations;
- Provide information to the public on Belize material cultural heritage;
- Invest in buildings;
- Get in contact with international organizations pertinent to heritage conservation (such as UNESCO, ICOMOS, Carimos);
- Perform renovation works in cases that owner does not maintain the building.

Immediate activities to perform include:

- Prioritize heritage list;
- Develop conservation management plans for specific priority buildings;
- Agree and schedule levels of financial intervention (how much to invest in buildings under what conditions);
- Develop relationship with owners of properties;
- Develop relationship with Local Government and central Government;
- Develop a roster of approved restoration specialists;
- Provide training (vocational training school) in restoration;
- Establish property owner post improvement obligations.

Ideally the trust should also open a trust fund and attract funds from the government, the private sector, property owners, and donors. This fund should be used to purchase buildings, provide grants to home owners, undertake research, and organize awareness campaigns. The fund should ideally become a revolving fund.

Trust Organizational Structure

The trust should be a small and flexible entity that provides advice to stakeholders in the heritage sector. For specialized advice stakeholders should make additional use of available people, organizations and resources with which they could sign a Memorandum of Understanding. There are several possible structures by which the trust might be established:

- As a semi autonomous government organization established by law, similar to PAC;
- As a non-governmental, non-profit organization;

- As a Limited Liability Company where the capital of the company comes from its shareholders.

Discussions with stakeholders in Belize pointed mainly to establishing the Trust as a non-governmental organization managed by a Board (in which the government is represented) as the best structure, and it is generally agreed that this is the recommended option. The advantage of the third option as a profit making company would be inviting shareholder to invest and possibly get a profit in return. This might be attractive to certain investors. However, most stakeholders did not agree with having a for-profit company as they were worried that the profit driven nature of the trust would have a negative effect on poorer building owners.

A setup outside the government would create more confidence among private sector stakeholders to enter into the partnership. Although the government should be a member and be involved with the Trust, the Trust in this case will not be a government body, but a more flexible organization that can operate as a private business, without necessarily making profit.

The government will be one (or more) of the Trust members, but other members could comprise of major banks and insurance companies of the country, private businesses and individuals. The Board should consist of the following members:³

1. Ministry Natural Resources (physical planning)
2. Ministry of Housing
3. NICH
4. Local Gov. BCC
5. Min of Tourism (BTB)
6. Home Owner Representative
7. Association of Architects/Engineers
8. Chamber of Commerce
9. Financial Sector (Banks/Insurance company)

The Trust should have a managing director and a board of commissioners. The managing director would be accountable to the board of commissioners, which in turn would be headed by the NICH. This board would have meetings with representatives of the shareholders, which, as mentioned earlier, would include leading businessmen from major banks, insurance-companies and tourism companies, government officials, and a representative of the city council.

The Trust would also consist of some selected key staff but the number should remain small (e.g. an architect, finance specialist, and communication specialist). The staff should be engaged in the delegation of restoration and maintenance jobs, the provision of assignments to architects or contractors, the promotion of awareness about the Heritage Trust, and the supporting of local owners.

Staff and Resources

It is suggested that the trust recruit a manager/coordinator who is a networker with a background in architecture, real estate and/or city planning. The coordinator should be independent and be able to work with government, the private sector, and the international community.

³ Based on suggestions made by stakeholders in a workshop on 17 May 2011 in Belize city

Once the trust generates revenue it could possibly be extended and recruit additional expertise (see below). However the trust should remain small and flexible and additional expertise should be used within existing organizations.

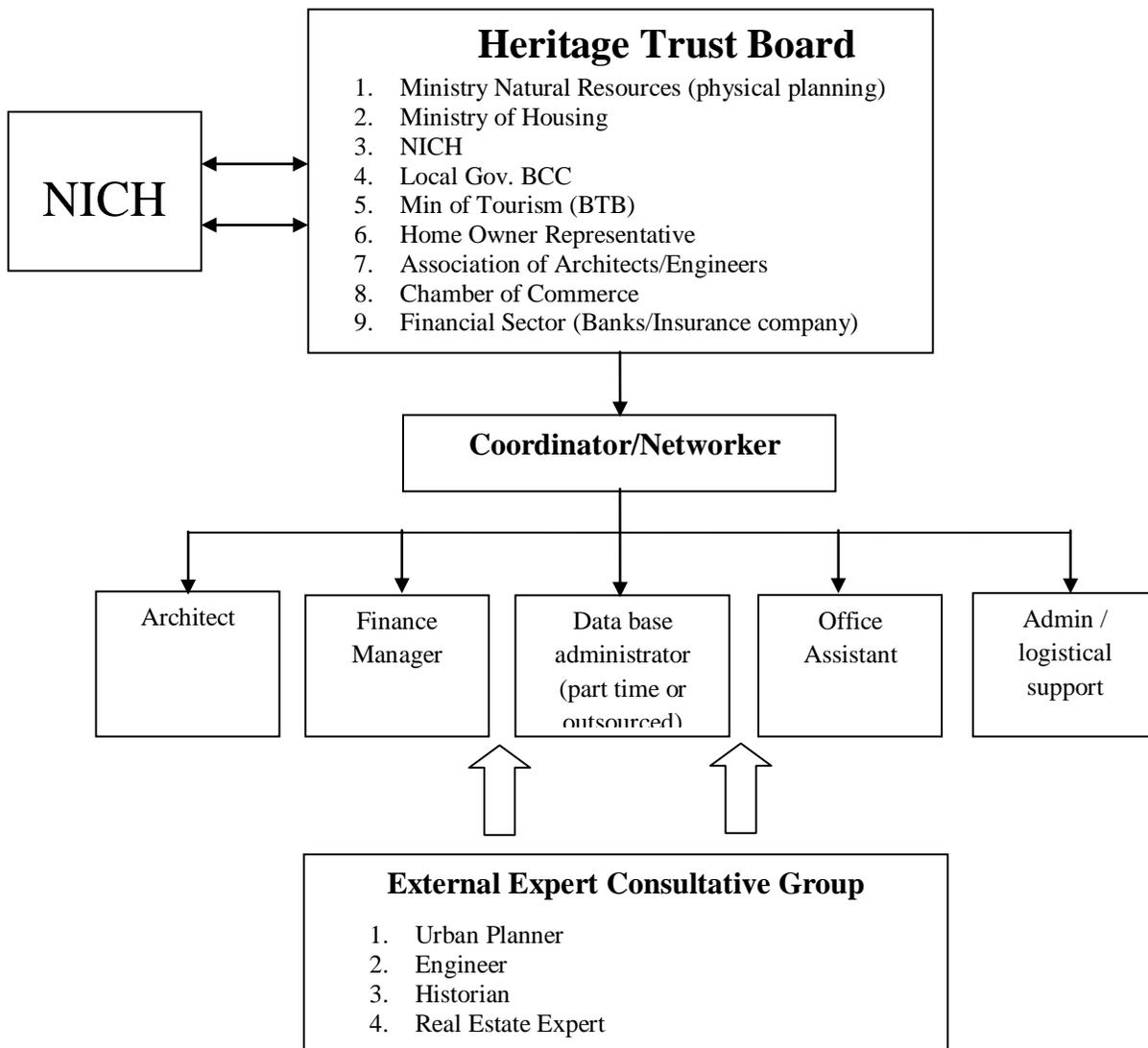
Inside⁴:

1. Coordinator/Networker
2. Architect
3. Finance Manager
4. Data base administrator (part time or outsourced)
5. Office Assistant

Outside:

1. Urban Planner
2. Engineer
3. Historian
4. Real Estate Expert

Framework for Heritage Trust Board



Source: PADECO/iE, 2011

⁴ Based on the results of the workshop on 17/05/2011

In Amsterdam the following arrangements were made to ensure financial advantage to the limited liability company:

1. The annual dividend cannot amount to more than a reasonable interest on these sums (since the foundation the dividend has been fixed on 5%);
2. In case of dissolution, the shareholders receive no more than their capital and the dividend. The surplus went to the Central Fund for Public Housing or for an institution for monuments that have been selected for restoration.
3. The ministries of Public Housing and of Culture feared that shareholders could take the advantages of subsidies or special loans, while the advantages are intended to be for the benefit of the tenants.
4. Later on the government agreed that the dividend of five percent is free from tax for commercial organizations, but not for private persons. That was an important decision, because a dividend of 5% is on average not high. Of course it depends on the long term development of the interest rate on the money market. In other words, social involvement is the main motive for shareholders to invest in the company.
5. For the company the dividend of 5% is/was very profitable: during 48 years the company could obtain money at a 5% rate. That was, over 48 years, cheaper than any other public housing company has been able to achieve.

5. Suggested Next Steps for Heritage Trust

Finalize the Heritage Act.

- Finalize second draft. → BTB and Niche
- Comment on second draft. → STP, BCMP, Chamber of commerce, BCC, LBA, CBA, Min of Works and Housing
- Submit for legal drafting
- Officially approve act

Finalize database:

- Finalize map and agree on class definition
- Finalize database and transfer to NICH
- Link database with act
- Inform house owners
- Link data base with incentives

Set-up trust:

- Agree on structure and legalize trust
- Set-up Board

- Recruit staff
- Sign MoU with other organizations
- Operationalize Trust

6. Proposed Projects related to Heritage

Some proposed projects related to heritage protection and conservation are listed below.

(i) **A high quality GIS map for Downtown Belize**

Surveying, categorizing, planning, and most of all, managing an historical area is not possible without a good cadastral map, in which all the buildings are drawn (not just the parcels). The existence of a good cadastral map is also essential for taxing purposes that is also key for the managing of a modern city, in which city council want to purvey essential services for the community.

(ii) **An in-depth survey and schedule of protected buildings**

As already highlighted, the survey work that has been carried out in the Heritage Component of Belize City Master Plan is just an initial step, and should be capitalized upon by the City.

(iii) **An incentive – finance project for renovating houses**

It is notable that all the cities that care for its heritage values have programs catering for this.

(iv) **Education - Restaurant school / Hotel school**

This could be organized in one single project or as two separate ones. In a city with tourist capabilities as Belize it is essential to improve the professional qualifications of those involved in tourism services. The importance of this project is not just local but national, as the professionals trained in it could go to work all over the country.

(v) **Vocational school for construction trades: in the center of Mesopotamia Quarter**

All throughout the survey, the security problems around this area has been stressed by all the locals. The students were not allowed by their teachers to reach certain areas.

It would be greatly irresponsible for a team planning these areas just to skip these quarters, and do nothing about it. In the consultant's experience in similar situations (Quito, Santo Domingo, Potosí, etc.) it was essential to tackle the problem directly, and one of the ways to start solving it is the establishment of a vocational school. In this way we kill two birds with a stone: we start solving a social problem, by giving the local population a way to train in a trade, and at the same time produce professional that could cope with the restoration and refurbishing works essential for the preservation of the historical center.

(vi) A research group for the preparation of World Heritage status for the ensemble of wooden houses in Downtown Belize city

The importance of heritage value buildings in Belize city is very high and that it deserves a World Heritage status. Nevertheless this process can take much time and needs a study group to be created, with the result of a proposal for UNESCO in 3 years time. This group should also start attending congresses, Carimos meetings, and other UNESCO meetings.

(vii) Tax refund policies in the import of timber for restoration

We have learned that one of the obstacles for the restorations of the buildings in Belize city is that nearly all the timber used in construction works is imported, with a high tax. Relieving this tax in the case of protected buildings could be an important incentive for the preservation of the city heritage buildings.

(viii) To enliven Government House with a restaurant or café and a good arts and crafts shop

This is a very simple and easy project that can be implemented relatively quickly.

(ix) Plantation of lumber trees to cater for future wood construction

This is a UNESCO recommendation that we strongly support for the case of Belize.

(x) A Heritage Protection Plan

Last, but not least a comprehensive Heritage Protection Plan of Downtown Belize should be drawn up. As we have stated several times, protection by itself is not a guarantee of conservation.

Attachment 1: Proposed Belize National Trust Revisions

Bill

Belize National Heritage Trust

2010

An Act to incorporate and confer powers upon the Belize National Trust for Places of Historic Interest or Natural Beauty. [It is necessary to introduce what kind of places are under this trust and when the trust can make a request for putting a place/site or building etc under the trust.]⁵

Preliminary

1 - This Act may be cited as the Belize National Heritage Trust Act, 2010, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

2 - Whereas the National Trust Act is incorporated for the purposes of promoting the permanent preservation for the benefit of the nation of lands and tenements (including buildings, **infrastructural works and in-tangible heritage**) of beauty, historic interest, **typological, or ambience value**, and as regards lands for the preservation (so far as practicable) of their natural aspect features and animal and plant life: And whereas the public are admitted to the enjoyment of the lands buildings and property held by the Trust but no adequate powers exist for regulating the use of or protecting the property of the Trust or for controlling the persons using the same or resorting thereto:

And whereas with a view to the continuance of the work of the Trust for obtaining and preserving lands and buildings as aforesaid and for the permanent holding and maintenance thereof and for the preventing as far as possible their destruction or disfigurement and for promoting the permanent preservation of buildings places or property having historic associations or being celebrated for their natural beauty it is expedient that the Trust be incorporated as in this Act provided and that the powers of this Act:

3 - In this Act unless the context otherwise requires-

"development" means -

- (a) the alteration, removal, repair, restoration or demolition of or addition to, any national monument; or

⁵ **Blue font** indicates Consultant's annotations.

- (b) the carrying out of building, engineering or other operations in, on, over or under any national monument or the making of any material change in the structure, appearance or use of any such national monument;

"functions' includes powers and duties;

"protected national heritage" means-

- (a) any place name;
- (b) any species of animal or plant life;
- (c) any place or object (not declared by the NICH Act to be a national monument), designated by the Trust to be a protected national heritage; "the Trust" means the Belize National Heritage Trust.

"Maintenance" includes the fencing, repairing and covering of a national monument and the doing of any other act or thing which may be required, for the purpose of repairing the national Heritage Sites or protecting it from decay or injury, and the expression "maintain" shall be construed accordingly;

4. (1) The National Trust shall be established for the purposes of [creating awareness](#) and general promoting the permanent preservation for the benefit of the nation of lands and tenements (including buildings) of [places of natural beauty](#) and/or historic interest and as regards lands for the preservation (so far as practicable) of their natural aspect features and animal and plant life.

(2) Subject to the provisions and for the purposes of this Act the National Trust may acquire by purchase gift or otherwise and may hold without licence in mortmain lands buildings and hereditaments and any rights easements or interests therein or thereover and any other property of whatsoever nature and may maintain and manage or assist in the maintenance and management of lands as open spaces or places of public resort and buildings for purposes of public recreation resort or instruction and may accept property in trust for any public purposes and may act in any trusts for or as trustee of any property devoted to public purposes and may do all acts or things and take all such proceedings as they may deem desirable in the furtherance of the objects of the National Trust and they may upon or with respect to any property belonging to them or in which they have any interest do all such things and make all such provisions as may be beneficial for the property or desirable for the comfort or convenience of persons resorting to or using such property and may exercise full powers of ownership over their lands and property according to their estate and interest therein not inconsistent with the objects for which they are constituted and may apply their funds to all or any of such objects. [[This paragraph should be clarified](#)].

- 5 - (1) There shall be established a Trust to be known as the Belize National Heritage Trust, which shall be a body corporate with perpetual succession and a common seal and with power to purchase, hold, deal with and dispose of land and other property whether real or personal: Provided that the Trust shall **not** transfer or dispose of any land without the first written approval of the Prime Minister. [The main purpose of the trust is not only to possess property but much more of an advocacy role. Although they can possess property they can also play an important role by protecting property without being the owner].
- (2) The Board of Trustees will be comprised as follows:
- (a) The president of the National Institute of Culture and History, Who shall Chair the Board. (Ex-officio)
 - (b) A representative of the Institute of Archaeology, appointed by the Institute.
 - (c) The Chief executive officer in the Ministry of Tourism (ex-officio)
 - (e) A representative of the University of Belize, nominated by the Dean of History Department
 - (f) A representative of the National Association of Professional Architects and Engineers respectively
 - (g) The Director of the Belize Archives Department
 - (h) A member of the Belize Chamber of Commerce. [This should also consider a member of the Ministry of Environment and Ministry of Housing].
- (3) The appointment of every member of the Trust other than the *ex officio* members shall be evidenced by instrument in writing. No such period of office of any member shall exceed three years.
- (4) Every member of the Trust shall be eligible for reappointment.
- (5) The seal of the Trust shall be authenticated by the signatures of the chairman and any other one member of the Trust authorized to act in that behalf and such seal shall be officially and judicially noticed.
- (7) All documents, other than those required by law to be under seal, made by, and all decisions of, the Trust may be signified under the hand of the chairman or any other member of the Trust authorized in that behalf.
- (8) The Trust may sue and be sued in its corporate name and may for all purposes be described by such name.

- (10) The Trust shall have power to regulate its *own* proceedings.
- (11) The chairman shall preside at meetings of the Trust, and if the chairman and the person appointed to perform the function of chairman pursuant to subsection (5) are absent from a meeting the members of the Trust present shall elect one of their number to preside at the meeting.
- (12) The names of all members of the Trust as first constituted and every change in the membership thereof shall be published in the *Gazette*.

4-- (1) The functions of the Trust shall be-

- (a) The preservation of buildings, structures, national monuments and anything decided to have historic value to heritage, history and culture for the 'benefit of Belize';
 - (b) To designate such areas, buildings, structures, or patrimony as protected under this act.
 - (c) To carry *out* such development as it considers necessary for the preservation of any lands and tenements (including buildings) of beauty or historic interest or anything designated as protected national heritage site;
 - (d) To assist the National Institute of Culture and History in developing and maintaining a national registry of any precious objects, works of art, buildings or structures and areas of interest (not covered in the NICH Act) to be listed and coded for preservation and protection.
 - (e) Advocacy and awareness raising, collection and dissemination of data and information
 - (f) Provide assistance to owners of selected heritage sites and buildings
 - (g) There should also be a provision for intangible heritage, non-buildings, public spaces, infrastructure, and natural sites.
- (2) The National Institute of Culture and History shall, for the purposes of the discharge of its functions, keep a registry of all historic buildings and structures. The registry shall include historic and architectural data, blueprints, and photographs of each site. The registry shall be open for inspection by the public upon payment of such *fee* as may be prescribed.
 - (3) For the purpose of the discharge of its functions under this Act the Trust may, subject to the provisions of this Act, do anything and enter into any transaction which, in the

opinion of the Trust, is necessary to ensure the proper performance of its functions and, without prejudice to the generality of the foregoing, may make such loans (with reasonable security) to property owners for restoration work as the Trust considers necessary.

- 5-- The funds and resources of the Trust shall consist of---
- (1) Any endowment or sums of money which in any manner become payable to or vested in the Trust.
 - (2) Earnings derived from any commercial activities undertaken by the trust
 - (3) The sales, lease or mortgage of any properties of the trust.
 - (4) Charitable Donation or bequeathment.
- 6-
- (1) Travelling expenses actually incurred by members of the Trust and a subsistence allowance when attending meetings of the Trust or when travelling on official travel of inspection approved by the Trust may be reimbursed from the funds of the Trust.
 - (2) The rates of travelling allowance and subsistence allowance shall be such rates consistent with those of the Government of Belize. [This should be somewhere else in the document since the points are of another level than those before and after. Also kind of tricky issues as you want 3rd party contributions and the last thing those contributors want is paying travel allowance for meetings].
- 7--
- (1) Subject to the provisions of this section, the Trust may borrow sums required by it for meeting any of its obligations or discharging any of its functions.
 - (2) The power of the Trust to borrow shall be exercisable only with the approval of the Board, as to the amount, as to the sources of the borrowing and as to the terms on which the borrowing may be effected, and an approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.
- 8--
- (1) The Trust shall keep proper accounts and other records in relation to the business of the Trust and shall prepare annually a statement of accounts in a form satisfactory to the Chairman of the Board, which shall conform with best commercial standards.
 - (2) The accounts of the Trust shall be audited annually under such arrangements and in such manner as may be approved by the Auditor-General and the members, officers and servants of the Trust shall grant to the person conducting such audit access to all the books, documents, cash and securities of the Trust and shall give to him on request all

such information as shall be within their knowledge in relation to the operation of the Trust.

- (3) The auditor's fees and any expenses of the audit shall be paid by the Trust.
 - (4) Within three months after the expiration of each financial year or within such further time as may be allowed by the Minister, the Trust shall send the statement of its accounts referred to in subsection (1) to the Minister responsible for Tourism and Culture, together with a copy of any report made by the auditor on that statement and on the accounts of the Trust.
 - (5) The Auditor-General shall be entitled, on the direction of the Minister responsible for Tourism, at all reasonable times to examine the accounts and other records in relation to the business of the Trust.
- 9-** (1) The Trust shall, within three months after the expiration of each financial year or within such further time as may be allowed by the Minister of Tourism, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Trust during that financial year.
- (2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon and on the accounts to be laid on the Table of the House of Representatives and of the Senate.
- 10--** (1) The Trust may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a Manager, Financial Officer a Secretary and such officers, agents and servants as it deems necessary for the proper carrying out of the provisions of this Act:

Provided that-

- (a) no salary in excess of the prescribed rate per annum shall be assigned to any post without the prior approval of the Board; and
 - (b) no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned without the prior approval of the Board.
- (2) In subsection (1) the prescribed rate means a rate of _____ thousand dollars per annum or such higher rate as the Board may, by order, prescribe.
- (3) It shall be lawful for the Trust, with the approval of the Minister-
- (a) to enter into arrangements respecting schemes whether by way of insurance policies or not;

- (b) to make regulations, for pensions, gratuities and other retiring or disability or death benefits relating to members and employees of the Trust and such arrangements or regulations may include provisions for the grant of benefits to the dependants and the legal personal representatives of such members or employees.
- 11-- (1) No action, suit or other proceedings shall be brought or instituted personally against any member of the Trust in respect of any act done *bona fide in pursuance or* execution or intended execution of this Act.
- (2) Where any member of the Trust is exempt from liability by reason only of the provisions of this section the Trust shall be liable to the extent that they would be if the said member was a servant or agent of the Trust.
- (3) No dividend bonus or other profit shall at any time be paid out of the income or property of the National Trust to any member of the National Trust.

Protection of national Heritage Sites

- 12-- (1) The National Institute of Culture and History may by the power conferred by this Act declare “protected” any structure for the purpose of preservation which is, in the opinion of the Institute, a matter of public interest by reason of the historic, traditional, artistic, aesthetic, scientific or interest attaching thereto as a cultural heritage site.
- (2) The Trust shall, in each year, cause to be published in the *Gazette* a list (hereinafter referred to as "the list") of all national heritage sites in the Country.
- (4) Where any structure is declared a national heritage site the Trust shall notify the Registrar of Titles of any registered titles known to the Trust to be affected by the declaration and shall cause a copy of the declaration to be served on the Registrar of Titles who shall forthwith note on those registered titles the fact of the declaration having been made. [The trust should also inform the local authorities].
- (5) The Trust shall notify the Deputy Keeper of the Records of any national monument the title to which is not under the Registration of Titles Act.
- (6) In this section and in sections 19 and 20 structure includes any building, structure, object or other work of man or nature whether above or below the surface of the land or the floor of the sea within the territorial waters of the Country.
- 13-- (1) NICH may, for the purposes of this Act, designate--

- (a) Any place name, thing, building, cemetery, battle site or geographic location. [When places are being defined, they need to be comprehensive and make sure nothing is excluded. Also, “thing” should be clarified].
 - (b) Any place or object which has not been declared a national heritage site, to be a protected national heritage
- (2) The Trust shall, in relation to anything which is designated protected national heritage pursuant to subsection (1) ---
- (a) in the case of newly declared cultural heritage sites, must be published annually in a public newspaper published in the Country, complete with a list of such properties;
 - (b) where appropriate in the case of a place or object, cause to be placed on a conspicuous part of the place or object a mark identifying the place or object as protected national heritage;
 - (c) in the case of any moveable objects-
 - (i) notify the owner thereof of the designation of the object as protected national heritage and the time and manner in which the owner may object to such designation;
 - (ii) publish annually in a local newspaper published in the Country a list of such objects.
- (2) The provisions of subsection (15) of section (c) shall, *mutatis mutandis*, apply to compensation under this section.
- 15-** Where the Trust is of the opinion that action should be taken to prevent a protected national heritage site from falling into a state of disrepair, it shall be lawful for the Trust-
- (a) to notify the owner or person in possession that the protected national heritage or national monument is in need of repair;
 - (b) to provide such assistance as may be necessary to the owner or person in possession for the purpose of maintaining it; or
 - (c) obtain an order to seize control of any property that is of immediate risk of destruction
- 16--** (1) An owner or person in possession of-
- (a) A national heritage site shall not demolish, remove or alter any such monument or carry out any development thereof without providing a written report of all

intended works and obtaining the prior written approval of the Trust; [Again here it of course depends how important a certain structure is. There will be 3 or more classes. In class 1 (the most important), the owner cannot do anything without approval, but for class 3 it should be possible to make modifications].

- (2) Any owner of any protected national heritage material who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment and in addition, the Court may order him to pay the costs of restoring site or protected national heritage area and in default of payment of such costs, he may be imprisoned for a term not exceeding twelve months.

17- Every person who-

- (a) willfully defaces, damages or destroys any protected national heritage property;
- (b) willfully defaces, destroys, conceals or removes any mark or notice affixed thereto or connected there with;
- (c) alters any national heritage property or mark without the written permission of the Trust;
- (d) removes any protected national heritage property or causes it to be so removed,

shall be guilty of an offence and on summary conviction before a Resident Magistrate be liable to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding ten years or to both such fine and imprisonment, and in addition, such person may be ordered to pay the cost of replacement of any such property, mark or notice and in default of payment of such cost, to be imprisoned with hard labour for a further term not exceeding twelve months.

Control and development of national protected national heritage

- 18- Any person may, by deed or will, give, devise, or bequeath to the Trust all such estate or interest in any protected national heritage or any national monument as he may be seized or possessed of, and the Trust may accept such gift, devise or bequest if it thinks it expedient to do so.
- 19- (1) Where the National Institute of Culture and History is satisfied in relation to any structure-
- (a) that it is of such a nature that, although not declared a national monument the Trust has reasonable grounds for believing that it could be so declared; and
- (b) that it is in danger of destruction or removal or damage from neglect of injudicious treatment, the NICH may, upon the advice of the Trust, serve a notice (in this Act referred to as a "preservation notice") on the owner and, if the owner

is not the occupier, or the occupier of the structure, stating that it will be under the protection of the NICH under this Act while the notice is in force. [Some kind of compensation or subsidy may be provided for certain income groups. It would be reasonable in case the owner does not have the resources but is forced to undertake action].

- (2) Where NICH serves a preservation notice he shall specify the period (not exceeding four months) during which the notice is to remain in force and shall cause a copy thereof to be fixed on some conspicuous part of the structure.
- (3) Where a notice is served under this act, the Trust may, by written authorization signed on its behalf by a member of the Trust, authorize any person (including a member of the Trust) to inspect the structure, and any person so authorized may at reasonable time, on production by him of the authorization if so required, enter any premises for the purpose of inspecting the structure:

Provided that, unless the Trust considers that the inspection of the structure is a matter of urgent necessity, it shall give reasonable notice in writing of the proposed inspection to the occupier of the premises which are to be entered.

- (4) The Board may revoke a preservation notice
 - (a) at any time by notice served on the owner and, if the owner is not the occupier, on the occupier of the structure to which the notice relates; or

20-- (1) While a preservation notice is in force with respect to any structure, that structure shall not be demolished or removed, nor shall any additions or alterations be made thereto or any work carried out in connection thereon with, except with the written consent of the Board granted either unconditionally or subject to such conditions as the Institute of Archaeology may think fit.

- (4) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate 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 and, in addition, may be ordered by the court by whom he is tried to pay such sum as the Court thinks just for the purpose of repairing or restoring the monument.
- (5) While a preservation notice is in force the Trust may with a view to the maintenance of the structure to which it relates, have access by itself, its inspectors, agents or workmen to such structure for the purpose of inspecting it and of bringing such materials and doing such acts and things as may be required for the maintenance thereof.

- (6) [While a preservation notice is in force the Trust may with a view to the maintenance of the structure to which it relates, have access by itself, its inspectors. Also in case the city council (or local government) is not fully capable they should be informed or involved].

Development places designated to be protected national heritage

- 21-- (1) For the purpose of preserving the amenities of any place designated to be a protected national heritage, the Trust may, subject to the provisions of this section, prepare and confirm a scheme (hereafter in this Act referred to as a "preservation scheme") for any area comprising or adjacent to the site of the monument or the place aforesaid, being an area to which, in the opinion of the Trust, it is necessary or expedient for that purpose that the scheme should apply.
- (2) Every preservation scheme shall define by reference to a map annexed thereto the area to which the scheme is applicable (hereafter in this Act referred to as "the controlled area") and may provide for all or any of the following matters, that is to say-
- a. for prohibiting or restricting the construction, erection or execution of buildings, structures and other works above and underground within the controlled area, or the alteration or extension of any such buildings, structures or works in such manner as materially to affect their external appearance; [Perhaps the drainage system and other underground archaeological artefacts should also be considered].
 - b. for prescribing the position, height, size, design, materials, colour and screening and otherwise regulating the external appearance, of buildings, structures and other works above ground within the controlled area;
 - c. for prohibiting or restricting the felling of trees, quarrying and excavations within the controlled area;
 - d. for otherwise restricting the user of land within the controlled area to such extent as may appear to the Trust to be expedient for the purpose of preserving the amenities of the monument or place;
 - e. for such other matters as appear to the Trust to be incidental to or consequential on the foregoing provisions of this section or to be necessary for giving effect to those provisions.
- (3) The provisions of the Second Schedule shall have effect with respect to the confirmation, variation and revocation, of preservation schemes.

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- (4) Nothing in any preservation schemes shall affect any building, structure or other works above ground or any alteration or extension thereof, if it was constructed, erected or executed before the date when the notice of intention to confirm the scheme was published in the *Gazette* under the Second Schedule, and for the purpose of this provision a building, structure or other work and any alteration or extension thereof shall be deemed to have been constructed, erected or executed before that date-
- (a) if its construction, erection or execution was begun before that date; or
 - (b) if and so far as its construction, erection or execution was necessary for the purpose of performing a contract made before that date.
- (5) Any person whose property is injuriously affected by the coming into force of a preservation scheme shall be entitled to obtain compensation in respect thereof from the Trust subject to the provisions of the Third Schedule.
- (6) If any person contravenes any provision of a preservation scheme for the time being in force, he shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred dollars *for* every day on which the contravention occurs or continues.
- (7) If, after any person has been convicted of a contravention of a preservation scheme by reason that any building, structure or other work is not in conformity with the scheme, the contravention continues after the expiration of such period as the Court before whom he was convicted may determine, the Trust shall have power to do all such acts as, in its opinion, are necessary for removing so much of the building, structure or work as is not in conformity with the scheme, or for making it conform with the scheme, and any expenses incurred by the Trust in so doing shall be recoverable in a Resident Magistrate's Court as a civil debt from the person convicted.