



BELIZE

**TOWN COUNCILS ACT
CHAPTER 87**

REVISED EDITION 2000

SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980-1990.

This edition contains a consolidation of the following laws-

Page

ARRANGEMENT OF SECTIONS

3

TOWN COUNCILS ACT

7

Amendments in force as at 31st December, 2000.



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CHAPTER 87

TOWN COUNCILS

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.

PART II

Constitution, etc., of a Council

Term of Council, Members, their Qualifications, etc.

3. Constitution of a Council.
4. Term of office of a Council.
5. Date of general election.
6. Qualification of members.
7. Disqualification of certain persons from being members.
8. Penalty for person incapable of election, or of person whose seat has become vacant, who sits and votes.
9. Vacation of seat.
10. Direct election of Mayor.
11. Leave of absence.
12. Power to fix allowances.

PART III

*Appointment of Officers and Employees
and Conditions of Service*

13. Appointment of officers and employees of a Council and conditions of service.
14. Penalty on officers for taking gratuity.

PART IV

Elections

15. Persons entitled to vote at elections to constitute a new Council.
16. Regulations relating to elections.
17. Regulations relating to election expenses.
18. Returning Officer and Election Clerks.

PART V

Council Meetings and Proceedings

19. A Council may make regulations to regulate meetings.
20. Vacancy not to invalidate meetings.

PART VI

The Town Fund

21. Establishment of a Town Fund for every town and monies constituting the Fund.

PART VII

Financial Provisions

22. Loans, when and how raised.
23. Submission of estimates of revenue and expenditure.

PART VIII

Duties and Powers of Every Council

Streets and Adjoining Lands

24. General powers as to streets, etc.
25. A Council's power to coordinate activities of utility agencies.
26. Penalties for injuries to streets, etc.
27. Duty to fence or repair fences in certain cases.
28. A Council may require owner to erect fence.

General Powers and Duties

29. Duties of every Council.
30. Additional general duties of every Council.

PART IX

Pensions

Preliminary

31. Interpretation of words and phrases used in this Part.

General Provisions Relating to Pensions

32. Pensions to be charges on revenues of a Council.
33. Pensions not of right.
34. Computation of service for pension.
35. Retirement at fifty-five.
36. Pensions not payable before fifty-five years except in certain cases.
37. Maximum pensions.
38. Pensions; to whom and at what rate to be granted.
39. Period of service qualifying for pension defined.
40. A Council may apply part of a person's pension towards the maintenance of his wife or children.
41. Pensions not to be assignable.
42. Lump sum gratuity with reduced pension.
43. Payment of pension/gratuity upon resignation.
44. Gratuity where service does not qualify for pension.
45. Gratuity for female officer.

Manner of Computing Pensions

46. Pensionable service.
47. Computation of pensions etc., on what emoluments to be based.
48. Pensions Regulations.

PART X

Legal and General

49. General powers of every Council to make by-laws.
50. By-laws prescribing fees.
51. Admissibility in evidence of documents signed by Mayor or Town Administrator.
52. Prosecutions to be instituted by Mayor or Town Administrator.
53. Proof of legal proceedings.

- 54. Land, how acquired.
- 55. A Council may cause work to be executed in case of default.
- 56. Members of a Council not liable personally.
- 57. Protection of Council officials.
- 58. Expenses of a Council, how met.
- 59. Additional powers and functions of a Council.
- 60. Recovery of penalties.
- 61. Regulations.
- 62. Commencement.
- 63. Repeals and savings.

SCHEDULE

CHAPTER 87

TOWN COUNCILS

29 of 1999.

Commencement
[1. 12. 1999]
S.I.114 of 1999.
[4th August, 1999]

PART I

Preliminary

- 1. This Act may be cited as the Town Councils Act, 1999. Short title

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

“allowance” means money payable under this Act to a councillor during the time he is a member of a Town Council;

“Council” means a Town Council constituted under this Act;

“general election” means an election held by reason of the expiration of the term of office of a Council;

“member” means a member of a Council and includes the Mayor;

“Minister” means the Minister for the time being responsible for the subject of Local Government unless otherwise specified;

“new Council” means a Council newly constituted after a general election;

“rules”, “regulations” or “by-laws” means any rules, regulations or by-laws made under this Act;

Schedule.

“town” means a town mentioned and described in the Schedule to this Act or added to the said Schedule hereafter by the Minister, the limits of which are as defined by the Minister after consultation with the Council of that town by Order (for the time being in force) published in the *Gazette*, which Order the Minister is hereby empowered from time to time to make;

“Town Fund” means the fund established in respect of a town under section 21 of this Act;

“voter” means a person registered as a voter in accordance with this Act.

PART II

Constitution, etc., of the Council

Term of Council, Members, their Qualifications, etc.

3. (1) There shall be and is hereby constituted and established in every town a Council to be known as “The Town Council” of the town in respect of which it is constituted and appointed, and such Council shall be a body corporate with perpetual succession and a common seal. Constitution of a Council.

(2) The Council shall have capacity to acquire, hold and dispose of real and personal property and to sue and be sued in all courts of law.

(3) The Council shall consist of a Mayor and six other members duly elected in accordance with this Act and regulations made thereunder.

(4) The Council is lawfully constituted when the requisite number of members has been elected.

(5) No temporary vacancy caused by death or otherwise shall affect the validity of any proceedings of the Council.

4. (1) Every Council shall hold office until the last day of February next ensuing after the day on which the Council has been two years in office: Term of office of a Council.

Provided that the Council elected to office in the general election held in the month of March, 2000, shall hold office until the last day of February, 2003.

(2) If during the term of office of the Council, a member’s seat becomes vacant, the vacancy shall be filled by a by-election within ninety days:

Provided that a vacancy shall not be filled if it occurs within a period of

one year before the time when the seat which is vacated would ordinarily have been vacated.

Date of general election.

5. An election of members of every Council shall be held on the first Wednesday next ensuing after the day on which the term of office of the Council expires.

Qualification of members.

6. No person shall be capable of being elected as a member of a Council who is not a Belizean citizen and a registered voter of that town.

Disqualification of certain persons from being members.

7. (1) No person shall be eligible for election as a member of a Council, or having been elected, shall sit or vote on the Council, who:-

- (a) holds an office of emolument or place of profit in the gift or disposal of the Council; or
- (b) has directly or indirectly by himself or his partner, any share or interest in any contract with the Council; or
- (c) is in the employment of the Council; or
- (d) has, in Belize or any other Commonwealth country, been sentenced to death or to imprisonment (by whatever name called) for a term exceeding twelve months and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor or received a free pardon; or
- (e) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in Belize; or
- (f) is a public officer, other than a teacher or an open vote worker; or

- (g) is a returning officer for an election of members of the Council;
or
- (h) has not ordinarily resided in the town for which the Council is being elected for at least one year immediately preceding the date of the election, or is not domiciled in Belize or ordinarily resident therein at the date of the election; or
- (i) is or becomes a member of the National Assembly or of any Commission established by or under the Belize Constitution.

CAP. 4.

(2) For the purposes of this section, a person shall not be disqualified from being a member by reason of his being interested in -

- (a) any contract in respect of which the Minister shall remove the disqualification if he is of the opinion that such removal will be of public benefit; or
- (b) any newspaper in which any advertisement relating to the affairs of the Council is inserted; or
- (c) any contract with the Council as a shareholder in any joint stock company, but he shall not vote at any meeting of the Council on any question in which such company is interested.

(3) The office of Mayor of every Council and the office of a member are declared not to be offices of emolument or places of profit in the gift or disposal of the Council although remuneration may be paid to such Mayor and member out of moneys provided by the Council.

(4) A person shall not be considered as holding an office of emolument or place of profit in the gift or disposal of a Council or as being in the employment of the Council or as holding a public office by reason only of the fact that he is in receipt of a pension or other like allowance in respect of service under the

Council or the Public Service, or that he holds a general retainer as solicitor of the Council.

Penalty for person incapable of election, or of person whose seat has become vacant, who sits or votes.

8. Any person who-

- (a) having been returned as an elected member of a Council without having been at the time of his election qualified to be an elected member, or having since his election become disqualified in pursuance of section 7 above from sitting and voting, sits or votes on the Council; or
- (b) sits or votes on a Council after his seat has become vacant under section 9 below,

shall, for every day on which he sits or votes after his seat has become vacant, be liable to a fine of one hundred dollars to be recovered by action in the Supreme Court by any person who, with the written consent of the Attorney General, sues for it.

Vacation of seat.

9. If any elected member of a Council:-

- (a) dies; or
- (b) by writing under his hand addressed to the Mayor, or in the case of the Mayor, to the Deputy Mayor, resigns his seat on the Council; or
- (c) makes any declaration or acknowledgment of allegiance to any foreign state or power which does not recognize dual nationality or is hostile to Belize; or
- (d) becomes a citizen or subject of any foreign state or power, which does not recognize dual nationality or is hostile to Belize; or

- (e) is sentenced in Belize or any other Commonwealth country to death, penal servitude or imprisonment for a term exceeding twelve months; or
- (f) accepts any office of emolument in the Public Service or under another Town Council or a City Council in Belize; or
- (g) becomes a member of the National Assembly or of any Commission-established under the Belize Constitution; or CAP.4.
- (h) subject to section 11 below, is absent without leave or other reasonable cause from four consecutive meetings of the Council; or
- (i) becomes subject to any of the disqualifications specified in sections 6 and 7 above,

his seat on the Council shall thereupon become vacant.

10. (1) The Mayor shall be directly elected by the electorate from among persons who offer themselves as candidates for Mayor in a general election held to elect a new Council. Direct election of mayor

(2) At the first meeting of the Council after every general election to constitute a new Council, the members of the Council shall elect a Deputy Mayor from among their number.

(3) Whenever a vacancy occurs in the office of Mayor through death, resignation or otherwise, the Deputy Mayor shall, subject to sections 6, 7 and 9 above, act as Mayor for the remainder of the term of office of the Council.

(4) During the illness or absence on leave of the Mayor, the Deputy Mayor shall exercise and perform all powers and duties conferred upon the Mayor by

this Act and regulations made thereunder.

(5) The Deputy Mayor may at any time during his term of office be removed from office at a meeting of the Council by a majority resolution of the members of the Council present and voting at that meeting, and a new Deputy Mayor may be elected for the unexpired term of office of the Council by the members of the Council from among their number.

(6) Notice of a resolution under subsection (5) above shall be given to all the members of the Council not less than fourteen days before the meeting at which the resolution is proposed.

(7) The Mayor shall, subject to the provisions of this Act and any Regulations made thereunder, be the chief executive officer of the Council and shall be responsible for providing effective leadership and direction for the Council, and without limiting the generality of the foregoing, shall be responsible for:-

- (a) developing sister-city or sister-town relations with other cities or towns within and outside Belize;
- (b) supervising the town administrator and ensuring that the town administrator implements the decisions of the Council;
- (c) subject to section 11 (1) below, granting leave of absence to members of the Council;
- (d) assigning members of the Council, subject to his direction and control, with specific areas of responsibility in the management of the town's affairs in such areas as environmental protection, revenue collection, town zoning, planning and urban infrastructure, town sanitation, public health and market management, tourist promotion and development, coordination of public utilities, crime and drug reduction and prevention, recreational planning and develop

ment, development of sports and culture, traffic control and management, and coordination of relations and activities between the town, the Government of Belize, non-governmental organisations and civil society organisations;

- (e) ensuring that Council meetings are open to the public, unless he directs otherwise;
- (f) submitting for the consideration of the residents of the town, through notices in a newspaper in general circulation in the town, or through publications on radio and on television and at meetings held pursuant to paragraph (g) below, at least once every three months during the term of office of the Council, sufficiently detailed reports showing the developmental and other activities undertaken by the Council for the benefit of the residents of the town;
- (g) arranging, at least once every six months, during the term of office of the Council, meetings where the residents of the town may meet the members of the Council and may submit, orally or in writing, any subjects or areas they feel should be addressed by the Council in the administration and management of the town;
- (h) ensuring that the Council discharges the duties imposed upon it by or under this Act;
- (i) such other areas in the administration and management of the town as the Council may, by two-thirds majority resolution, decide to confer on him.

11.(1) The Mayor may, with the concurrence of four other members, grant leave of absence to any member for a period not exceeding six months. Leave of absence.

(2) A Council may grant to the Mayor leave of absence not exceeding six months.

Power to fix allowances.

12.(1) Every Council may by resolution fix an allowance to be paid to members from monies constituting the Town Fund of the town administered by the Council.

PART III

Appointment of Officers and Employees and Conditions of Service

Appointment of officers and employees of a Council and conditions of service.

13.(1) Every Council shall appoint a suitably qualified person as Town Administrator who shall assist the Mayor in the day to day management of the affairs of the Council and the town.

(2) The Council may appoint such other suitably qualified officers and employees as it thinks necessary for the efficient administration of the affairs of its town.

(3) The power to remove, promote, or take disciplinary action against officers and employees of a Council, including the Town Administrator, shall be and is hereby vested in the Council which appointed them.

(4) The Council may pay its officers and employees such salaries, allowances, pensions, gratuities and other benefits out of the Town Fund for its town as it considers necessary.

Penalty on officers for taking gratuity.

14. Every officer or employee employed for the purposes of this Act who exacts or accepts on account of anything done relating to his duties any fee or reward whatever other than the salary or allowance ordered or allowed by the Council is guilty of an offence and is liable on summary conviction to a fine of not less than two thousand dollars nor more than ten thousand dollars or to imprisonment for a period of not less than one year nor more than five years, or to both such fine and period of imprisonment.

PART IV

Elections

15.(1) Every person who-

- (a) is registered as an elector under the Representation of the People Act; and
- (b) subject to subsection (2) below, is in possession of an identification card issued to him under that Act; and
- (c) has continuously resided in the town for which the elections are held for a period of at least three months,

Persons entitled to vote at elections to constitute a new Council. CAP. 9.

shall be entitled to vote at the election of a member of the Council for the town in which he resides and is registered.

(2) Notwithstanding subsection (1) above, a person who has been registered under the Representation of the People Act, but who is unable to produce his identification card, shall be permitted to vote upon proving to the satisfaction of the presiding officer that although he has been registered he has not been issued with an identification card or that the identification card issued to him has been lost or destroyed.

CAP.9.

(3) Where a person is permitted to vote under subsection (2) above, the presiding officer shall so state to the candidates or agents then present in the polling station, and also make a record of his reasons for so doing and shall maintain a list of the names and registration numbers of the electors voting without producing their identification cards, showing the number of the ballot paper issued to each of them.

Regulations relating to elections.

16.(1) The Elections and Boundaries Commission may, after consultation with representatives of civil society organisations and other interested bodies, make regulations:-

- (a) to provide for the registration of electors;
- (b) to provide for the holding of elections and by-elections of members of every Council;
- (c) to provide for the conduct of elections of members of every Council;
- (d) to prohibit any act or matter which in its opinion is not conducive to the maintenance of order on polling day;
- (e) to declare any act committed in the course of any campaign for election or at an election, an election offence;
- (f) to declare the grounds upon which an election may be challenged and the persons who may challenge an election;
- (g) to declare the grounds upon which an election may be avoided and the procedure for challenging an election;
- (h) to provide for the trial of election petitions and matters connected therewith including the deposit of security and the award of costs;
- (i) to prescribe the form of the ballot papers and sample ballot papers;
- (j) to provide for the custody and disposal of ballot papers;
- (k) to prescribe the method of marking voters at elections;
- (l) to provide for penalties for the breach of any regulation; and

- (m) to prescribe for all such other matters relating to elections as may be necessary for the carrying out of the provisions of this Act.

(2) Contraventions of any regulations made under subsection (1) above may be declared by the Elections and Boundaries Commission to be illegal practices, and provision may be made in the said regulations for the punishment on summary conviction, of persons committing or aiding, abetting, inciting, taking part or attempting to take part in the commission of such illegal practices, by:-

- (a) a fine not exceeding two thousand dollars; and

- (b) disqualification from voting at any election under this Act, the Belize City Council Act, the Representation of the People Act, the Village Councils Act, and from being elected or appointed, as the case may be, as a member of a City Council, Town Council, Village Council or of the National Assembly for a period of three years from the date of his conviction.

CAP. 85.
CAP.9.
CAP. 88.

(3) Regulations made by the Election and Boundaries Commission under this section shall be laid on the table of the House of Representatives by the Minister as soon as may be after the making thereof and shall be subject to negative resolution.

17.(1) The Minister may make regulations -

- (a) with respect to the incurring of expense and the making of payments by or on behalf of a candidate, whether before, during or after an election, on account of or in respect of, the conduct or management of such election;

Regulations
relating to election
expenses.

- (b) requiring the appointment of an election agent through or by whom all expenses or payments as mentioned in paragraph (a) above shall be incurred or made;
- (c) fixing the maximum amount of expenses that may be incurred or paid, whether before, during or after an election, on account, or in respect of the conduct or management of such election;
- (d) fixing the time within which all election expenses shall be paid and barring all claims in respect thereof not made within the prescribed time; and
- (e) requiring a return of expenses and prescribing the form in which the same shall be made and verified.

(2) Contraventions of regulations made under subsection (1) above may be declared by the Minister to be illegal practices, and provision may be made in the said regulations for the punishment on summary conviction, of persons committing or aiding, abetting, inciting, attempting to take part or taking part in the commission of such illegal practices, by:-

- (a) a fine not exceeding two thousand dollars; and
- (b) disqualification from voting at any election under this Act, the Belize City Council Act, the Representation of the People Act, the Village Councils Act, and from being elected or appointed, as the case may be, as a member of a City Council, Town Council, Village Council or of the National Assembly for a period of three years from the date of his conviction.

(3) Regulations made by the Minister pursuant to this section shall be subject to negative resolution by the House of Representatives.

CAP. 85.
CAP. 9.
CAP.88.

(4) An election petition may be presented in respect of any illegal practice declared by such regulations to be the grounds for the presentation of any such petition.

18.(1) For the purposes of holding an election, the Elections and Boundaries Commission established under section 88 of the Belize Constitution shall, from time to time and as occasion demands, appoint a person to be the Returning Officer for the town in respect of which an election is held, and may appoint one or more persons to assist the Returning Officer in the performance of his duties. A person so appointed to assist the Returning Officer shall have all the powers and may perform all the duties of the officer he is appointed to assist, and any reference in this Act or regulations made thereunder to a Returning Officer shall, unless the context otherwise requires, be deemed to include a reference to every such person.

Returning Officer and Election Clerks. CAP. 4.

(2) The Chief Elections Officer shall, with the approval of the Commission, appoint an Election Clerk and one or more Assistant Clerks for each town where an election is held. If at any time between the dissolution of a Council and the declaration of the result of the election following thereon the Returning Officer dies or becomes incapable of performing his duties as such, the Election Clerk shall forthwith report that fact to the Chief Elections Officer and shall discharge all the duties and exercise all the powers of the Returning Officer until some other Returning Officer is appointed or the Returning Officer ceases to be incapable of performing his duties, as the case may be.

(3) An appointment made under subsections (1) and (2) may be revoked at any time.

PART V

Council Meetings and Proceedings

19.(1) Every Council may from time to time make regulations to regulate Council

A Council may make regulations REVISED EDITION 2000

to regulate meetings.

meetings and proceedings, and the meetings and proceedings of any Committees established by the Council.

(2) Without prejudice to the generality of subsection (1) above, such regulations may provide for all or any of the following matters, namely:-

- (a) the regulation of the proceedings of the Council and of Committees and the conduct of meetings thereof respectively;
- (b) the regulation of the time and manner of holding annual and other stated and also ordinary meetings of the Council and regulating the business that may be transacted thereat respectively;
- (c) the provision of the custody of documents and regulation of the custody, and use, and mode and form of attestation of the common seal of the Council;
- (d) the regulation of the duties of the Council's officers and servants;
- (e) the procedure to be followed at the election of Deputy Mayor;
- (f) the places at which ordinary and special meetings of the Council may be held;
- (g) the procedure for convening meetings of the Council;
- (h) the period of notice to be given to members before a meeting of the Council;
- (i) the person who shall preside at meetings of the Council;

- (j) the quorum for meetings of the Council and the manner of voting thereat;
- (k) the prohibition of any member of the Council or of a Committee from taking part in any discussion or voting in respect of any matter in which he is directly or indirectly interested;
- (l) the maintenance of order at meetings of the Council;
- (m) the rights of certain persons to attend meetings of the Council and the powers and privileges of such persons while in attendance; and
- (n) anything incidental to or connected with the matters referred to in this subsection.

(3) Regulations made by any Council under this section shall be subject to negative resolution by the House of Representatives.

(4) Notwithstanding any other rule of law to the contrary, Council meetings shall be open to the public unless otherwise directed by the Mayor.

20. The proceedings of every Council or of any Committee thereof shall not be invalidated by any vacancy among its members, or the want of qualification of a member.

Vacancy not to invalidate meetings.

PART VI

The Town Fund

21.(1) There shall be and is hereby established for the purposes of every Council established and constituted under this Act, a fund to be known as “the Town Fund” of the town for which the Council is responsible for administering, into which shall be deposited or credited:-

Establishment of Town Fund for every town and monies constituting the fund.

- (a) all monies voted from time to time by the National Assembly for the use by the Council in the administration of the town;
 - (b) all monies payable in any manner whatsoever to the Council whether under or pursuant to this Act or regulations made thereunder or otherwise;
 - (c) all fines and penalties recovered summarily on the information of the Council or of any officer, servant or member thereof for non-compliance with the provisions of this or any other Act or rules, regulations and by-laws of the Council for the time being in force.
- (2) The Town Fund of each Council shall be kept at such banks or other financial institutions as each Council may from time to time determine.

PART VII

Financial Provisions

Loans, when and how raised.

22.(1) Whenever the general interest and welfare or development of any town will, in the opinion of two-thirds of the members of the Council, be advanced by an expenditure greater than can be met out of the annual revenue of the Town Fund, the Council of that town may, by resolution carried by its majority, recommend to the Minister for the time being responsible for Finance, on the guarantee of an annual allocation of such amount of the Town Fund as may be equivalent to the annual interest and sinking fund necessary for its redemption, the raising of a loan, the proceeds of which shall be devoted to such development.

(2) Upon such recommendation, the Minister for the time being responsible for Finance may borrow such sum of money as may be authorised under the Local Public Loans Act, and thereafter the sum necessary to meet the

CAP. 80.

annual interest and sinking fund for the redemption of the loan shall be a first charge upon all monies which may then or thereafter form part of the Town Fund:

Provided that:-

- (a) it shall be lawful for the Minister for the time being responsible for Finance to advance from the public funds of Belize any sum required by the Council for a short period when the said Minister is satisfied that the Council will be able from its ordinary revenue to repay the amount advanced within a period of six months from the date of such advance;
- (b) the Minister for the time being responsible for Finance may, with the approval of the House of Representatives, at any time make an advance to the Council from the public funds of Belize on such conditions as he may think fit.

23.(1) Every Council shall, before the end of January in each year, submit to the Minister for the time being responsible for Finance, through the Minister, an estimate of revenue and expenditure for the period of one year commencing from 1st April then next ensuing and the Minister for the time being responsible for Finance may issue his warrant for the whole or such part of the lawful expenditure as he may approve, subject to such conditions as to him may seem fit.

Submission of estimates of revenue and expenditure.

(2) The estimates submitted by a Council under subsection (1) above shall as soon as possible after receipt thereof by the Minister for the time being responsible for Finance be laid by him on the table of the National Assembly.

(3) The Minister for the time being responsible for Finance may, at any time when a matter appears to him to be of sufficient urgency, permit a Council to incur any lawful expenditure not provided in the approved estimates, and shall as soon as possible thereafter inform the National Assembly that such

additional expenditure has been approved.

(4) In this section, “lawful expenditure” means expenditure incurred in the exercise of any of the powers or performance of any of the duties conferred or imposed on a Council by any existing or future legislation.

(5) A Council may from time to time make regulations prescribing the manner in which the accounts of the Council are to be kept and disbursements made, and for the audit of the accounts of the Council by auditors duly approved by the Council.

PART VIII

Duties and Powers of Every Council

Streets and Adjoining Lands

General powers as to street, etc.

24.(1) All streets, in which term is included public drains and bridges within the boundaries of a town, shall be under the control, care and management of the Council for that town.

(2) The Council is empowered in respect of any street to do any of the following things:-

- (a) to lay out, construct, repair, alter or widen all streets with such material and in such manner as the Council thinks fit;
- (b) to make surveys for the laying out of new streets;
- (c) to determine what part of a street shall be a carriage-way and what part a foot-way only;
- (d) to alter the level of any street;

- (e) to stop temporarily the traffic on any street or part thereof while such street is being constructed or repaired;
- (f) to plant trees in any street in the town and erect tree guards to protect the same;
- (g) to provide for the naming, numbering and lighting of places and streets; and
- (h) to sell the surplus spoil of streets.

(3) The Council shall exercise the power to make any new street or divert or widen or diminish the width or alter the level of any street only after inserting a notice to that effect in the *Gazette* and on radio and television at least four weeks previously to the date of the exercise of such power, inviting the residents of its town to make representations in writing to the Council in connection with the exercise of the power. The Council shall, before exercising the power, genuinely consider and take into account the representations, if any, made by the residents of its town, but shall not be obliged to follow them.

(4) Subject to subsection (6) below, the Council may by resolution declare that any existing street shall be closed, diverted or turned, and that some other shorter or more convenient course shall be substituted for any street so closed, diverted or turned as the public advantage may require.

(5) Whenever it appears to the Council that having regard to the limited use made of any street, the closing thereof without the provision of any other course will not result in serious handicap, difficulty or inconvenience to the public, the Council may, subject to subsection (6) below, by resolution declare that the street be closed without ordering that any other street be substituted therefor.

(6) Before proceeding to exercise the powers conferred upon it under subsections (4) and (5) above, the Council shall insert a notice in the *Gazette*

and on radio and television at least four weeks previously to the exercise of the said powers, and shall in that notice invite the residents of its town to make written representations to it in connection with the proposed exercise of such powers. The Council shall, before exercising the powers, genuinely consider and take into account the representations, if any, made by the residents of its town, but shall not be obliged to follow them.

CAP.232.

A Council's power to coordinate activities of utility agencies.

(7) The Council shall, in addition to the powers specified in this section, enjoy such further additional powers in respect of public roads and streets within its town as are conferred upon it by or under the Public Roads Act.

25. (1) Without prejudice to any other powers conferred on the Council by this Act or any other law, the Council shall have the power and responsibility of coordinating the activities and operations of all utility agencies and property developers within its town with respect to the excavation and restoration of streets, canals, creeks and other public rights of way, with the object of preventing damage to the town infrastructure and minimizing the disruption of utility services within the town.

(2) Where any damage or injury to the infrastructure of the town is caused by a utility agency or the Council in the excavation and restoration of any public road, street, canal, creek and other public right of way, the Council shall be responsible, subject to subsection (3) below, to make good such damage or injury and to restore the infrastructure to a good state of general repair.

(3) Where the Council incurs extraordinary expenses in repairing the infrastructure by reason of the damage or injury to any street, road, canal, creek and other right of public way caused under subsection (2) above or by excessive weight passing along such street, road, canal, creek or other right of public way or extraordinary traffic thereon, the Council may recover the expenses from any person by whose order such damage or injury has been caused, as a civil debt in any summary jurisdiction court.

(4) For the purpose of subsection (1) above, the Council may make by-laws to control and regulate the activities and operations of utility agencies.

(5) There shall be established within every town's administration a Utility Coordination Unit with power to ensure effective coordination between all utility agencies and to enforce by-laws made pursuant to subsection (4) above.

(6) In this section, the expression "utility agencies" means all corporations, companies and entities which provide electricity, water and sewerage, telephone, telefax, gas and other utility services.

(7) The provisions of this section shall have effect notwithstanding the provisions of any other law to the contrary.

26.(1) Any person who, not being authorised by a Council or by any law:-

Penalties for injuries to streets, etc.

- (a) encroaches on a street or other public right of way by making or erecting any building, fence, ditch, or other obstacle or work of any kind upon, over or under it or planting any tree or shrub thereon;
- (b) places or leaves on a street any timber, earth, stones or other things;
- (c) digs up, removes or alters in any way the soil or surface or scrapings of a street or other public right of way;
- (d) allows any water, tailings or sludge or any filthy or noisome matter to flow from any building or land in his occupation on to a street or other public right of way;
- (e) causes or permits any timber or other heavy material not being wholly raised above the ground on wheels to be dragged on a street or other public right of way;

- (f) causes or negligently allows any retaining-wall, foundation-wall or fence erected on any land or slope of earth or any building, erection, material or thing to give way or fall so as to injure or obstruct any street or other public right of way;
- (g) does or causes or permits to be done any act whatever by which any injury is done to any street or other public right of way or any work or thing in, or under, it; or
- (h) defaces, obliterates or removes any number, mark or name painted or affixed on any lot, house, building, street or square,

is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars and to a further sum equal to the costs incurred by the Council of the town where the offence occurs in removing the encroachment, obstruction or matter, or in repairing any injury done as specified in paragraphs (a) to (h) above.

(2) No penalty shall be imposed under this section unless the information or complaint is laid by the authority of the Council of the town where the offence occurs or some officer thereof.

Duty to fence or repair fences in certain cases.

27. If any land adjoining any street within the boundaries of a town is allowed to remain unfenced or if the fences of such land are allowed to be or remain out of repair and the land is, owing to the absence or inadequate repair of any such fence, a source of danger to passengers, cyclists or pedestrians, or is used for any immoral or indecent purpose, or for any purpose causing inconvenience or annoyance to the public, the Council responsible for administering the town may, at any time after the expiration of fourteen days from the service upon the owner or occupier of such land of a notice in writing by the Council requiring the land to be fenced or any fence on the land to be repaired, cause the land to be fenced or the fences thereto to be repaired in a manner it thinks fit, and the reasonable expenses thereby incurred shall be

recoverable from the owner or occupier summarily as a civil debt.

28.(1) Every Council may, by notice in writing to the owner of any land situate in its town, require such owner, within a reasonable time specified in such notice, to cause a sufficient fence to be erected in the public interest dividing the land from any adjoining street or to cause any fence dividing the land from any adjoining street to be restored, repaired or otherwise put in a proper state of repair.

A Council may require owner to erect fence.

(2) An owner who makes default in complying with the requirements of any notice served upon him under this section is liable to a fine of fifty dollars for every day that the default continues after written notice thereof from the Council.

General Powers and Duties

29. Every Council is entrusted with the general rule and good government of its town and has power, subject to the provisions of this Part, to do all things necessary to carry out such trust and in particular has power and authority to do or cause to be done all or any of the matters following -

Duties of every Council.

- (a) to establish, regulate, control, maintain and manage markets, slaughter-houses, bath-houses and wash-houses;
- (b) to impose rents and fees upon persons using or benefitted by such markets, slaughter-houses and wash-houses;
- (c) to impose such restrictions upon owners of land as may be necessary to prevent any building upon such land from being or becoming a source of danger to surrounding property whether from fire or from its insecure construction or dilapidated condition;

- (d) to undertake the marking and numbering of lots, houses, buildings and yards for the purpose of distinguishing the same;
- (e) to establish, maintain and control parks, gardens, squares and open places within the town;
- (f) to erect and maintain any townhall or other building required for public purposes;
- (g) to establish, maintain and control a public library;
- (h) to manage and dispose of any lands, buildings or other property acquired or owned by the Council for public purposes;
- (i) to do all such other things or matters for the purpose of increasing the convenience and amenity of the town.

Additional
general duties of
every Council.

30. Without prejudice to any powers conferred upon, or duties imposed on, any Council by this or any other Act or regulations made thereunder, every Council shall have the obligation to perform the following duties in its town in an efficient and timely manner:-

- (a) to maintain all public cemeteries in its town in a sanitary manner and to keep such cemeteries in a general state of good repair;
- (b) to coordinate, control, manage or regulate the timely and efficient collection and removal of all garbage material from all residential or commercial areas in its town;
- (c) to construct, repair, alter, widen, lay out and make surveys for streets in its town, especially in new residential or commercial areas;
- (d) to repair, cleanse and keep clean and in good repair, all or any part

of the walls of any public drain, canal or creek in its town, but this duty shall not be construed as compelling the Council to cleanse any public drain, canal or creek at times when the public health would in the opinion of the Council be endangered by the operation.

PART IX

Pensions

Preliminary

31. In this Part, unless the context otherwise requires:-

Interpretation of words and phrases used in this Part.

“officer” means a person who is on the permanent established staff of a Council;

“pensionable emoluments” includes salary and personal allowance;

“personal allowance” means a special addition to salary granted personally to the holder for the time being of the office;

“salary” means the actual salary attached to an office.

General Provisions Relating to Pensions

32. There shall be charged on and paid out of the revenues of every Council all sums of money as may be granted by way of pension to an officer in accordance with this Part and regulations made thereunder.

Pensions to be charges on revenues of a Council.

33. (1) No officer shall have an absolute right to a pension under this Act nor shall anything contained in this Act limit the right of a Council to dismiss an officer in its service without a pension or to operate without a pension scheme.

Pensions not of right.

(2) Where it is established to the satisfaction of a Council that an officer in

its service has been guilty of negligence, irregularity or misconduct, the officer's pension may be reduced or altogether withheld.

Computation of service for pension.

34. Subject to section 44, all the service of an officer, including service on probation or agreement if there has been no breach between such service and the confirmation of the officer in his appointment but not including service while under the age of twenty years, shall be taken into account in computing his pension.

Retirement at fifty-five.

35. A Council may require an officer to retire from its service at any time after he attains the age of fifty-five years.

Pensions not payable before fifty-five years except in certain cases.

36. No pension shall be granted to an officer who has not attained the age of fifty-five years, unless on medical evidence to the satisfaction of the Council that he is incapable, by reason of some infirmity of mind or body, of discharging the duties of his office, and that such infirmity is likely to be permanent and is not attributable to his own misconduct or gross negligence.

Maximum pensions.

37. No pension granted to an officer under this Act shall exceed two thirds of the highest pensionable emoluments drawn by the officer at any time in the course of his service.

Pensions; to whom and at what rate to be granted.

38. Subject to this Part, an officer may be granted on his retirement a pension at three-fourths of the rate for which provision is made in the Pensions Regulations made under the Pensions Act.

CAP. 30.

Period of service qualifying for pension defined.

39.(1) Subject to this Part, service qualifying for pension shall be the inclusive period between the date on which an officer began to draw salary from the funds of the Council and the date of his leaving the service of the Council.

(2) Service qualifying for pension shall be unbroken service, except in cases where it has been interrupted by abolition of office or other temporary suspension of employment not arising from misconduct, gross negligence or voluntary resignation.

40.(1) Where an order of maintenance has been made by a court of competent jurisdiction against an officer to whom a pension has been granted, the Council in whose service the officer was appointed may, on its being proved to it that there is no reasonable probability of the order being satisfied, from time to time deduct from the monies payable to the officer by way of pension such sum or sums as the Council may think expedient, and apply the same to satisfy wholly or in part the maintenance order.

A Council may apply part of a person's pension towards the maintenance of his wife or children.

(2) Where an officer to whom a pension has been granted has left Belize and deserted and left his wife or child within Belize without sufficient means of support, the Council in whose service the officer was appointed, on being satisfied that the wife or child is by reason of the officer's absence from Belize unable, and would but for the absence be able, to obtain an order of maintenance, may from time to time deduct from the monies payable to such officer by way of pension such sum or sums as the Council may think expedient, and may apply it for the maintenance and support of the wife or child.

(3) Where an officer to whom a pension has been granted has been adjudicated a person of unsound mind and has a wife or a child or children living, the Council in whose service the officer was appointed may deduct from the monies payable to such officer by way of pension such sum or sums as it may think expedient and apply it for the maintenance and support of the wife or any child or children of the officer.

41. Subject to section 40 above, no pension granted under this Act shall be assignable or transferable, or liable to be attached, sequestered, or levied upon, for or in respect of any debt or claim whatever.

Pensions not to be assignable.

42. Any officer to whom a pension is granted under this Act may, at his option, be paid *in lieu* of such pension, a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and one-half times the amount of the reduction so made in the pension.

Lump sum gratuity with reduced pension.

Payment of pension/gratuity upon resignation.

43.(1) A person who resigns from the service of a council after completing not less than ten years of continuous service may be granted a gratuity.

(2) An officer who resigns from the service of a Council after completing not less than fifteen years of pensionable service may be granted in accordance with regulations made under this Act:-

- (a) a gratuity, if he resigns after completing not less than ten years of continuous service; or
- (b) a pension and gratuity, if he resigns after completing not less than fifteen years of continuous service.

(3) In the case of subsection (2) above, the pension (but not gratuity) shall be deferred until the officer reaches the normal retirement age, or in special cases with the approval of the Council in whose service the officer was appointed, any lower age not being less than fifty years.

Gratuity where service does not qualify for pension.

44. Subject to the provisions of this Part, where a person retires from the service of a Council before completing ten years of continuous service, he may be granted in respect of such service, a gratuity not exceeding five times the annual amount of the pension which might have been granted had there been no qualifying period.

Gratuity for female officer.

45.(1) Where a female officer retires or is required to retire for the reason that she is about to marry or has married, and she is not eligible for the grant of any pension or otherwise eligible for gratuity under this Part, she may be granted in respect of her service under a Council, a gratuity of an amount not exceeding five times the annual amount of the pension for which she would have been eligible had there been no qualifying period.

(2) For the purpose of computing the amount of gratuity under subsection (1) above:

- (a) the reference to two-thirds of her highest pensionable emoluments shall have effect as if the reference were a reference to one-fifth of her annual pensionable emoluments;
- (b) the annual amount of that pension shall not exceed one-fifth of her annual pensionable emoluments.

Manner of Computing Pensions

46.(1) For the purpose of computing the amount of an officer's pension the following periods shall be taken into account as pensionable service:- Pensionable service

- (a) any periods during which he has been on duty;
- (b) any periods during which an officer has been absent from duty on leave with full pay.

(2) The periods during which an officer has been absent on leave on half-pay shall, for the purposes of this Part, be counted at the rate of one day for every two days of such period.

(3) Any period during which he has been absent on leave, other than those specified above, shall be deducted from the officer's total service in order to arrive at his period of pensionable service.

47. For the purpose of computing the amount of an officer's pension:- Computation of pensions, etc., on what emoluments to be based.

- (a) in the case of an officer who has held one office for a period of three years immediately preceding the date of his retirement, the full pensionable emoluments payable to him at that date in respect of that office shall be taken;

- (b) in the case of an officer who at any time during such period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of such transfer or transfers, the full pensionable emoluments payable to him at the date of his retirement in respect of the office held by him shall be taken;
- (c) in other cases, the average of the full pensionable emoluments payable in respect of each of the offices substantively held by the officer during his tenure thereof within such period of three years shall be taken:

Provided that if such average is less than the full pensionable emoluments which were payable to him at the date of the first transfer within such period of three years, the Council in whose service the officer was appointed may grant him a pension calculated upon the full pensionable emoluments payable to him at that date.

Pensions
Regulations.

48. (1) Every Council may make regulations to govern the administration of pensions and gratuities payable to its officers and servants under this Part.

(2) Regulations made by a Council under subsection (1) above shall be subject to negative resolution.

PART X

Legal and General

General powers of
every Council to
make by-laws.

49. (1) Every Council may from time to time make by-laws on all matters connected with the rule and good order of its town and for the proper carrying out of the objects and purposes of this Act.

(2) Without prejudice to the generality of subsection (1) above, such by-laws may provide for all or any of the following, namely:-

- (a) for the establishment, control and use of public lavatories and latrines;
- (b) for the licensing of horses, mules, carts, drays and handcarts kept or used in its town and the imposition of fees in respect thereof;
- (c) for the establishment, regulation, control, maintenance, and management of markets, slaughter-houses, bath-houses, and wash-houses and the imposition of rents and fees payable by persons using or benefited by such markets, slaughter-houses, bath-houses, wash-houses, meat or other stalls;
- (d) for regulating the lighting of places, streets, markets and other buildings under the control of the Council and the naming and numbering of any houses, lots, places and streets in the town;
- (e) for prohibiting, except in the case of wild animals which may be shot in the bush, the killing or slaughtering of any animal the flesh of which is intended for human food in any place within, or within one mile beyond the limits of, its town, other than in the slaughterhouse;
- (f) for prohibiting the exposing or exhibition for sale of the flesh of any animal, other than a wild animal shot in the bush, in any place within, or within one mile beyond the limits of, its town, other than in the market or such other place or places as the Council may appoint;
- (g) for the regulation of parks, piers, street vendors, gardens, public recreation grounds, bridges, streets, canals and public drains, including the imposition of fees for the use thereof;

- (h) for the service of notices, orders and other documents required or authorised to be served by or on the Council under this Act or any regulations made thereunder;
- (i) for regulating the passing of any livestock or other animals through the streets of such town and specifying the streets through which such livestock or animals may be allowed to pass, the time of such passing and the manner and method of leading or driving them;
- (j) generally for all matters connected with the rule and good government of its town and the proper carrying out of the objects and purposes of this Act.

(3) All by-laws made by a Council under this section shall be laid before the House of Representatives through the Minister after the making thereof and shall be subject to negative resolution by that House.

By-laws
prescribing fees.

50. (1) Where any by-laws made by a Council under this Act prescribe any fees, fines, penalties and forfeitures, such by-laws shall be subject to affirmative resolution by the House of Representatives.

CAP. 98.
CAP. 99.

(2) All licences, fees, fines, penalties and forfeitures imposed by this Act or any by-laws made hereunder shall be recoverable under the Summary Jurisdiction Acts.

Admissibility in
evidence of
documents
signed by
Mayor or Town
Administrator.

51. All documents and notices whatever purporting to be issued or written by or under the direction of a Council and purporting to be signed by the Mayor or Town Administrator, shall be received as evidence in all courts of law, and shall be deemed to be issued or written by or under the direction of the Council, without proof unless the contrary be shown.

Prosecutions to be
instituted by
Mayor or Town

52. Unless otherwise provided in any other Part of this Act, all offences against this Act or any by-laws made thereunder shall be tried summarily, and

may be prosecuted on the complaint or information of the Mayor or Town Administrator or of any officer of the Council in whose town such offences were allegedly committed authorised in that behalf, or of any member of the Belize Police Department.

Administrator.

42 of 1999.

53. In any prosecution or other legal proceeding under this Act or any by-laws made thereunder instituted by, against or under the direction of a Council, no proof shall be required-

Proof of legal proceedings.

- (a) of the persons constituting the Council, or the extent of the town for which the Council is responsible for administering; or
- (b) of any order to prosecute or of the particular or general appointment of any officer of the Council; or
- (c) of the authority of the Mayor, Town Administrator or other officer of the Council to prosecute; or
- (d) of the election of the Mayor of the Council; or
- (e) of the presence of a quorum of the Council at the making of any order or the doing of any act,

until evidence is given to the contrary.

54. Where any land is required for public purposes by a Council such land shall for all purposes be taken to be land required by the Minister for public purposes, and may be acquired in the manner prescribed by the Land Acquisition (Public Purposes) Act.

Land, how acquired.

CAP. 184.

55. (1) Whenever under this Act any works of any kind are required to be executed or carried out by the owner of any premises in a town and default is

A Council may cause work to be executed in case

of default.

made in the execution of the works within the time prescribed, the Council of that town may, if it thinks fit, cause the works to be executed or carried out, and the expenses incurred by the Council in respect thereof shall be a debt due to the Council by the owner for the time being of the premises.

(2) The amount of the expenses so incurred by the Council shall bear interest at the rate of seven *per centum* per annum from the date of completion of the work executed or carried out by the Council until payment in full be made to the Council.

(3) Subject to this Act, the amount of the expenses so incurred with the interest thereon and mortgagees' costs shall be a first charge on the property in respect of which the work was executed or carried out by the Council and shall be prior and preferential to all existing or future charges or encumbrances except those in favour of Her Majesty or the Government and the Council shall have the like rights and remedies as if the payment of such expenses, interest and costs had been secured by a legal mortgage of a fee simple in favour of the Council.

(4) The Council shall not obtain any charge under this section unless a memorandum giving particulars of the charge is executed by the Council and recorded at the General Registry within two months from completion of the work executed or carried out by the Council or within such further time as the Chief Justice may allow under the General Registry Act.

CAP. 327.

(5) The Chief Justice may make rules prescribing the form of the memorandum referred to in subsection (4) above.

(6) A memorandum required by this section shall be recorded without the payment of any recording fee and shall be exempt from stamp duty.

Members of a Council not liable personally.

56. (1) No matter or thing done and no contract entered into by a Council and no matter or thing done by any member, officer or servant of the Council shall, if the matter or thing were done or the contract were entered into *bona fide*

for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand, whatsoever.

(2) Any expense incurred by the Council, or by any such member, officer or servant shall be borne and repaid out of the Town Fund administered by the Council under this Act.

57. Every person who obstructs or impedes or insults or molests or attempts to obstruct or impede or insult or molest any member of a Council, or the Town Administrator or other officer or employee of any Council lawfully authorised as such by this Act in the discharge of his duties or in his official capacity or in the exercise of his powers either under this or any other Act or any regulations or by-laws is guilty of an offence and is liable on summary conviction to a fine not exceeding two thousand dollars. Protection of Council officials

58. All expenses incurred or payable by a Council pursuant to this Act or any regulations made thereunder shall be paid out of the Town Fund and all disbursements therefrom shall be in accordance with accounting regulations which may be made by the Council from time to time. Expenses of a Council, how met.

59. Without prejudice to any other law which vests any powers in a Council, every Council shall have and enjoy such additional powers and functions as are specified in the following Acts:- Additional powers and functions of every Council.

- (a) Public Roads Act; CAP. 232.
- (b) Trade Licensing Act; CAP. 66.
- (c) Intoxicating Liquor Licensing Act; CAP. 150.
- (d) Motor Vehicles and Road Traffic Act; and CAP. 230.
- (e) Towns Property Tax Act. CAP. 65.

Recovery of penalties.

60. An offence under this Act or any regulations made thereunder may be commenced within one year after the commission of the offence, or within one year after the Council concerned or affected by such offence becomes aware of the offence, whichever is the later.

Regulations.

61. (1) Every Council may make regulations for the better carrying out of the objects and purposes of this Act, and without prejudice to the generality of the foregoing, such regulations may provide for:-

- (a) the power of the Council to direct, through a notice published in the *Gazette*, that any lots or land within the town other than National Land be filled up by the owner or occupier thereof to the prescribed level, and the procedure to followed during the filling up of the land;
- (b) the power of the Council to recover costs, and the manner and method of the recovery of such costs (including the sale of land and buildings) incurred by the Council under this Act through doing or causing any work to be done on the property of any person in the town where such person has refused, neglected or defaulted or failed to execute such work himself after due and reasonable notice has been served on him by the Council;
- (c) the authority of the Council to enter upon any land in the town at all reasonable hours for the purpose of carrying out powers and duties conferred or imposed upon it by this Act;
- (d) the discretionary powers of the Council in dealing with indigent or poor property owners in the town;
- (e) foreshore improvement and any matters related thereto (where the limits of the town are adjacent to a sea);

- (f) the erection of fences between adjacent lots and messuages;
- (g) the prohibition of unauthorized encroachments on the seashore, river banks, and the banks of drains, canals, and creeks in the town;
- (h) the regulation of any bridges in the town, including the imposition of fees, fines and penalties in respect of the use of same;
- (i) the landing, storage and removal of inflammable liquids in the town; and
- (j) any other matter not specifically included in the paragraphs above which may properly be dealt with by way of regulations.

(2) Regulations made by the Council under this section shall be subject to negative resolution by the House of Representatives.

62. This Act shall come into force on a day to be appointed by the Minister by Order published in the *Gazette*. Commencement.

63. (1) The Local Government (District Boards) Act shall stand repealed at the commencement of this Act. Repeals and savings.

(2) All regulations, by-laws, rules, orders and other subsidiary legislation made under the Local Government (District Boards) Act shall continue in force after the commencement of this Act to such an extent as they are not inconsistent with the provisions of this Act, until repealed by regulations, by-laws, rules, orders and other subsidiary legislation made hereunder. CAP. 67.
R.E. 1980-1990.

SCHEDULE

[Section 2]

List of Towns

1. Benque Viejo Del Carmen
2. Corozal Town
3. Dangriga
4. Orange Walk Town
5. Punta Gorda
6. San Ignacio and Santa Elena
7. San Pedro