

BELIZE:

ECONOMIC DEVELOPMENT COUNCIL ACT, 2017

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No. 38 of 2017

I assent,

(SIR COLVILLE N. YOUNG)

Governor-General

21st July, 2017.

AN ACT to facilitate economic growth in, and the business competitiveness of, Belize by establishing a body to be known as the Economic Development Council to promote partnership and collaboration between the public sector and private sector; and to provide for matters connected therewith or incidental thereto.

(Gazetted 22nd July, 2017)

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

1. This Act may be cited as the

Short title.

ECONOMIC DEVELOPMENT COUNCIL ACT,
2017.

2. For the purposes of this Act, unless the context otherwise requires,

Interpretation.

“Co-Chairperson means a Co-Chairperson of the Council appointed under section 4;

“Council” means the Economic Development Council established by section 4;

“Executive Director” means the Executive Director of the Council, appointed under section 7;

“member” means a member of the Economic Development Council;

“Public-Private Desk” means the Public-Private Desk established in the Office of the Prime Minister;

“Secretariat of the Council” means the Secretariat of the Council as specified in section 9.

Objects of Act.

3. The objects of this Act are to-

- (a) promote and foster an atmosphere of ever increasing confidence, understanding, partnership and collaboration between the public sector and private sector of Belize, on macro-economic issues that are important in increasing Belize’s competitiveness;
- (b) establish the Economic Development Council as a primary forum in Belize for dialogue between the public sector and private sector, by enshrining in law the existing mechanism bearing that name.
- (c) create a more efficient business climate, which, by extension, is expected to increase employment and encourage the economic growth and development of Belize.

4. (1) This section establishes a body to be called the Economic Development Council.

Establishment
and
constitution of
Council.

(2) The Council is to consist of ten members appointed by the Prime Minister including two Co-Chairpersons, being, subject to subsection (4),

- (a) five representatives from the public sector, namely,
 - (i) the Financial Secretary;
 - (ii) the Chief Executive Officer of the Office of the Prime Minister;
 - (iii) the Chief Executive Officer of the Ministry responsible for economic planning;
 - (iv) the Chief Executive Officer of the Ministry responsible for agriculture;
 - (v) the Chief Executive Officer of the Ministry responsible for trade and commerce; and
- (b) five representatives from the private sector, namely, persons who have experience, individually, in one or more of the following areas, which persons shall be members of, and nominated by, organizations that are validly operating under the laws of Belize, and appear to the Prime Minister to collectively be representative of the following areas,
 - (i) banking and finance;
 - (ii) tourism;
 - (iii) distribution services ;

- (iv) agriculture;
- (v) exports;
- (vi) such other sectors of the economy as the Minister may, by order published in the Gazette, specify for the purposes of this section.

(3) The Prime Minister is to appoint one Co-Chairperson from the public sector members and another Co-Chairperson from the private sector members.

(4) Notwithstanding the composition of Council membership under subsection (2), The Prime Minister, in his discretion, may choose additional representatives from the public and private sector, according to changes in national economic priorities, however the representatives from each sector are to remain equal in number.

Schedule.

(5) The Schedule makes further provision in relation to the operations of the Council.

Functions of Council

5. The functions of the Council are to:-

- (a) foster improvement in the business climate in Belize by making recommendations to the Prime Minister and relevant government ministries and supporting the implementation of reforms that lead to the improvement of the business climate;
- (b) strengthen the relationship between the public sector and private sector through meaningful dialogue on macro-economic issues affecting the business climate, private sector development and Belize's overall competitiveness;

- (c) promote better understanding of business climate problems;
- (d) incorporate, as appropriate, inputs from the private sector into the design of recommendations for policy reforms to the Prime Minister;
- (e) facilitate the implementation of policy reforms;
- (f) serve as Belize's primary forum for dialogue between the public sector and private sector;
- (g) generally facilitate Belize's business competitiveness and investment climate;
- (h) promote the building of an institutional landscape to support economic development of Belize;
- (i) assist the Government to develop an environment that encourages the development and growth of the private sector;
- (j) identify areas of difficulty in conjunction with the private sector,
- (k) perform such other functions as may be assigned to the Council by the Prime Minister.

6. Membership of the Council is not of itself to be deemed to be an office of profit or emolument under the Government for the purposes of the Representation of the People Act.

Membership of Council not office of profit for representation purposes.

7. – (1) There is to be an Executive Director of the Council, being a person appointed by the Prime Minister as such, who, in that capacity,

Executive Director.

- (a) has the general responsibility to perform the functions conferred upon him as such, by this Act or any other law; and
- (b) in particular, is responsible for the management and administration of the Secretariat of the Council.

(2) The Executive Director and the two Co-Chairpersons, collectively, have the authority to sign reports, statements and other documents of the Council.

(3) The Executive Director may designate persons employed in the Public-Private Desk, that he considers to be suitably qualified, to be assigned the responsibility for administering under his direct supervision for the day to day activities of the Council.

Prime Minister may give policy directions.

8. The Prime Minister may give written directions of a general nature pertaining to the policy to be followed by the Council in the performance of its functions and the attainment of its objectives, and the Council shall comply with such directions.

Secretariat of Council.

9. The Office of the Prime Minister is to constitute the Secretariat of the Council, and in that capacity is required to provide technical and other support to the Council to better enable the Council to perform its functions.

Cooperation of other authorities

10. Each Government Ministry, agency or other public sector organization represented on the Council is required to provide support and advice to the Council, when requested by the Council to do so, to better enable the Council to perform its functions under this Act.

Reports.

11.-(1) The Executive Director shall,

- (a) from time to time advise the Prime Minister on the work of the Council, and in particular on

matters that could affect the priorities to be set by the Council;

- (b) prepare and submit to the Prime Minister prior to March 31 of each year an annual report on the work of the Council for the year immediately preceding.

(2) The Prime Minister is required to lay or cause to be laid a copy of every annual report on the table of both Houses of the National Assembly

12. Any communication (written or oral) that appears to the Executive Director to have any legal implications for the Government, shall not be dealt with by the Council, except for the purpose of formal acknowledgement, but shall be referred by the Executive Director to the Attorney General, unless the Executive Director is otherwise instructed by the Prime Minister.

Dealing with
legally
sensitive
communication

13. Each member of the Council is entitled to protection under the Public Authorities Protection Act, as if the member were included in the definition of “public authority” given in section 2 of that Act, and the place at which the Council holds its meetings is deemed to be the “abode” of the member within the meaning of that Act.

Council
members
protected
under Public
Authorities
Protection Act

14. Service upon the Council of any notice, order or other document shall be executed by personally delivering the same or by sending it by registered post addressed to the Executive Director.

Service of
notices, etc.

15. An action, suit, prosecution or other proceedings may not be brought or instituted personally against any member of the Council or of a Committee thereof, in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

Immunity of
Council
members

Regulations.

16. The Prime Minister may, after consultation with the Council make regulations generally, for the carrying out of the provisions of this Act and its due administration.

Schedule

(Section 4)

Further Provisions for Administration of Economic Development Council

1. The members of the Council are to be appointed in writing by the Prime Minister for a three year period and are eligible for reappointment; however, a member shall not serve longer than three consecutive terms.

Term of
members

2. A person is not qualified for appointment, or continuing to hold office, as a member of the Council, if the person,

Qualification
for
membership

(a) has been convicted of an offence involving fraud, dishonesty or moral turpitude; or

(b) is an undischarged bankrupt.

3. The office of a member of the Council becomes vacant if the member

Termination of
membership

(a) dies;

(b) completes the specified period of office and is not reappointed;

(c) resigns under paragraph 4; or

(d) is removed from office under paragraph 5.

4. – (1) Each Co-Chairperson may, at any time, resign from office by instrument in writing addressed to the Prime Minister.

Resignation

(2) The resignation shall take effect as from the date of receipt by the Prime Minister of the instrument.

(3) A member of the Council other than a Co-Chairperson may, at any time, resign his office by instrument in writing addressed to the Prime Minister and transmitted through the member's respective Co-Chairperson.

(4) From the date of the receipt by the Prime Minister of the instrument of resignation, the member shall cease to be a member of the Council.

**Revocation of
membership**

5. The Prime Minister may revoke the appointment of any member of the Council if the member -

- (a) becomes mentally or physically incapable or becomes permanently unable to carry out the duties of office satisfactorily;
- (b) becomes bankrupt or insolvent, compounds with, or suspends payment to, his creditors;
- (c) is convicted of an offence involving dishonesty or of an offence punishable with not less than one year imprisonment, or has been sentenced to a term of imprisonment or to death;
- (d) becomes disqualified for appointment by virtue of paragraph 2;
- (e) fails, without reasonable excuse, to carry out any of the functions conferred or imposed on him under this Act for a continued period of three months;
- (f) without reasonable excuse, breaches, or fails to comply with, any conditions of appointment;
or

- (g) fails to attend three consecutive meetings of the Council, or any of its committees, without excuse or reasonable explanation.
6. The names of members of the Council, as first constituted, and every change in the membership thereof, shall be published in the Gazette. **Publication of membership**
7. The Co-Chairpersons shall take turns presiding at all meetings of the Council. **Presiding at meetings**
8. The Prime Minister may appoint any person to act temporarily in the place of any Co-Chairperson or other member of the Council in the case of the absence or inability to act of such member, in keeping with the composition of the Council. **Temporary appointment**
9. On the application of any appointed member, the Prime Minister may grant leave of absence to the appointed member. **Leave of absence**
10. Any Co-Chairperson may at any time call a special meeting of the Council and shall call a special meeting of the Council within seven days of a written requisition for that purpose addressed to him by any five members of the Council. **Special meeting**
11. Subject to this Schedule, the quorum for any meeting of the Council is six members, including each Co-Chairperson (or person appointed temporarily to represent a Co-Chairperson) and three public sector members and three private sector members. **Quorum**
- 12.-(1) Subject to paragraph 15, the decisions at any meeting of the Council shall be made on a unanimous basis. **Voting**
- (2) Each member present at a meeting of the Council has one vote on any question arising for decision.

Meeting times

13. The Council may meet at such times as may be necessary or expedient for the transaction of business, and such meetings are to be held at such places and times on such days as the Council may determine.

Tele-conference meetings

14. A conference by telephone or other electronic means between the members of the Council is, for the purpose of this paragraph, to be regarded as a meeting of the Council at which the participating members are present if –

- (a) notice of the conference is given to all members in the manner determined by the Council for the purpose; and
- (b) each participating member is capable of communicating with every other participating member during the conference.

Round-robin decisions

15. A proposed resolution of the Council becomes a valid decision of the Council, despite the fact that it is not voted on at a meeting of the Council if –

- (a) notice of the proposed resolution is given to all members of the Council in accordance with procedures determined by the Council; and
- (b) at least six members, including the two Co-Chairpersons vote thereon, and on a unanimous basis express concurrence in the proposed resolution by letter, telegram, telex, facsimile, e-mail or other written communication setting out the terms of the resolution.

Minutes

16. Minutes of every meeting of the Council shall be kept in proper form by such officer as the Council may appoint and shall be confirmed by the Council at its next meeting and signed by the Chairperson thereof, or other person who presided at such meeting.

17. The Council may co-opt any public officer or other person to attend any particular meeting of the Council for the purpose of assisting or advising the Council, but no such co-opted person shall have any right to vote.

Co-opting of members

18.– (1) The Council may from time to time appoint Committees with the approval of the Prime Minister to carry out such tasks as the Council may assign to them.

Committees of Council

(2) The Council, when establishing any Committee–

- (a) is to appoint a member of the Council to be the Chairperson of the Committee;
- (b) may appoint officials of Government Ministries and departments, statutory bodies, non-governmental organizations and private sector representatives knowledgeable in the issues and matters to be determined by the Committee, to be and to form part of the Committee;
- (c) is to clearly state in writing the terms of reference of the Committee and the period for which it is appointed.

19. Every such Committee shall report its proceedings to the Council, and the decisions and conclusions of the Committee shall be subject to the approval of the Council.

Committees to report to Council

20. The rules for meetings of every Committee shall be the same rules as those governing the meetings of the Council, subject to any special rules that may be made by the Council in that behalf.

Rules of Committees

21. Subject to the provisions of this Act, the Council may regulate its own procedure.

Council to regulate its procedure