

BELIZE:

**HARBOURS AND MERCHANT SHIPPING (MARINA)
REGULATIONS, 2024**

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BELIZE:

STATUTORY INSTRUMENT

NO. 114 of 2024

REGULATIONS made by the Minister responsible for Ports in exercise of the powers conferred upon him by section 18 of the Harbours and Merchant Shipping Act, Chapter 234 of the Substantive Laws of Belize, Revised Edition 2020, and all other powers thereunto him enabling.

(Gazetted 14th September, 2024)

PART I

Preliminary

1. These Regulations may be cited as the

Citation.

**HARBOUR AND MERCHANT SHIPPING
(MARINA) REGULATIONS (2024).**

2. In these regulations—

Interpretation.

“activity” includes construction, demolition, operation, use of any facility, property, or device, any dredging, filling, construction of any kind, including but not limited to, construction of a basin, channel, dock, pier, jetty, breakwater, bulkhead, revetment or other marina structure, or human induced or conducted action resulting in the making of a connection to Belize’s internal or territorial waters;

“alteration” means any change to a marina which would—

- (a) increase the number of slips to not less than five;

CAAP. 233.

(b) involve new or additional upland or water-based activities whose construction or operation have the potential to generate pollution,;

(c) any repair,

Provided that the maintenance of existing serviceable structures shall not be considered an alteration;

“anchorage” means areas in which vessels are held by means of anchors or similar devices which are removed from the bottom and carried aboard the vessels once they are underway;

“Board” means the Board established under section 4 of the Belize Port Authority Act;

CAP. 233.

“Commissioner” means the Ports Commissioner appointed pursuant to section 11 of the Belize Port Authority Act;

“dock” means a fixed or floating decked structure where a vessel may be secured either temporarily or indefinitely;

“existing marina” means any marina structures or functions that were in operation or had a lease or permit prior to the commencement of these regulations;

“marina” means a facility on or adjacent to the water which provides for mooring, berthing, or storage of vessels, and includes the related ancillary structures and functions of marinas such as slips, docks, finger piers, piers, berths, upland vessel storage areas, boat ramps, anchorages, shore stabilization structures, breakwaters, channels, moorings, basins, vessel repair services, vessel sales, sales of supplies which are normally associated with boating such as fuel, bait and tackle, vessel rentals, and parking areas for users of the marina;

“owner” includes a lessee, designated representative or an operator;

“permit” means an official document that allows a person to do something and includes a permit from the Department of the Environment, the Mining Department, the Ministry of Natural resources, or any similar authority.

3. These Regulations shall not apply to a marina owned or operated by the military, a statutory body or the government of Belize,. Exemption.

4.-(1) Where the Board finds that an emergency condition exists the Board may waive– Emergency.

(a) portions of these regulations; or

(b) the conditions of any permit or plan approved,

in order to deal with the emergency.

(2) Notwithstanding sub-regulation (2), economic hardship alone is not an emergency condition.

5. The Commissioner shall maintain a record containing– Records.

(a) a list of all Marina Permits; and

(b) information regarding a Marina Permit.

PART II

Permits and Approvals

6.-(1) No person shall construct, operate, install, modify, alter or replace a marina unless that person has a valid Marina Permit issued by the Commissioner. Applicant.

(2) A person who contravenes sub-regulation (1) commits an offence.

Application.

7.-(1) An application for a Marina Permit shall be—

- (a) made in writing to the Commissioner; and
- (b) accompanied by the applicable non-refundable fees listed in the Schedule.

(2) An application for a Marina Permit shall be made by the owner of the property where the marina is located.

(3) Notwithstanding sub-regulation (2), a person who is not the owner of the property may apply for a Marina Permit, if that person demonstrates that that person shall become the owner before the permit is issued.

(4) Prior to submitting an application for a Marina Permit, an applicant shall publish in two newspapers of countrywide circulation for not less than two weeks—

- (a) the proposed plan for the construction, operation, maintenance or alteration of a marina; and
- (b) a statement that written comments on the proposed application for the construction, operation, maintenance or alteration of a marina may be submitted to the Commissioner not later than twenty one days after the date of the publication in the newspaper.

(5) An application for a Marina Permit shall be accompanied by evidence of the requirements under sub-regulation (4).

(6) An applicant shall, within six weeks, respond to—

- (b) to questions posed by the Commissioner; and
- (c) comments raised by the public.

8. An applicant shall obtain public liability insurance which covers—

Insurance.

- (a) pollution damage; and
- (b) salvage operations,

to cover sums as the Commissioner may require.

9. The Commissioner shall make a final evaluation of all information on record for the project and may issue a Marina Permit after receiving public comments.

Issuance of permit.

(2) The Commissioner may defer consideration of an application, for not more than fourteen days, if the Commissioner determines that substantive questions regarding the location for the proposed project are raised.

(3) Where the Commissioner defers consideration subject to sub-regulation (2) the applicant may appeal to the Minister whose decision shall be final.

10. A person whose interest is substantially affected by a decision of the Commissioner may appeal to the Board within twenty-one days after the Commissioner's decision has been announced.

Appeal.

11.—(1) A person aggrieved by a decision of the Board may appeal that decision to the High Court of Belize.

Appeal to High Court.

(2) An appeal to the High Court shall be made within twenty-one days of the Board's decision.

PART III

Termination of Operations, Maintenance, and Removal

Maintenance.

12.—(1) An owner shall maintain a marina in accordance with the standards set by the Authority.

(2) Where an owner fails to maintain the marina as prescribed by the Authority that owner commits an offence and is liable on summary conviction to a fine of not less than one thousand dollars and to three hundred dollars for each day that the offence continues or to imprisonment for a period of six months or to a fine and term of imprisonment.

Operations.

13.—(1) Where an owner terminates operations of a marina, the owner shall immediately inform the Authority in writing and shall cause all in-water structures to be removed if required by the Authority.

(2) The owner commits an offence if the owner fails to—

(a) inform the Authority that operations has been terminated; or

(b) remove the structures as required by this regulation.

Structure removal.

14. Where an owner fails to remove the structures within twenty-one days, the Commissioner may remove the structures at the owner's expense and the Authority may recover the cost related to the removal as a civil debt.

Risk to maritime safety.

15. Where the Commissioner finds that a structure or thing at a marina poses a risk to maritime safety, security or to the marine environment, the Commissioner may order the owner to, repair, fix or remove the risk.

16.-(1) Where the owner fails to comply with an order under regulation 19 the Commissioner may remove the risk at the owner's expense.

Removal of risk.

(2) The Authority may recover the cost related to an action taken under sub-regulation (1) as a civil debt.

PART IV

General Provisions

17.-(1) The Commissioner shall appoint an officer to inspect marinas, and related facilities.

Inspection.

(2) A person who obstructs or prevents an authorized officer from performing his duty under this regulation commits an offence and is liable on summary conviction to a fine of not less than two thousand dollars but not exceeding five thousand dollars or to imprisonment for one year or to both a fine and term of imprisonment.

18.-(1) The Commissioner may require the owner of a new, proposed or existing marina to implement a safety management system.

Safety.

(2) An owner who fails to implement a safety management system commits an offence and is liable on summary conviction to a fine of not less than five hundred dollars but not exceeding five thousand dollars or to imprisonment for a period of one year or to both a fine and term of imprisonment.

19.-(1) An owner shall report the arrival of all foreign vessel arrivals at his facility to the Authority.

Foreign vessels.

(2) An owner who fails to report the arrival of a foreign vessel commits an offence.

- Casualty.** **20.**—(1) Where, an incident or casualty occurs at an existing, under construction, or proposed marina, the owner shall immediately report the incident or casualty to the Commissioner.
- (2) An owner who contravenes this regulation commits an offence.
- Compliance.** **21.** The Commissioner may make an order to ensure that the owner complies with instructions, directions or conditions placed on the operation, management and maintenance of an approved marina, and may require guarantees in respect of that compliance.
- General requirements.** **22.** A person who alters an existing marina without a Marina Permit is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for one year or to both a fine and term of imprisonment.
- Dredging.** **23.**—(1) The Commissioner may approve a dredge plan relating to a marina where the owner obtains the required permits from the relevant government departments.
- (2) An owner who contravenes sub-regulation (1) commits an offence.
- Alteration of approved dredge plan.** **24.** Dredging to enlarge, deepen, or relocate a channel to specifications differing from the approved dredge plan shall constitute an alteration and shall conform with regulation 23.
- Maintenance dredging.** **25.**—(1) Subject to regulations 8 and 23, a marina alteration permit is not required for maintenance dredging provided that all spoils are placed in areas approved by the relevant permit.
- (2) The applicant shall obtain a letter of authorization from the Commissioner for any activity relating to maintenance dredging.

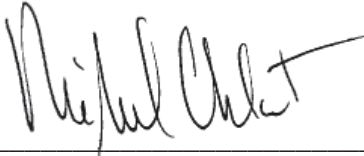
26. A person who contravenes a provision of these regulations for which no specific penalty is provided commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding one year, or to both a fine and term of imprisonment.

General Pen-
alty.

27. These regulations shall come into force on the 14th day of September, 2024.

Commence-
ment.

MADE by the Minister responsible for Ports on the 12th day of September, 2024.



HON. MICHEL CHEBAT

Minister of Public Utilities , Energy,
Logistics and E-Governance
(*Minister responsible for Ports*)

SCHEDULE*[regulation 7]***FEES (NON-REFUNDABLE)**

1. Application (commercial).....	\$500.00
2. Application (non- commercial).....	\$150.00
3. Site visit and inspection (Belize District).....	\$300.00
4. Site visit and inspection (all other districts).....	\$700.00
5. Yearly Permit.....	\$1.05 per square ft. of docking capacity
6. Replacement of yearly permit.....	\$100.00
7. Administrative fees.....	\$150.00