

**EXPORT PROCESSING ZONE
(AMENDMENT) .1994
BELIZE**

No.23 of 1994

I assent,

(SIR COLVILLE N. YOUNG)
Governor-General

31st August, 1994.

AN ACT to amend the Export Processing Zone Act, Chapter 232B of the Laws of Belize, Revised Edition 1980-1990, to alter the composition and enlarge the powers of the Export Processing Zone Committee; to provide for an Export Processing Zone Appeal Board; and to provide for matters connected therewith or incidental thereto.

(Gazetted 9th September, 1994.)

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

1. This Act may be cited as the

Short title.

EXPORT PROCESSING ZONE (AMENDMENT) ACT,
1994

CAP. 232B.

and shall be read and construed as one with the Export Processing Zone Act which is hereinafter referred to as the principal Act.

Amendment of principal Act.

2. The principal Act is hereby amended by substituting the words “Ministry of Trade and Industry” *for* the words “Ministry of Trade and Commerce” wherever occurring therein.

Repeal and replacement of section 3.

3. Section 3 of the principal Act is hereby repealed and replaced with the following:

“Export Processing Zone Committee.

3. (1) There is hereby established an Export Processing Zone Committee which shall be composed of one designated representative from each of the following:

(a) Ministry of Trade and Industry;

(b) Ministry of Labour;

(c) Ministry of Economic Development;

(d) Ministry of Finance;

(e) the Belize Chamber of Commerce and Industry;

(f) the small businesses sector;

(g) the EPZ developers;

(h) the EPZ business;

and two representatives with suitable knowledge and experience from the industrial sector to be appointed by the Minister in his discretion.

(2) The function of the EPZC shall be to designate Export Processing businesses in accordance with this Act and any regulations made thereunder.

(3) The quorum of the EPZC shall be six members.

(4) The decisions of the EPZC shall be by a majority vote.

(5) The Minister shall appoint a suitable person from among the members of the EPZC to be the Chairman thereof.

(6) The Chairman of the EPZC and the two representatives from the industrial sector appointed by the Minister shall serve for a period of two years and shall be eligible for reappointment.

(7) The EPZC may, after consultation with the Minister make rules to govern its own procedure.”

4. Section 4 of the principal Act is hereby amended by repealing subsection (4) thereof.

**Amendment
of Section 4.**

5. Section 6 of the principal Act is hereby amended by repealing paragraph (c) thereof and replacing it with the following:

**Amendment of
Section 6.**

“(c) to make improvements, construct facilities and develop infrastructure, including independent utility installations, to enhance an EPZ’ seconomic development, provided that before considering independent utility installations, the EPZ Developer shall offer the existing providers of utility services in Belize, the option for the provision of such services to the EPZ, based on quality, competitiveness, the special circumstances of the EPZ and other relevant considerations.

6 Section 7 of the principal Act is amended as follows:

**Amendment
of section 7.**

(a) In subsection (1), by substituting “EPZC” for the word “Ministry” occurring therein.

(b) In subsection (2), by substituting “EPZC” for the word “Ministry” occurring in the first, fourth and ninth lines.

- (c) In subsections (3) and (5), by substituting “EPZC” *for* the word “Ministry” wherever occurring.

**Amendment
of section 8.**

7. Section 8 of the principal Act is amended in subsection (3) thereof by substituting the words “The EPZC, with the concurrence of the Ministry of Trade and Industry” *for* the words “The Ministry” occurring therein.

**Amendment
of section 9.**

8. Section 9 of the principal Act is hereby amended by repealing subsection (2) thereof and replacing it with the following:

“(2) All imports of an EPZ business into an EPZ, including capital equipment, service and utility vehicles, office furniture, spare parts, raw materials, intermediate goods and supplies shall be exempt from all customs duties, tariffs, consumption taxes, excise taxes, trade turnover taxes, or other taxes. Fuel entering an EPZ for energy generating purposes shall be included in such exemption, provided the fuel is not retailed.”

**Repeal and
replacement
of section 13.**

9. Section 13 of the principal Act is hereby repealed and replaced with the following:

“EPZ labour
regime.
CAP. 234.

13. (1) The provisions of the Labour Act shall apply to the EPZ Developer and to the EPZ businesses.

(2) EPZ Developers and EPZ business shall pay their Belizean workers in the currency of Belize.

(3) A work permit shall be required for any foreign national to work on a regular basis for an EPZ business.

(4) Applications for work permits may be submitted to the EPZ office which may process same through the relevant Ministries.

(5) The Immigration Department on the recommendation of the Ministry of Labour may grant work permits to applicants who will serve an EPZ business in senior management or technical positions and such permits shall remain in effect until the holders of such work permits cease to work in the positions for which such work permits have been granted.

(6) In addition to subsection (5) above, the Immigration Department on the recommendation of the Ministry of Labour may grant work permits for up to fifteen per centum of the workers of an EPZ business as designated by the EPZ business.

CAP. 121. (7) Notwithstanding anything contained in the Immigration Act or any other law, no fees shall be payable for work permits issued under this section to EPZ personnel.”

10. Section 14 of the principal Act is amended as follows:

**Amendment
of section 14.**

- (a) By repealing subsection (1) and replacing it with the following:

“(1) The EPZC may assess fines for violations of any requirement under this Act by an EPZ business or EPZ Developer in accordance with regulations made under this Act.”

- (b) In subsection (2), by substituting “EPZC” for the word “Ministry” occurring in the third line thereof.

- (c) By repealing subsection (3) and replacing it with the following:

“(3) Where the EPZC determines that a foreign national working for an EPZ business no longer

satisfies the requirements of his work permit, the EPZC may recommend the revocation of such permit to the Ministries concerned”.

(d) By repealing subsection (4).

(e) By repealing subsections (6) and (7).

(f) In subsection (10), by substituting the words “sue the EPZC” *for* the words “sue the Ministry” occurring therein.

Repeal and replacement of section 15.

11. Section 15 of the principal Act is hereby repealed and replaced with the following:

“Regulations

15. (1) The EPZC may, after consultation with the Minister make regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1) above, the EPZC may, in like manner, make regulations for the following:

- (a) prescribing the criteria for obtaining a Certificate of Compliance to establish an EPZ; and
- (b) prescribing application fees and administrative fees.”

Addition of new sections 17 and 18.

12. The principal Act is amended by adding the following new sections 17 and 18 immediately after section 16:

“Appeal Board

17. (1) There shall be established an Appeal Board (hereinafter referred to as “the Board”) which shall comprise of three members as follows:

- (a) the Solicitor General or his representatives;

(b) the President of the University College of Belize; and

(c) the President of the Belize Chamber of Commerce and Industry.

(2) The Minister shall appoint one of the members of the Board to be the chairman thereof.

(3) The chairman of the Board shall serve for a period of one year and may be reappointed.

(4) An EPZ Developer or an EPZ business may appeal any fine or revocation of Certificate of Compliance to the Board within twenty-one days of the decision of the Committee imposing such fine or revoking such Certificate of Compliance, and such fine or revocation of Certificate of Compliance shall remain in force until such time as a final decision is given by the Board.

(5) Notwithstanding subsection (4) above, the Board may extend the time under subsection (4) above upon good cause being shown.

(6) The Board shall hear appeals under subsection (4) of this section as far as practicable within twenty-one days of the appeal.

(7) The Board shall have power to reverse or modify any decision and such decision shall be final and binding on the parties to the appeal.

(8) The Board may make rules to govern its own procedure.

**“Fees, fines to
be paid into
Consolidated
Revenue Fund.**

18. All fees and fines payable under this Act shall be paid into the Consolidated Revenue Fund.”