

- (b) dispatched from or processed at a scrap metal site:
- i. a description of the type, physical characteristics and distinguishing features of the scrap metal sufficient to identify it accurately, the form in which it is dispatched or processed and its weight;
 - ii. the full name and address of the person, company or facility to whom the scrap metal is sold or otherwise disposed of;
 - iii. the consideration given or to be given on the sale or other disposal of the scrap metal;
 - iv. such other particulars as may be prescribed.

(2) Every register kept by a person in pursuance of subsection (1) shall be a bound book kept exclusively for the purposes of this section and shall be retained by him and be available for inspection in the scrap metal store until the end of the period of three (3) years beginning with the day on which the last entry was made in the register.

(3) Every entry in the register kept by a scrap metal dealer shall be deemed, unless the contrary is proved, to have been made by or under the authority of that dealer.

Reporting requirements.

9. Every scrap metal dealer shall submit to the Department -

- (a) On a monthly basis -
 - i. A copy of the information collected in the register.
- (b) On an annual basis -

- i. Copies of up to date payment for land taxes, property taxes etc. made to the local or central Government for the premises upon which the business or company is operating from.
- ii. Copies of up to date payment for business tax.

10. Every scrap metal dealer shall keep displayed prominently in each place occupied by him a sign notifying to the general public the penalties provided under this Regulation: operating without a license, for giving false information to scrap metal dealers, or operating while under suspension.

Display of License.

11. Every person who knowingly submits -

- i. any false information into the register or
- ii. gives to a scrap metal dealer or his servant or agent any false particulars concerning his name and address or concerning the source of the scrap metal in question

Entering false information in register.

shall be guilty of an offence and shall upon summary conviction be liable to a fine not less than three thousand \$3,000 or to imprisonment of six months or to both such a fine and imprisonment.

12. Every scrap metal dealer shall, upon request by any police officer or an officer of the Department, allow to enter his place of business or any place occupied by him as a scrap metal site, and allow to inspect the register required to be retained or to be kept at that place, and any books of account, and to check the scrap metals available on site, and allow to inspect certificates of clearance relating to transactions in scrap metal kept by the scrap metal dealer.

Power to enter premises and conduct searches.

Restrictions on the purchase of scrap metal and employment.

13. (1) A scrap metal dealer shall not, by himself or by any other person, purchase or otherwise acquire or dispose of any scrap metal:

- i.* between the hours of 6 o'clock in the evening and 7 o'clock in the morning;
- ii.* from any person apparently under the age of sixteen years;
- iii.* prohibited by the Regulation.

(2) A scrap metal dealer shall not employ, whether as servant, apprentice or otherwise, any person under the apparent age of sixteen years, or any person who is not a Belizean national.

(3) Any person who contravenes any provision of this section shall be guilty of an offence and upon summary conviction be liable to a fine not exceeding five thousand dollars \$5000 or to imprisonment for six months or to both such a fine and imprisonment.

Duty to report matters to police.

14. Any scrap metal dealer, or any person employed by such dealer in his business, who ... has reason to believe that any scrap metal offered to him has been stolen;

- i.* having acquired any scrap metal, thereafter has reason to believe that such metal was, before such acquisition, stolen;
- ii.* has reason to believe that the scrap metal is a prohibited material.

...shall immediately inform the closest Police Station, Department of Environment, or any other enforcement agency accordingly and shall furnish information in his possession relating to the person who offered such scrap metal or from whom such metal was acquired.

(a) received or kept at that site:

- i.* a description of the type, physical characteristics and distinguishing features of the scrap metal sufficient to identify it accurately, the form in which it is received and its weight;
- ii.* the date and time of the receipt of the scrap metal by the scrap metal dealer or his servant or agent;
- iii.* where the scrap metal is received by a servant or agent, the name of the servant or agent;
- iv.* the full name, contact details and address of the person from whom the scrap metal is received and of the
- v.* person from whom it was purchased or otherwise acquired;
- vi.* the source of the scrap metal, that is to say, the full name and address of the person from whom the seller or donor acquired title to sell or otherwise dispose of the scrap metal to the scrap metal dealer;
- vii.* in the case of scrap metal delivered at a scrap metal site by means of a motor vehicle (whether the vehicle belongs to the scrap metal dealer or not), the registration number of the vehicle; license plate number

Penalties for operation without a license or under suspension

6. (1) Any person, business or company who conducts business as a scrap metal dealer without a license shall be guilty of an offence, and shall upon summary conviction be liable to a fine of not less than fifteen thousand dollars (\$15,000) or for a term of imprisonment not less than two years or to both such a fine and imprisonment.

(2) Any person, business or company who is found to be in contravention of the conditions of his license or ECP as a scrap metal dealer, shall be guilty of an offence, and shall have his license suspended for a period determined by the Department; and during which time if found to still be operational or conducting business while under suspension, shall be liable upon summary conviction to a fine not less than ten thousand dollars (\$10,000) or for a term of imprisonment not less than one year or to both such a fine and imprisonment

Conditions in a license.

7. The license holder shall be subject to the following compulsory terms and conditions:

- i.* the scrap metal site shall not be located within a residential area;
- ii.* the scrap metal site shall be property fenced so as not to be an eyesore;
- iii.* the scrap metal shall be well drained and regularly sprayed to prevent breeding of mosquitos or other pests; and
- iv.* the time of activity in any scrap metal site shall be from 7 a.m. to 6 p.m.

Register book to log transactions

8. (1) Every scrap metal dealer shall keep, or cause to be kept, a register consisting of a book in the prescribed form (hereinafter referred to as "the register"), of all transactions related to his business with respect to all scrap metal -

15. A police officer, or an officer from the Department, if he has reason to believe that any stolen scrap metal or prohibited material is kept in or about any premises by a scrap metal dealer, may, at any time and without warrant, enter and search such premises.

Powers to officers to conduct searches.

16. (1) A police officer, or an officer from the Department, while carrying out a search under Regulation 15 may seize/ confiscate any scrap metal found in or about the premises concerned and detain person (s) believed to be associated with any scrap metal found in or about the premises of which he has reason to believe has been stolen or is a prohibited material.

Powers to seize scrap metal or detain persons.

(2) Any scrap metal dealer, caught with any stolen or prohibited scrap metal shall be liable on the first instance to a fine of no less than ten thousand dollars (\$10,000) but not more than twenty thousand dollars (\$20,000).

(3) If any scrap metal dealer is caught in the second instance with any stolen or prohibited scrap metal, his Environmental Clearance letter and the license authorizing him to be a scrap metal dealer shall be revoked, and the scrap metal confiscated.

17. Any person who hinders or obstructs, or attempts to hinder or obstruct, a police officer or an officer of the Department in the exercise or attempted exercise of any power conferred by this section, shall be guilty of an offence, and upon summary conviction shall be liable to a fine not more than \$10,000.

Penalties for dealing with stolen or prohibited scrap metal.

18. (1) Transportation of scrap metal within the confines of the country of Belize shall be via authorized trucks only.

Requirements for the transportation of scrap metal within Belize.

(2) The scrap metal dealer shall submit a written application to the Department providing the following information:

- i.* the make,
- ii.* the model,
- iii.* vehicle identification number,
- iv.* license plate and any other information deemed necessary for the authorization of the truck.

(3) The authorized truck(s) shall have a copy of an authorization from the Department for the collection of scrap metal. The authorization must be in the possession of the driver of the truck at all times.

(4) Any person caught transporting scrap metal material in an unauthorized truck shall be guilty of an offence and shall upon summary conviction be liable to a fine of not less than ten thousand dollars (\$10,000) or imprisonment for a period of not less than one (1) year or to both such a fine and imprisonment.

(5) Any unauthorized truck caught in the act of transporting scrap metal will be immediately confiscated and the material shall become property of the Government of Belize and shall be auctioned in accordance with any procedure or mechanism established by the Ministry of Finance.

Requirements for the exportation of scrap metal.

19 (1). For the purpose of this Regulation, the exportation of scrap metal shall be done utilizing tandem truck with trailer capable of transporting not less than 30 tonnes of scrap metal.

(2) The scrap metal dealer shall submit to the Department the following information about the tandem truck:

- i.* the make,

“scrap metal site” means any authorized place where scrap metal is kept in the course of the business of a scrap metal dealer or under the provisions of this Regulation;

PART I

3. (1) Any person who proposes to carry on business as a scrap metal dealer shall make application to the scrap metal committee, by providing the following information: name of applicant, address for the proposed scrap metal site, copy of the land tenure documents, a description of the proposed activities.

Application to be a Scrap Metal dealer or recycler.

(2) Any person or persons, company, or business who buys or sells scrap metal for the purpose of export shall first obtain a license from the Department, prior to embarking on such activity.

4. Upon receipt of an application for a license, the scrap metal committee, through the Department may, in its discretion:

Grant of license to operate as a scrap metal dealer or recycler.

- i.* Refuse to grant such license; or
- ii.* Grant such license subject to such conditions as the Department may deem fit to impose, and require that the licensee sign an Environmental Compliance Plan (ECP) containing the necessary conditions.

5. Any license granted under this regulation shall be:

License Validity

- i.* Valid for a period of 12 months from the date of issuance,
- ii.* Non transferable.

Customs and Excise Department and any other agency providing law enforcing services within the borders of Belize;

“prohibited material” means any material which are substantially made of copper, bronze, aluminum or material which are considered as antiquities or artifacts as per the National Institute of Culture and History Act.

“register” means a book, paper, document or notebook, whether in electronic form or otherwise, that may contain information with respect to the business of a scrap metal dealer or recycler;

“Scrap Metal” means any material which new or used substantially made of stainless steel, steel, tin or other metals, and includes items such as derelict vehicles, old iron or any other metal prescribed by the regulation.

“scrap metal committee” means a committee established under this Regulation, and may comprise of representatives from the following agencies: the Department of the Environment, the Belize Police Department, Immigration Department, Customs and Excise Department, the Belize Mayor’s Association, and any other agency which may be deemed necessary by the Department.

“scrap metal dealer or recycler” mean a person engaged in the business of purchasing, trading, bartering or otherwise receiving scrap metal and includes employees of that person;

“scrap metal processing” shall include heating, burning, annealing, melting down and any other process whereby the material ceases to be scrap metal but does not include dismantling or breaking up, or compacting; and “processed” shall be construed accordingly.

- ii.* model,
- iii.* vehicle identification number,
- iv.* license plate and any other information deemed necessary for the authorization of the truck.

20. The scrap metal dealer shall obtain from the Department an export permit for each exportation of scrap metal, and pay the necessary fees associated with such license.

Requirement for a Permit to export scrap metal.

21. Any person who transports scrap metal in an authorized truck shall have affixed on the vehicle a conspicuous sign at the front or side of the vehicle the following information:

Identification of a scrap metal truck.

- i.* “SCRAP METAL TRANSPORTER,”
- ii.* Name of the scrap metal dealer or his business,
- iii.* Address of scrap metal dealer,
- iv.* Contact details (e.g. telephone number) of scrap metal dealer.

22. (1) For the purposes of this Regulation, all trucks will have areas where it is strictly prohibited from entering thus transportation on or along Arenal Road, Calla Creek Road, Jalacte road and Bullet Tree Road will be strictly prohibited.

Prohibition.

(2) Any truck caught transporting material within these prohibited areas shall be guilty of an offence and shall upon summary conviction be liable to a fine of not less than ten thousand dollars (\$10,000) but not more than twenty thousand dollars (20,000) or to imprisonment for a period of up to two (2) or to both such a fine and imprisonment.

(3). Any scrap metal and any truck found to be unauthorized or within the prohibited areas can be confiscated by the Department and shall become property of the Government of Belize; and these shall be auctioned in accordance with any procedure or mechanism established by the Ministry of Finance.

(4). The export of scrap metal from Belize will not be permitted between the hours of 6 pm and 7 am.

General
Penalty.

23. Where no penalty is specifically provided for in these Regulations, a person who contravenes these Regulations is guilty of an offence and shall be liable on summary conviction to a fine not less than ten thousand dollars (\$10,000) but not more than twenty thousand dollars (\$20,000), or to imprisonment for a term not exceeding two year or to a both such a fine and imprisonment.

Offences in
other laws.

24. Where an act or omission constitutes an offence under these Regulations and is also an offence under any other law, nothing in these Regulations shall affect the operation of such other law and the accused person may be charged and tried under such other law, notwithstanding the provisions of these Regulations.

MADE by the Minister responsible for the Environment this 22nd day of March, 2011.


GASPAR VEGA)

*Minister of Natural Resources, and
The Environment*

Printed in Belize by the Government Printer

BELIZE:

STATUTORY INSTRUMENT

No. 36 of 2011

REGULATIONS made by the Minister responsible for the Environment in exercise of the powers conferred upon him by sections 7, 26, 44 and 45 of the Environmental Protection Act, Chapter 328 of the Substantive Laws of Belize, Revised Edition 2000-2003, and all other powers thereunto him enabling.

(Gazetted 16th April, 2011.)

1. These Regulations may be cited as the

Short title.

SCRAP METAL RECYCLERS REGULATION, 2011

2. (1) In these Regulations, unless the context otherwise requires -

Definition.

“the Act” means the Environmental Protection Act;

CAP. 328.

“Department” means the Department of the Environment, established under the Act;

“ECP” means the Environmental Compliance Plan required to be signed as per Regulations 4 (ii).

“license” means a license granted under the provisions of this Regulation;

“local law enforcement agency” means the Department of the Environment, Police Department, Transport Department,