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# Laws of Jamaica

PASSED IN THE YEAR

1937.

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JUL 25 1938



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THE

# LAWS OF JAMAICA

PASSED IN THE YEAR, 1937.

PUBLISHED BY AUTHORITY.

JAMAICA  
GOVERNMENT PRINTING OFFICE, KINGSTON.

1938  
W

JUL 25 1938



SHORT TITLES OF LAWS.

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1. The Supplementary Appropriation (1935-1936) Law, 1937.
2. The Tariff Further Amendment Law, 1937.
3. The Rum Control Amendment Law, 1937.
4. The Customs Consolidation Amendment Law, 1937.
5. The Expiring Law Continuance Law, 1937.
6. The Package Tax Law, 1937.
7. The Taxation Amendment Law, 1937.
8. The Parochial Roads Amendment Law, 1937.
9. The Currency Notes Law, 1937.
10. The Slum Clearance Law, 1937.
11. The Registration of Voters Amendment Law, 1937.
12. The Kingston and Saint Andrew Corporation Amendment Law, 1937.
13. The Jamaica Co-operative Marketing Association Enquiry (Amendment) Law, 1937.
14. The Telegraph Control Law, 1937.
15. The Water Commission (Corporate Area) Amendment Law, 1937.
16. The Banana Industry Aid (Amendment) Law, 1937.
17. The Registration of Titles (Amendment) Law, 1937.
18. The Revised Edition (Laws of Jamaica) Law, 1937.
19. The Tariff Law 1927 (Law 11 of 1927) Amendment Law, 1937.
20. The Statute Law Revision Law, 1937.
21. The Police Pension Amendment Law, 1937.
22. The Public Health Amendment Law, 1937.
23. The Criminal Law Further Amendment Law, 1937.
24. The Court of Appeal Amendment Law, 1937.
25. The Public Water Supply Amendment Law, 1937.

26. The Jamaica Stock Conversion Law, 1937.
27. The Subsidiary Coinage Law, 1937.
28. The Passenger Duty Amendment Law, 1937.
29. The Earthquake Annuities Amendment Law, 1937.
30. The Coconut Industry Aid Amendment Law, 1937.
31. The Appropriation Law, 1937-38.
32. The Sugar Industry Control Amendment Law, 1937.
33. The Kingston and St. Andrew Corporation Amendment Law,  
(No. 2) 1937.
34. The Venereal Disease Law, 1937.
35. The Designs Law, 1937.
36. The Stamp Duty Law, 1937.
37. The Administration of Justice Law, 1937.
38. The Shop Assistants Law, 1937.
39. The Workmen's Compensation Law, 1937.
40. The Moneylending Law, 1937.
41. The Road Traffic Law, 1937.
42. The Forest Law, 1937.
43. The Sugar Industry Control Law, 1937.
44. The Sale of Drugs and Poisons Amendment Law, 1937.
45. The Kingston and St. Andrew Corporation Amendment and  
Validation Law, 1937.
46. The Supplementary Appropriation (1936-1937) Law, 1937
47. The Pilotage Law, 1937.



## TABLE OF LAWS

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[Assented to 30th January, 1937.]

1. A Law to allow and confirm Certain Expenditure incurred in the financial year 1935-1936.

[Assented to 30th January, 1937.]

2. A Law to Amend further the Tariff Laws.

[Assented to 9th February, 1937.]

3. A Law to Amend the Rum Control Law, 1934, (Law 22 of 1934).

[Assented to 31st March, 1937.]

4. A Law to Amend the Customs Consolidation Law 1877, (Law 18 of 1877).

[Assented to 31st March, 1937.]

5. A Law to continue a Certain Expiring Law.

[Assented to 31st March, 1937.]

6. A Law to Impose a Tax on Packages.

[Assented to 13th April, 1937.]

7. A Law to Amend Certain Laws Relating to Taxation.

[Assented to 13th April, 1937.]

8. A Law to Amend the Parochial Roads Consolidation Law 1931 (Law 34 of 1931).

[Assented to 15th April, 1937.]

9. A Law to make Provision for Currency Notes of Jamaica and to place the Issue of such Currency Notes upon a Permanent Basis.

[Assented to 15th April, 1937.]

10. A Law to make provision with respect to the clearance or improvement of unhealthy areas, the repair or demolition of insanitary dwelling houses and barracks, the housing of persons of the working classes and for purposes connected with the matters aforesaid.

[Assented to 15th April, 1937.]

11. A Law to Amend the Registration of Voters Law 1908 (Law 52 of 1908).

[Assented to 15th April, 1937.]

12. A Law to Amend Further the Kingston and St. Andrew Corporation Law 1931 (Law 12 of 1931).

[Assented to 7th July, 1937.]

13. A Law to Amend the Jamaica Co-operative Marketing Association Enquiry Law 1934.

[Assented to 7th July, 1937.]

14. The Telegraph Control Law, 1937.

[Assented to 7th July, 1937.]

15. A Law to Amend The Water Commission (Corporate Area) Law, 1936 (Law 34 of 1936).

[Assented to 7th July, 1937.]

16. A Law to Amend the Banana Industry Aid Laws 1932 and 1933 (Law 15 of 1932 and Law 25 of 1933).

[Assented to 7th July, 1937.]

17. A Law to Amend the Registration of Titles Laws.

[Assented to 7th July, 1937.]

18. A Law to provide for a Revised Edition of the Laws of Jamaica.

[Assented to 7th July, 1937.]

19. A Law to Amend Further the Tariff Laws.

[Assented to 7th July, 1937.]

20. A Law to facilitate the preparation of a Revised Edition of the Laws of Jamaica.

[Assented to 7th July, 1937.]

21. A Law to Amend the Police Pension Law, 1926 (Law 13 of 1926).

[Assented to 7th July, 1937.]

22. A Law to Amend the Public Health Law 1925 (Law 18 of 1935).

[Assented to 7th July, 1937.]

23. A Law to Amend The Criminal Law Amendment Law, 1872.

[Assented to 7th July, 1937.]

24. A Law to Amend The Court of Appeal Law 1932.

[Assented to 7th July, 1937.]

25. A Law to Amend the Public Water Supply Law 1889.

[Assented to 13th July, 1937.]

26. A Law to Authorise the Issuing of Inscribed Stock for the conversion of the Jamaica Three Per Centum Stock, 1949.

[Assented to 13th July, 1937.]

27. A Law Relating to Currency Coinage and Legal Tender.

[Assented to 13th July, 1937.]

28. A Law to Amend the Passenger Duty Law, 1935 (Law 16 of 1935).

[Assented to 13th July, 1937.]

29. A Law to Amend The Earthquake Annuities Law 1909 (Law 32 of 1909).

[Assented to 13th July, 1937.]

30. A Law to Amend The Coconut Industry Aid Law 1931 (Law 23 of 1931).

[Assented to 13th July, 1937.]

31. The Appropriation Law, 1937-38.

[Assented to 13th July, 1937.]

32. A Law to Amend the Sugar Industry Control Law 1933 (Law 31 of 1933).

[Assented to 13th July, 1937.]

33. A Law to Amend further The Kingston and St. Andrew Corporation Law 1931 (Law 12 of 1931).

[Assented to 14th July, 1937.]

34. A Law to Prevent the treatment of Venereal Disease otherwise than by Duly Registered Medical Practitioners, and to Control the supply of Remedies therefor, and for other matters connected therewith.

[Assented to 14th July, 1937.]

35. A Law Relating to Designs.

[Assented to 22nd July, 1937.]

36. A Law to Impose Stamp Duties.

## VI

[Assented to 29th November, 1937.]

37. A Law for the Better Administration of Justice.

[Assented to 22nd December, 1937.]

38. A Law Relating to Shop Assistants.

[Assented to 28th December, 1937.]

39. A Law to Provide for the Payment of Compensation to Workmen for Injuries suffered in the course of their Employment.

[Assented to 28th December, 1937.]

40. A Law Relating to Moneylending.

[Assented to 29th December, 1937.]

41. A Law to Regulate Road Traffic.

[Assented to 29th December, 1937.]

42. A Law to make Provision for the Protection and Management of Forests.

[Assented to 29th December, 1937.]

43. A Law to Control the Sugar Industry.

[Assented to 29th December, 1937.]

44. A Law to Amend the Sale of Drugs and Poisons Law 1926 (Law 20 of 1926).

[Assented to 29th December, 1937.]

45. A Law to Amend the Kingston and St. Andrew Corporation Law 1931 (Law 12 of 1931) and to Validate the Imposition and Collection of Certain Fees.

[Assented to 6th January, 1938.]

46. A Law to Allow and Confirm Certain Expenditure incurred in the financial year 1936-37.

[Assented to 18th January, 1938.]

47. A Law Relating to Pilots and Pilotage.

## VII

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 47 of 1937.*

Statute or Laws repealed or affected	How Affected.	Number of Law.
Law 4 of 1925 ..	First Schedule amended by ..	Law 2 of 1937.
Law 22 of 1934 ..	Read and construed as one with— Section 3 repealed and new Section substituted by— Section 11 repealed and new Section substituted by— Section 2 paragraph (b) of the definition "Rum Pool Agreement" amended by— Section 2 paragraph (b) of the definition "Regulation Agreement" and the word "(a)" of the preceding paragraph of the said definition repealed by—	Law 3 of 1937.
Law 18 of 1877 ..	Read and construed as one with—	} Law 4 of 1937.
Law 20 of 1912 ..	Repealed by	
Law 18 of 1877 ..	In lieu of Section 24 a new Section substituted by—	
	Section 83 repealed and new Section substituted by— Section 25 amended by	
Law 36 of 1911 ..	Section 4 amended by	} Law 5 of 1937.
Law 9 of 1920 ..	Continued by ..	} Law 6 of 1937.
Law 18 of 1877 ..	Imposition of Package Tax under ..	

## VIII

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 47 of 1937.*

Statute or Laws repealed or affected.	How affected.	Number of Law.
Law 17 of 1890 Law 17 of 1899 Law 5 of 1908	Section 18 repealed by Section 2 repealed by Sub-paragraph (1) of paragraph (b) of Section 1 repealed by	Law 7 of 1937.
Law 6 of 1908	Sub-paragraph (1) of paragraph (b) of Section 1 repealed by	
Law 36 of 1908	The whole Law repealed by	
Law 18 of 1911	The whole Law repealed by	
Law 5 of 1916	The whole Law repealed by	
Law 24 of 1919	Section 15 and the caption thereto repealed by	
Law 11 of 1923	The whole Law repealed by	
Law 9 of 1924	The whole Law repealed by	
Law 10 of 1924	The whole Law repealed by	
Law 30 of 1867	Section 1 amended by	
Law 32 of 1867	Section 19—new Section substituted for, by Section 20 amended by Section 23 amended by Section 42 amended by	
Law 15 of 1903	Section 2—New Section inserted as Section 2 by	Law 8 of 1937.
Law 16 of 1903	Section 4 amended by	
Law 43 of 1920	Section 2—New Section substituted for, by	
Law 34 of 1931	Read and construed as one with— Sub-section 2 of Section 4 repealed and new Sub-section substituted by	
Law 27 of 1904	Repealed by	
Law 17 of 1918	Repealed by	
Law 2 of 1920	Repealed by	
Law 13 of 1933	Repealed by	
Ordinance 5 of 1902 of Turks and Caicos Islands	Repealed by	
Law 52 of 1908	Read and construed as one with— new Section "5a" added by	
Law 12 of 1931	Read and construed as one with— Proviso added to Sub-section (1) of Section 36 by—	Law 12 of 1937.
Law 23 of 1934	Read and construed as one with Section 3 repealed and new Section substituted by—	
Law 18 of 1929	Repealed by	Law 14 of 1937.

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 47 of 1937.*

Statute or Laws repealed or affected.	How affected.	Number of Law.
Law 34 of 1936	Read and construed as one with Section 3 amended by	Law 15 of 1937.
Law 15 of 1932	Read and construed as one with	Law 16 of 1937.
Law 25 of 1933	Read and construed as one with	Law 16 of 1937.
Law 21 of 1888	The Registration of Titles Laws, 1888 to 1933 read and construed as one with— Section 37 amended by Section 134 repealed and new Section substituted by Section 136 amended by Section 138 amended by	* Law 17 of 1937.
Law 27 of 1921	Repealed by	Law 18 of 1937
Law 4 of 1925	First Schedule amended by	Law 19 of 1937.
33 Charles II Ch. 17	The whole Law repealed by	} Law 20 of 1937.
33 Charles II. Ch. 22	The whole Law repealed by	
35 Charles II. Ch. 3	The whole Law repealed by	
35 Charles II. Ch. 4	The whole Law repealed by	
5 William and Mary, Ch. 1.	The whole Law repealed by	
11 William III. Ch. 4	The whole Law repealed by	
11 Anne, Ch. 4.	The whole Law repealed by	
9 George I. Ch. 1	The whole Law repealed by	
4 George II. Ch. 4	The whole Law repealed by	
14 George II. Ch. 3	The whole Law repealed by	
21 George II. Ch. 8	The whole Law repealed by	
22 George II Ch. 6	The whole Law repealed by	
24 George II. Ch. 9	The whole Law repealed by	
1 George III. Ch. 13	The whole Law repealed by	
9 George III. Ch. 4	Sections 5, 6, 7, 8 and 9 repealed by	

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 47 of 1937.*

Statute or Laws repealed or affected.	How affected.	Number of Law.
10 George III. Ch. 11	The whole Law repealed by	} Law 20 of 1937.
14 George III. Ch. 5	Section 1 repealed by	
14 George III. Ch. 17	The whole Law repealed by	
14 George III. Ch. 28	The whole Law repealed by	
16 George III. Ch. 15	The whole Law repealed by	
17 George III. Ch. 27	The whole Law repealed by	
21 George III. Ch. 23	The whole Law repealed by	
23 George III. Ch. 14	The whole Law repealed by	
29 George III. Ch. 13	Section 3 and the words "bills and mortgages whatsoever" in Section 4 repealed by	
35 George III. Ch. 35	The whole Law repealed by	
36 George III. Ch. 35	The whole Law repealed by	
46 George III. Ch. 26	The whole Law repealed by	
53 George III. Ch. 19	The whole Law repealed by	
55 George III. Ch. 19	The whole Law repealed by	
4 George IV. Ch. 21	The whole Law repealed by	
8 George IV, Ch. 22	Sections 1, 2 and 3 repealed by	
9 George IV. Ch. 23	The whole Law repealed by	
10 George IV. Ch. 12	Sections 1, 2, 3, 4, 8, 9, 10, 12 and references in the remaining Sections to the Oath referred to in the repealed Sections repealed by	
2 William IV. Ch. 16	The whole Law repealed by	
5 William IV. Ch. 39	The whole Law repealed by	
6 William IV. Ch. 32	The whole Law repealed by	
1 Victoria Ch. 26	Sections 1, 2, 3, 11, 18 and 19 repealed by	



*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 47 of 1937.*

Statute or Laws repealed or affected.	How affected.	Number of Law.
1 Victoria Ch. 28	Sections 5, 6, 7, 9, 14, 15, 16, 17, 19, 21, and the words "shall be charged with an offence a degree below felony and" in Section 4 repealed by	} Law 20 of 1937.
3 Victoria Ch. 50	The whole Law repealed by	
3 Victoria Ch. 58	The whole Law repealed by	
4 Victoria Ch. 22	The words "according to the Laws now in force" in Section 1. Sections 2 and 3 repealed by	
4 Victoria Ch. 51	The whole Law repealed by	
4 Victoria Ch. 52	The whole Law repealed by	
5 Victoria Ch. 48	The whole Law repealed	
6 Victoria Ch. 55	The whole Law repealed by	
6 Victoria Ch. 59	The whole Law repealed by	
7 Victoria Ch. 23	The whole Law repealed by	
7 Victoria Ch. 49	The whole Law repealed by	
9 Victoria Ch. 22	The whole Law repealed by	
9 Victoria Ch. 23	The whole Law repealed by	
10 Victoria Ch. 22	The whole Law repealed by	
13 Victoria Ch. 22	The whole Law repealed by	
14 Victoria Ch. 40	The whole Law repealed by	
16 Victoria Ch. 15	Sections 8, 21, and 22 repealed by	
16 Victoria Ch. 23	The whole Law repealed by	
17 Victoria Ch. 29	The whole Law except Schedule E. and the part of Section 40 referring thereto repealed by	
18 Victoria Ch. 34	The whole Law repealed by	
18 Victoria Ch. 48	The whole Law repealed by	
18 Victoria Ch. 58	The whole Law repealed by	
18 Victoria Ch. 61	The whole Law repealed by	
19 Victoria Ch. 29	The whole Law repealed by	
20 Victoria Ch. 3	Sections 3, 4, 5, 6, 8, 11, 15 and 16 repealed by	
21 Victoria Ch. 9	The words "as may be directed by the Act under which the conviction takes place" in Section 1 repealed by	
21 Victoria Ch. 31	The whole Law repealed by	
22 Victoria Ch. 20	The whole Law repealed by	
22 Victoria Ch. 28	The whole Law repealed by	
22 Victoria Ch. 39	Section 4 repealed by	
24 Victoria Ch. 2	The whole Law repealed by	
24 Victoria Ch. 13	The whole Law repealed by	
25 Victoria Ch. 5	The whole Law repealed by	
25 Victoria Ch. 6	The whole Law repealed by	
25 Victoria Ch. 25	The whole Law repealed by	
25 Victoria Ch. 31	The whole repealed by	
27 Victoria Ch. 22	The whole Law repealed by	

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 47 of 1937.*

Statute or Laws repealed or affected.	How affected.	Number of Law.
27 Victoria Ch. 33	The words "For the purposes of this Act" in the sixth paragraph of Section 1 repealed by	Law 20 of 1937
28 Victoria Ch. 18	Sections 1 and 2 and the words "by this Act additionally or in substitution authorized" in Section 5 repealed by	
28 Victoria Ch. 21	The whole Law repealed by	
28 Victoria Ch. 24	The whole Law repealed by	
28 Victoria Ch. 26	The whole Law repealed by	
28 Victoria Ch. 44	The whole Law repealed by	
29 Victoria Ch. 18	The whole Law repealed by	
3 of 1866 ..	The whole Law repealed by	
5 of 1866 ..	The whole Law repealed by	
3 of 1867 ..	The whole Law repealed by	
4 of 1867 ..	The whole Law repealed by	
9 of 1867 ..	The whole Law repealed by	
8 of 1868 ..	The whole Law repealed by	
21 of 1868 ..	The whole Law repealed by	
44 of 1869 ..	The whole Law repealed by	
2 of 1870 ..	The whole Law repealed by	
5 of 1870 ..	The whole Law repealed by	
9 of 1870 ..	The whole Law repealed by	
10 of 1870 ..	The whole Law repealed by	
12 of 1870 ..	The whole Law repealed by	
15 of 1870 ..	The whole Law repealed by	
22 of 1870 ..	The whole Law repealed by	
32 of 1870 ..	The whole Law repealed by	
20 of 1871 ..	The whole Law repealed by	
28 of 1871 ..	The whole Law repealed by	
24 of 1872 ..	Section 24 repealed by	
6 of 1873 ..	Section 7, the words from "and" in the eight line to the end repealed by	
32 of 1873 ..	The whole Law repealed by	
20 of 1874 ..	The whole Law repealed by	
17 of 1875 ..	Section 22 repealed by	
25 of 1875 ..	The whole Law repealed by	
7 of 1877 ..	Repeal the words "Police Magistrate" and substitute Resident Magistrate as applied to Jamaica repealed by	
9 of 1878 ..	The whole Law repealed by	
12 of 1881 ..	Section 37 repealed by	
21 of 1885 ..	The whole Law repealed by	
2 of 1886 ..	The whole Law repealed by	
8 of 1887 ..	The whole Law repealed by	
9 of 1887 ..	The whole Law repealed by	

XIII

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 47 of 1937.*

Statute or Laws repealed or affected.	How affected.	Number of Law.	
40 of 1888	The words "except where otherwise expressly provided" in Section 329 repealed by	Law 20 of 1937.	
15 of 1889			The whole Law repealed by
15 of 1890			The whole Law repealed by
23 of 1891			The whole Law repealed by
13 of 1898			Section 41 repealed by
9 of 1903			The whole Law repealed by
45 of 1903			The whole Law repealed by
3 of 1906			The whole Law repealed by
Law 17 of 1908			The whole Law repealed by
Law 9 of 1909			The whole Law repealed by
Law 37 of 1909			The whole Law repealed by
Law 19 of 1911			The whole Law repealed by
Law 18 of 1914	The words "of the Surveyor or" in the third and fourth lines of the first proviso in Section 2 repealed by		
Law 13 of 1926	Read and construed as one with Section 1 repealed and new Section substituted by Section 2 amended by Sub-section 2 of Section 9 amended by	Law 21 of 1937.	
Law 18 of 1925			Read and construed as one with Sub-sections 2 and 3 of Section 15 repealed and new sub-section substituted for, by Section 17 repealed and new Section substituted for, by Section 18 repealed and new Section substituted for, by New Section '23a' added by Section 42 amended by
Law 14 of 1933	Repealed by	Law 23 of 1937.	
Law 24 of 1872	New Section substituted for Section 14 by		
Law 9 of 1932	Read and construed as one with Section 6 amended by	Law 24 of 1937.	
Law 28 of 1889	Read and construed as one with Section 6 amended by	Law 25 of 1937	
Law 49 of 1869	Affected by Section 10 of	Law 27 of 1937.	
Law 16 of 1935	Read and construed as one with Section 8 repealed and new Section substituted by	Law 28 of 1937.	
Law 32 of 1909	Read and construed as one with	Law 29 of 1937.	

XIV

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 47 of 1937.*

Statute or Laws repealed or affected.	How affected.	Number of Law.
Law 23 of 1931 ..	Read and construed as one with Section 15 repealed and new Section substituted by	
Law 23 of 1931 ..	Section 16 repealed and new Section substituted by Section 17 repealed and new Section substituted by Section 18 repealed by Section 34 repealed and new Section substituted by	Law 30 of 1937.
Law 31 of 1933 ..	Read and construed as one with	Law 32 of 1937.
Law 12 of 1931 ..	Read and construed as one with Sub-section 2 of Section 15 repealed and new sub-section substituted by Section 191 repealed and new Section substituted by Paragraph (b) of Section 194 repealed	Law 33 of 1937.
Law 16 of 1879 ..	And all Laws amending the same as one with	
Law 40 of 1903 ..	Repealed by	
Law 17 of 1910 ..	Repealed by	
Law 29 of 1911 ..	Repealed by	
Law 3 of 1914 ..	Repealed by	Law 36 of 1937
Law 7 of 1916 ..	Repealed by	
Law 10 of 1919 ..	Repealed by	
Law 13 of 1920 ..	Repealed by	
Law 18 of 1928 ..	Repealed by	
Law 12 of 1929 ..	Repealed by	
Law 13 of 1898 ..	Section 14 amended by Section 19 as amended by Law 20 of 1928 further amended by Section 20 amended by New Section '33a' added by Additions made to Schedule No. 2 by	Law 37 of 1937.
Law 9 of 1932 ..	New Section '14a' added by	
Law 39 of 1927 ..	The third paragraph of Section 300 repealed by	
Law 7 of 1908 ..	Section 29 repealed by	
Law 11 of 1895 ..	Section 2 amended by	Law 38 of 1937.
Law 13 of 1935 ..	Repealed by	
Law 27 of 1905 ..	Repealed by	Law 40 of 1937

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 47 of 1937.*

Statute or Laws repealed or affected.	How affected.	Number of Law.
Law 21 of 1922 ..	Repealed by	
Law 9 of 1927 ..	Repealed by	
Law 37 of 1927 ..	Repealed by	
Law 30 of 1929 ..	Repealed by	
Law 14 of 1930 ..	Repealed by	
Law 12 of 1931 ..	Sub-sections 12, 22, and 24 of Section 187, in so far as those sub-sections relate to motor vehicles, repealed by	
Law 33 of 1931 ..	Section 24, in so far as it relates to motor vehicles repealed by	} Law 41 of 1937.
Law 34 of 1931 ..	Section 68, in so far as it relates to motor vehicles repealed by	
Law 9 of 1933	Repealed by	
Law 26 of 1933 ..	Repealed by	
Law 37 of 1936 ..	Sub-sections (c), (k), (l), (m), (o), of Section 3, in so far as those sub-sections relate to motor vehicles repealed by	
Law 33 of 1927 ..	Repealed by	} Law 42 of 1937
Law 31 of 1933 ..	Repealed by	
Law 19 of 1936 ..	Repealed by	} Law 43 of 1937.
Law 32 of 1937 ..	Repealed by	
Law 20 of 1926 ..	Read and construed as one with Section 3—New Section substituted for, by Paragraph (d) of Section 4—New paragraph substituted for by Section 8 amended, by New proviso substituted for the proviso to Section 10 Section 13—New Section substituted for, by Sub-section 2 of Section 15—New sub-section substituted for, by Section 16 amended by Section 21 amended by Section 23—New Section substituted for, by Section 26 amended by Section 30—New Section substituted for, by Schedule B—New Schedule substituted for, by	} Law 44 of 1937.

## XVI

*Statutes and Laws repealed, amended or otherwise affected by Laws 1 to 47 of 1937.*

Statute or Laws repealed or affected.	How affected.	Number of Law.
Law 12 of 1931 ..	Read and construed as one with Section 52 repealed and new Section substituted for by Section 122 amended by	Law 45 of 1937.
Law 21 of 1891 ..		
Law 11 of 1894 ..	Repealed by Section 52 repealed by	Law 47 of 1937.
Law 36 of 1903 ..		
Law 28 of 1906 ..	Repealed by	
Law 30 of 1911 ..	Repealed by	
Law 4 of 1914 ..	Repealed by	
Law 12 of 1916 ..	Repealed by	
Law 16 of 1920 ..	Repealed by	
Law 44 of 1920 ..	Repealed by	

No. 1----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

30th January, 1937.

A LAW to Allow and Confirm Certain Expenditure  
incurred in the financial year 1935-1936.

[4th February, 1937.]

**W**HEREAS expenditure was necessarily incurred Preamble.  
during the financial year 1935-1936, on certain  
services not provided for by Law 11 of 1935:

Be it enacted by the Governor and Legislative Council  
of Jamaica as follows:—

1—This Law may be cited as the Supplementary Short Title.  
Appropriation (1935-1936) Law, 1937.

2—The expenditure during the financial year 1935-1936 Amount  
to the amount of One Hundred and Thirty-eight Thousand authorised for  
Seven Hundred and Forty-nine Pounds Fifteen Shillings the financial  
and One Penny on certain services set forth in the Schedule year 1935-36.  
to this Law and not provided for or not fully provided for  
by Law 11 of 1935 is hereby allowed and confirmed.

## SCHEDULE.

	£	s.	d.
II. Pensions ...	5,258	11	5
VI. Legislative Council ...	355	0	11
VIII. Lands Department ...	2,668	3	7
X. Public Treasury ...	73	0	2
XI. Currency Commissioners ...	218	17	11
XVII. Law Officers ...	45	11	11
XIX. Resident Magistrates' Courts ...	1,368	4	6
XXXVIII. Subventions ...	368	16	9
XXXIX. Miscellaneous ...	27,566	1	6
XL. Railway ...	69,657	6	4
XLIII. Public Works Extraordinary ...	30,662	18	4
XLIV. Colonial Development Fund ...	507	1	9
	£138,749 15 1		



No. 2---1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

30th January, 1937.

A LAW to Amend further the Tariff Laws.

[14th January, 1937.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows :—

1—This Law may be cited as the Tariff Further Amendment Law 1937, and shall be read and construed as one with the Tariff Laws 1925 to 1936 and with the Tariff Further Amendment Law 1936 (Law 32 of 1936), and those Laws and this Law may together be cited as the Tariff Laws 1925 to 1937.

Short Title and  
Construction.

2—The First Schedule to the Tariff Law 1925 (in this Law referred to as the Principal Law), as amended by the Tariff Amendment Law 1927 (Law 11 of 1927), the Tariff Further Amendment Law 1927 (Law 29 of 1927), the Tariff Further Amendment Law 1931 (Law 1 of 1931), the Tariff Further Amendment Law 1932 (Law 14 of 1932), the Tariff Further Amendment Law 1933 (Law 23 of 1933), the Tariff

Amendment of  
Principal Law.

Further Amendment Law 1934 (Law 7 of 1934), the Tariff Further Amendment Law 1934 (Law 21 of 1934), the Tariff Further Amendment Law 1934 (Law 26 of 1934), the Tariff Further Amendment Law 1935 (Law 20 of 1935), and the Tariff Further Amendment Law 1936 (Law 32 of 1936), is hereby further amended by the addition of a new item 50 (a) (b) and (c), contained in the Schedule of this Law, to the First Schedule of the Principal Law: Provided that the several duties set forth in the Schedule to this Law shall be in addition to any duty payable on these articles under the provisions of the Principal Law or any Laws amending the same.

## Duration

3—This Law shall continue in force until and including the Fifteenth day of May One Thousand Nine Hundred and Thirty-seven.

## SCHEDULE.

Item No.	Article.	Preferential Tariff.	General Tariff.
50 (a)	Flags of the British Empire including all flags resembling such flags; pennants; also all articles bearing representations of such flags, or the Royal Arms or other emblems of Royalty or bearing representations of His Majesty or any member of the Royal Family; and all articles designed for use or suitable for use at the commemoration of the Coronation of His Majesty King George VI. an additional duty per article ...		1/-
(b)	Bunting and cotton piece goods either in tricolour or bearing any representation of any flag of the British Empire or the Royal Arms or other emblem of Royalty or bearing representations of His Majesty or any member of the Royal Family or bearing any design suitable for use at the commemoration of the Coronation of His Majesty King George VI. an additional duty per yard ...		6d.
(c)	Fireworks an additional duty advalorem ...		50%

No. 3-----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

9th February, 1937.

A LAW to Amend the Rum Control Law 1934  
(Law 22 of 1934).

[18th February, 1937.]

BE it enacted by the Governor and Legislative Council of  
Jamaica as follows :—

1—This Law may be cited as the Rum Control Amend-  
ment Law 1937 and shall be read and construed as one  
with the Rum Control Law 1934 (in this Law referred to  
as “the Principal Law”).

Short Title and  
Construction.

2—The Principal Law is hereby amended as follows :—  
(1) Section 3. The Section is hereby repealed and in  
place thereof the following Section is hereby substituted :—

Amendment of  
Principal Law.

“3 (1) There shall be established a Board to be  
called “The Rum Control Board” (in this Law referred  
to as “The Board”) comprised of not less than seven  
members for the purpose of carrying out the provisions

Establishment  
of Rum Control  
Board, its  
powers and  
duties.

of this Law. One member of the Board shall be a rum manufacturer or a representative of rum manufacturers and one other member shall be a rum dealer not concerned with the manufacture of rum.

(2) The members and Chairman of the Board shall be appointed by the Governor and the Governor may from time to time define the powers and duties of the Board.

(3) The Governor may fill any vacancy on the Board caused by the death, resignation, illness, absence from the Island, or inability to act, of any member thereof or in any other manner whatsoever, and may revoke the appointment of any member of the Board.

(4) Notwithstanding any temporary vacancy or vacancies in the body of members composing the Board the same shall be deemed to be fully constituted for the purposes of this Law.

(5) Five members including the Chairman or Acting Chairman shall form a quorum for the transaction of business and may do anything that the Board may do under this Law.

(6) The Chairman shall have the right to vote on any question and in the event of the votes being equal he shall also have a casting vote and the decision of the majority of the members present and voting shall prevail. Provided that no member of the Board shall take part in the deliberations of the Board, on any question in which his individual interests, as distinct from the interests of the Industry generally, are directly concerned. The Chairman of the Board shall have full power to call meetings of the Board and shall be entitled to attend meetings of the Board of the Company mentioned in the Principal Law, and shall have the right of access to all contracts, records and transactions of the Company, but he shall not be a member of the Board of the said Company or be entitled to vote at any meeting of the Board of the said Company.

(7) In addition to any express powers and duties of the Board that may be defined as aforesaid it shall be lawful for the Board :—

- (a) to demand and obtain from the Collector General or any officer of Customs such information either written or verbal as the Board may from time to time deem necessary to enable it to exercise its powers or perform its duties under this Law;
- (b) from time to time to advise the Governor as to the maximum retail prices which it is advisable for him to fix for the various grades of rum in Jamaica.
- (c) to perform such duties and exercise such powers as may from time to time be assigned to it or conferred on it by the Governor in Privy Council for fully carrying into effect the provisions of this Law."

(2) Section 11. The Section is hereby repealed and in lieu thereof the following Section is hereby substituted:—

"11 (1) The Governor in Privy Council may from time to time make regulations for the more effective carrying out of the provisions of this Law and in particular, but without prejudice to the generality of the foregoing provision, in relation to any or all of the following matters :—

Regulations.

- (a) for controlling the Board,
- (b) for regulating the procedure of the Board in all matters to be brought before the Board in pursuance of the provisions of this Law,
- (c) for regulating the procedure in all Appeals to the Governor in Privy Council,
- (d) for ensuring the recording and carrying out of any decision of the Board and of the Governor in Privy Council,
- (e) for the proper service of all necessary notices and process,
- (f) for the fixing of all costs and fees in relation to any proceedings under this Law.

(2) Such regulations shall not have any force or effect until publication thereof in the Gazette and shall, as and from the date of such publication, have the force of Law.’’

Modifications and alterations of agreements and new agreements to be approved by Governor in Privy Council.

3—(1) From and after the commencement of this Law no modification or alteration of either of the Agreements in the Principal Law defined as the Rum Pool Agreement and the Regulation Agreement, and no agreement to be hereafter made shall be deemed to form part of, or be a Rum Pool Agreement within the meaning and for the purposes of the Principal Law unless such modification, alteration or agreement shall have been approved by the Governor in Privy Council: Provided that the Regulation Agreement shall (unless earlier terminated by the act of the parties thereto) terminate on the 30th day of November, 1942.

(2) At any time prior to (but not earlier than one year before) the termination of the Regulation Agreement, or of any separate Rum Pool Agreement made as hereinafter provided, the Company shall, with the approval of the Governor in Privy Council, make a separate Rum Pool Agreement with any of the parties to the said Regulation Agreement or expiring separate Rum Pool Agreement with such terms as to the Company may seem just and reasonable, subject to the right of any of the said parties to appeal to the Governor in Privy Council from any refusal of the Company to accord to any such party terms that may be just and reasonable.

(3) Upon an appeal as aforesaid the Governor in Privy Council shall refer such appeal to the Board for its consideration and advice, and the Board shall hold an enquiry and shall investigate and consider any such appeal, and shall hear and consider all evidence and matters submitted by or on behalf of the Appellant and the Company and any person claiming to be interested in or liable to be injuriously affected thereby, and shall report to the Governor in Privy Council in relation to such appeal.

(4) The Governor in Privy Council in considering such report shall not be bound by anything contained therein, and may settle and approve of a Rum Pool Agreement with such terms as shall in his discretion be just and reasonable.

and such last mentioned Agreement shall be deemed to be a Rum Pool Agreement within the meaning and for the purposes of the Principal Law, other than Section 5 thereof, and shall be binding on the Company as a Rum Pool Agreement notwithstanding that such Agreement has not been executed or otherwise assented to in accordance with the provisions of section 2 definition (b) of "Rum Pool Agreement" contained in the Principal Law.

4—(1) Upon any application to the Governor in Privy Council for approval of any modification or alteration of any existing agreement or of any new agreement as mentioned in the preceding Section hereof the Governor in Privy Council shall refer such application to the Board for its consideration and advice.

Procedure on application for approval of Governor in Privy Council.

Every such application shall be advertised in such manner as may be prescribed in the Jamaica Gazette and at least three times in a daily newspaper circulating in Jamaica.

(2) Any person (hereinafter referred to as "an objector") claiming to be interested in, or liable to be injuriously affected by, any such modification alteration or new agreement, may within 14 days from the last of such advertisements lodge with the Board an objection and shall forthwith serve a copy thereof on the Applicant. Such objection shall be in writing and shall set out the grounds upon which the objector claims to be interested in or liable to be injuriously affected by such modification, alteration or new agreement, and shall also set out the grounds upon which the objector will rely.

(3) The Board shall thereupon hold an enquiry and shall investigate and consider any such application and any objection thereto, and shall hear and consider all evidence and matters submitted by, or on behalf of the Applicant, and any objector and shall report to the Governor in Privy Council in relation to such application. The Governor in Privy Council in approving or disapproving of any such modification alteration or new agreement as aforesaid shall not be bound by any advice contained in any such report and may make such order as may seem proper.

(4) For the purposes of this Section "Prescribed" means prescribed by regulations to be made by the Governor in Privy Council in pursuance of this Law.

Unfair discrimination prohibited.

5—The Company mentioned in the Principal Law (in this Law referred to as "the Company") shall not in effecting sales or making executory contracts of sale of any rum manufactured under and in pursuance of any Rum Pool Agreement (hereinafter referred to as "Pool Rum") unfairly discriminate between individual buyers of pool rum.

Power of Board to hear and determine complaints.

6—(1) Whenever any person shall contend that the Company has in any particular matter in relation to the sale of pool rum unfairly discriminated against him such person may lodge a complaint as to such matter with the Board and the Board shall thereupon summon the Company to answer to such complaint.

(2) Whenever the Company shall contend that any person has committed any breach of any arrangement by such person with the Company in relation to the sale of any pool rum the Company may lodge a complaint as to such matter with the Board and the Board shall thereupon summon such person to answer to such complaint.

(3) All such complaints shall be in writing and shall set out concisely the facts complained of and the grounds upon which the complainant will rely and a copy of such complaint shall be attached to any summons to be issued by the Board to the Company or other person in pursuance of this Section.

(4) The Board shall thereafter have power to and shall hear and consider the subject matter of such complaint and any answer thereto and all evidence and matters submitted by or on behalf of the complainant and the other party and may after such hearing make such order in the premises as to the Board shall seem fit.

Appeals from Board to Governor in Privy Council.

7—Any party to any proceeding before the Board as provided for in the immediately preceding Section hereof shall have a right to appeal to the Governor in Privy Council against any order made by the Board in such proceeding.



The Governor in Privy Council shall thereupon hear and determine such appeal and may make thereon such order as to the Governor in Privy Council may seem fit. Any such order made by the Governor in Privy Council shall be final and binding on the parties to such proceeding.

8—In considering the subject matter of any such complaint as aforesaid and in making any order thereon the Board, and on appeal the Governor in Privy Council, shall have due regard to any custom practice matter or thing relating to the manufacture of rum and to the sale thereof prevailing at the time of the commencement of this Law or from time to time prevailing in the industry. Provided always that the Board may only consider any custom practice matter or thing not involving an unfair discrimination between individual buyers.

Prevailing customs, etc., to be recognised.

9—The Board may from time to time, and shall, on the direction of the Governor or on the requisition of at least two members of the Board enquire into any matter or thing in relation to the manufacture of rum in this Island, and to the sale thereof by the Company or by any other person whomsoever, and to report to the Governor in Privy Council upon any such enquiry. For the purpose of any such enquiry the Board shall have all the powers of the Supreme Court of Judicature of Jamaica to summon witnesses at such enquiry and to compel the production of any document.

Duty and powers of Board to make enquiries and report.

10—In respect of any question or matter coming before the Board in pursuance of the provisions of Sections 4 and 6 of this Law the Board shall have all the powers of the Supreme Court of Judicature of Jamaica to summon parties and witnesses and to compel the production of any document and shall have power to make such Order as it deems fit in regard to the payment of the costs of any proceedings before it by any of the parties to such proceedings. The Governor in Privy Council shall have similar powers in respect of any Appeal made in pursuance of the provisions of Section 7 of this Law.

Powers of Board and Governor in Privy Council in any proceeding.

Force of Order  
of Board and  
of Governor in  
Privy Council.

11—(1) An Order of the Board and any decision of the Board other than a decision contained in a report to the Governor in Privy Council in pursuance of the provisions of Section 4 of this Law shall have the force of a Judgment of a Resident Magistrate's Court in matters within the Court's jurisdiction and any Order or decision made by the Governor in Privy Council on any Appeal in pursuance of Section 7 of this Law shall have the force of a Judgment of the Supreme Court of Judicature of Jamaica.

(2) Any Action or other proceeding may be brought in any competent Court by any person who is aggrieved by failure to carry out any such Order or decision of the Board or of the Governor in Privy Council and in such case the Court shall enforce such Order or decision in like manner as judgments of such Court are enforced.

Amendment of  
Principal Law.

12—Section 2 paragraph (b) of the definition "Rum Pool Agreement" in the Principal Law is hereby amended as follows:—

For the words "three-quarters" which occur in the fourth and fifth lines, the words "two-thirds" are hereby substituted, and for the word "exclusive" which occurs in the seventh line, the word "inclusive" is hereby substituted.

Amendment of  
Principal Law.

13—Section 2 paragraph (b) of the definition "Regulation Agreement" in the Principal Law and the word "(a)" in the preceding paragraph of the said definition are hereby repealed.

No. 4-----1937,

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

31st March, 1937.

A LAW to Amend the Customs Consolidation Law 1877  
(Law 18 of 1877).

[1st April, 1937.]

**B**E it enacted by the Governor and Legislative Council of  
Jamaica as follows :—

1—This Law may be cited as the Customs Consolidation Short Title.  
Amendment Law, 1937 and shall be read and construed as  
one with the Customs Consolidation Law 1877 (in this Law  
referred to as the Principal Law) and any Law amending  
the same.

2—The Customs Consolidation Further Amendment Substitution of  
Section for  
Section 24 of  
Principal Law.  
Law, 1912 is hereby repealed and in lieu of Section twenty-  
four of the Principal Law as enacted by the Law hereby  
repealed there shall be substituted the following Section :—

“24 (1) The value of any imported goods for the  
purpose of assessing duty ad valorem shall be taken to  
be the price which an importer would give for the goods

on a purchase in the open market if the goods were delivered to him at the port of Kingston, freight, insurance, Commission and all other costs, charges and expenses incidental to the purchase and delivery at that port (except any duties of customs) having been paid, and duty shall be paid on that value as fixed by the Collector: Provided that buying commission shall be included only to the extent by which it exceeds five per centum of the amount on which such commission is calculated: and provided also that where primage charges are included in any Bill of Lading, if the Collector is satisfied that a refund of the whole or any portion thereof will be granted at a subsequent date, he shall deduct such charges or portion thereof from the total value upon which duty is leviable.

(2) The value shall include the value of all packages, receptacles, coverings, wrappings or other packing material and all charges made in respect of packing and preparing the goods for shipment.

(3) In determining the value of any imported goods for the purposes aforesaid the Collector may have regard not only to the value of the goods as declared by an importer, but to all relevant considerations and in particular—

- (a) to the price which at the time of the importation of the goods of which the value is to be ascertained (in this sub-section referred to as the "said goods") is being paid by other importers for goods of the like class or description and quality; or
- (b) if the price aforesaid cannot be determined to the satisfaction of the Collector, then to the price at which the said goods or imported goods of the like class or description and quality, are being freely offered for sale in this Island to purchasers in the ordinary course of trade, less an allowance in respect of duties of customs and reasonable merchanting expenses and profits incidental to the marketing of the goods after importation.

(4) The importer shall produce to the Collector the original invoice and duplicate thereof if such duplicate is available in respect of any goods imported into the Island and the Collector may retain such duplicate invoice or such original if the duplicate is not available.

(5) The Collector General may for the purpose of giving effect to the provisions of this Section require any person concerned with the importation of goods into this Island to furnish to the Collector General, in such form as he may require, such information as is, in his opinion, necessary for a proper valuation of the goods, and to produce any books of account or other documents of whatever nature relating to the purchase, importation, or sale of the goods by that person.

(6) If any person contravenes or fails to comply with any requirement made under this Section he shall in respect of each offence be liable to a penalty of Fifty Pounds."

3—For Section eighty-three of the Principal Law there shall be substituted the following Section :—

Substitution of  
Section for  
Section 83 of  
Principal Law.

“83 (1) If upon the examination of any goods entered for duty which are chargeable with ad valorem duty it shall appear to the Officers of Customs that such goods are not valued according to the true value thereof, or that they are properly chargeable with a higher rate or amount of duty than that to which they would be subject according to the value thereof as described in the entry, such Officers may, at their election,

- (a) appraise the goods at a value in excess of the value thereof as described in the entry and such appraisement shall be accepted as the value of the goods for the purpose of payment of duty thereon. The duty so fixed thereon shall be deposited with such Officers subject to the rights of the importer under Sections 27 and 28 of this Law; or
- (b) detain the goods, in which case they shall forthwith give notice in writing to the person

entering the same of the detention of such goods, and of the value thereof as estimated by them, either by delivery of such notice personally or by transmitting the same by post to such person addressed to him at his place of abode as stated in his entry.

(2) In case of detention of the goods the Collector General shall within ten days after detention thereof determine either to deliver such goods on the entry of such person or to retain the same for the use of the Crown, in which latter case he shall cause the value at which the goods were so entered, together with an addition of ten per cent. and the duties already paid on such entry to be paid to the person entering the same in full satisfaction for such goods or he may permit such person, on his application for that purpose to amend such entry at such value and on such terms as he may direct.

(3) Such goods, if retained for the use of the Crown, shall be disposed of for the benefit of the Crown and if the proceeds arising therefrom, in case of sale, shall exceed the sum so paid and all charges incurred by the Crown, one moiety of such surplus shall be paid to a separate fund at the disposal of the Collector General, and be distributed by him at such periods, and in such proportions, to or amongst such meritorious Officers as the Collector General shall select as most deserving, and the other moiety shall be accounted for, paid and carried to account as duties of customs.”

Amendment of  
Section 25 of  
Principal Law.

4—Section twenty-five of the Principal Law is hereby amended by the deletion of the word “market” from the words added to the Section by Section four of the Customs Consolidation Amendment Law 1911.

No. 5--1937,

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

31st March, 1937.

A LAW to Continue a Certain Expiring Law.

[1st April, 1937.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Expiring Law Short Title.  
Continuance Law, 1937.

2—The Law mentioned in the Schedule to this Law shall Continuance of  
Law mentioned  
in Schedule.  
be continued until and including the thirty-first day of  
March one thousand nine hundred and thirty-eight.

SCHEDULE.

Law 9 of 1920.—The Excise Duty (Temporary Increase) Law, 1920,  
with the exception of the following item:—

On all amounts payable as King's Warehouse fees under the  
Wharfage Law, 1895 (Law 15 of 1895), a surtax after the  
rate of ten per cent. of such fees.





No. 6---1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

31st March, 1937.

A LAW to Impose a Tax on Packages.

[1st April, 1937.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows :—

1—This Law may be cited as the Package Tax Law, Short Title. 1937.

2—There shall be raised, levied and collected, the Scope. charge mentioned in the schedule to this Law in respect of every package brought into this Island for Island use from beyond the seas when perfect entry is made to the Collector or other proper officer of Customs of such package or of the contents thereof under the Customs Consolidation Law, 1877 (Law 18 of 1877), and any Law amending the same.

3—Notwithstanding anything in this Law commodities Definition of package. not contained in a package shall severally be liable to the

package tax imposed by this Law as if the same were a package: Provided that the commodities of the sort and quantities specifically mentioned in the schedule to this Law, shall be liable to the relevant tax set forth in the said schedule.

Charges—how paid.

4—The charge imposed by this Law shall be paid to the Collector or other proper officer of Customs of the port or other person appointed to receive the same by the importer or his agent immediately upon entry being made.

Amount to be credited to General Revenue.

5—The amount of tax collected under this Law shall be credited to the general revenue of this Island.

Packages re-exported.

6—The tax paid on packages of goods shall be refunded to the exporter if and when such goods are exported from this Island under the drawback regulations.

Power to exempt.

7—The Governor in Privy Council shall have power to exempt from the duty imposed by this Law any package or class of package on which the duty appears to be unduly burdensome.

Exemptions.

8—Packages of goods imported by the Government, Military Authorities, Kingston and St. Andrew Corporation or a Parochial Board shall be exempt from package tax.

Duration.

9—This Law shall come into operation on the first day of April one thousand nine hundred and thirty-seven and shall remain in operation until and including the thirty-first day of March one thousand nine hundred and thirty-eight.

## SCHEDULE.

	£	s.	d.
On every package	0	1	0
Kerosine Oil	Free		
Condensed Milk	Free		
Flour per 98 lbs.	0	0	6
Lumber, on every 1,000 feet, or less quantity superficial measurement	0	2	6
Shingles of any kind, on every 1,000 or any less number	0	1	0
Iron, unmanufactured	Free		
Coal	Free		
Brick, tiles and slates (per 1,000)	0	2	6
Ironware, pewter, copper, lead, tin and brass of every description (per cwt.)	0	1	0
Stoves, iron pots, and other hollow ware not being packed in packages (per cwt.)	0	1	0
Oars and handspikes (per dozen)	0	1	0
Paint for every 112 lbs. or part thereof	0	1	0
Gasolene in containers per 50 gallons or less	0	0	6
Gasolene in bulk per 50 gallons	0	0	6
Salt	Free		
Spades, shovels and forks	Free		
Cutlasses	Free		
Factory, and also Agricultural Machinery which, in the opinion of the Governor in Privy Council, is imported for the purpose of improving, economically, the manufacture of exports out of local products	Free		



No. 7-----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

13th April, 1937.

A LAW to Amend Certain Laws Relating to Taxation.

[15th April, 1937.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows :—

1—This Law may be cited as the Taxation Amendment Short Title.  
Law, 1937.

2—The Laws mentioned in the First Schedule to this Law Repeal.  
are hereby repealed to the extent indicated in the third  
column of that Schedule.

3—The provisions of the Laws specified in the first Amendments.  
column of the Second Schedule to this Law shall have effect  
subject to the amendments specified in the second column of  
that Schedule.

## Appropriation.

4—There shall be appropriated in each year from General Revenue—

- (a) To the Parochial Boards and to the Kingston and St. Andrew Corporation the sum of £12,000, in replacement of revenue lost by the Boards and the Corporation by virtue of this Law; and
- (b) To the Parochial Boards and to the said Corporation a sum not exceeding £16,500 to supplement the revenues of the Boards and the said Corporation, in such proportions and on such terms and conditions as the Governor in Privy Council may determine.

## FIRST SCHEDULE.

Date and Number of Law.	Title.	Extent of Repeal.
Law 17 of 1890	A Law in aid of the Parochial Roads.	Section 18.
Law 17 of 1899	The License Duty Amendment Law, 1899.	Section 2.
Law 5 of 1908	The Parish Rates Law 1903 Amendment Law 1908.	Sub-paragraph (1) of paragraph (b) of Section 1.
Law 6 of 1908	The Property Tax Law 1903 Amendment Law 1908.	Sub-paragraph (1) of paragraph (b) of Section 1.
Law 36 of 1908	The Entire Horses Tax Law, 1908.	The whole Law.
Law 18 of 1911	The License Duty Amendment Law, 1911.	The whole Law.
Law 5 of 1916	The Property Tax (Increase of Rate) Law, 1916.	The whole Law.
Law 24 of 1919	The Income Tax Law, 1919.	Section 15 and the caption thereto.
Law 11 of 1923	The Parish Rates Amendment Law, 1923.	The whole Law.
Law 9 of 1924	The Property Tax Amendment Law, 1924	The whole Law.
Law 10 of 1924	The Parish Rates Amendment Law, 1924.	The whole Law.

## SECOND SCHEDULE.

## Enactment Amended.

## Amendments to be made.

The Licenses and Registration Duties Law, 1867 (Law 30 of 1867).  
Section 1.

- (a) The Section shall be renumbered 1 (1) and for the duties therein set forth there shall be substituted the following duties:—
1. Each head of horsekind used for any purpose whatsoever upon a main or Parochial road ... 8/
  2. For each Entire horse of the age of two years or upwards, used upon any road or found roaming at large 40/
- Provided that any such Entire horse shall not be liable also in respect of any of the other duties imposed by this Section.
3. Each wheel of a carriage ... 7/6
  4. Each wheel of a cart ... 3/-
  5. Each wheel of hackney carriage ... 10/-
  6. Each firearm, registration of and license to use on the premises of the owner of such firearm ... 8/-
  7. License to keep and use each firearm other than in the manner specified in the preceding item ... 8/-
  8. Each bicycle or tricycle used on roads ... 6/-

(b) To the Section there shall be added the following sub-section:—

“(2) In any case where a Collector of Taxes has reason to believe that any Entire horse, used upon any road or found roaming at large as aforesaid, is of the age of two years or upwards, and the possessor is unwilling to admit such age, such horse shall be deemed to be liable to the tax imposed by this Law, unless the possessor thereof shall furnish satisfactory evidence that such horse has not attained the age of two years.”

The Tax Collection Law, 1867 (Law 32 of 1867).  
Section 19.

For the Section there shall be substituted the following Section:—

“19. When no return in respect of the duties or taxes, or any of them, imposed by any Law of this Island, as shall be by such Law required, shall be made to the Collector of Dues, or other Officer as aforesaid, such Officer shall assess the person neglecting to make such return to the best of his judgment, and according to such information as he may be able to obtain, and there shall be added to such assessment, in case of real property of the value of Twenty Pounds, the sum of sixpence, and, in case of real

## Enactment Amended.

## Amendments to be made.

property of over Twenty Pounds in value, the sum of threepence on every Ten Pounds or fractional part of Ten Pounds of the value of such property, and in the case of personal property there shall be added to such duties or taxes one-twelfth part of such duties or taxes, as a penalty: Provided that in the case of real property the penalty shall not exceed in any case the sum of Three Pounds. The Collector of Dues or other Officer as aforesaid shall deliver to the person assessed, or leave at his usual or last known place of abode, or on the premises assessed, a statement of such duties and taxes, and penalty; and, if within fifteen days after such service the person so charged shall not make a return as required by the Law or Laws, in that respect, and pay the duties or taxes for which, by such return, he shall appear liable, together with the penalty imposed under this Section, the assessment shall be binding and conclusive on the person charged.

## Section 20.

The expression "if surcharged" which occurs in the tenth line of the section shall be deleted and for the word "surcharge" wherever it occurs in the section the word "penalty" shall be substituted.

## Section 23.

For the word "surcharge" in the second line of the section there shall be substituted the word "penalty."

## Section 42.

(a) The Section shall be renumbered 1 (1) and in lieu of the word "surcharge" in the sixth line of the section there shall be substituted the word "penalty."

(b) To the Section there shall be added the following sub-section and numbered "2":

"(2) Subsequently to the order of the Court under the preceding sub-section of this Section the Collector of Dues, or other Officer as aforesaid, shall receive any sum offered by the defaulter on account of taxes, duties, arrears and penalty thereon, not being less than 25% thereof, and may, in his absolute discretion, receive any smaller sum offered by the defaulter on account thereof: Provided that in either case the defaulter arranges, to the satisfaction of such Collector or other Officer on such terms and conditions as may be fixed by such Collector or other Officer, for payment of the amount remaining unpaid of such taxes, duties, arrears and penalty, and notwith-



Enactment Amended.

Amendments to be made.

The Property Tax Law,  
1903 (Law 15 of 1903)  
Section 2.

standing anything in this Law or in any other Law contained, or any provision, or rule of Law to the contrary the receipt of any sum under this sub-section shall not have the effect of vitiating the said order: Provided, however, that where the said order is to be enforced by distress and sale of the defaulter's goods, the distress shall be abated proportionately by the amount of such payment, and where the said order is to be enforced by imprisonment, the Court making the original order shall vary the term of imprisonment accordingly.

There shall be inserted as Section 2 the following Section:—

"2. From and after the first day of April One thousand nine hundred and thirty-seven there shall be paid every year upon all property in this Island a tax to be called the "Property Tax" at the rate of eight pence on every Ten Pounds, or fractional part of Ten Pounds, of the value of such property."

The Parish Rates Law  
1903 (Law 16 of 1903)  
Section 4.

The words "not exceeding nine pence on every Ten Pounds or fractional part of Ten Pounds of" which occur in the sixth and seventh lines of the Section are hereby deleted and in place thereof there shall be substituted the word "or."

The Property and Super  
Tax Law 1920 (Law 43  
of 1920).  
Section 2.

For the Section there shall be substituted the following Section:—

"2. Where the value of any property as shown on the Valuation Roll is less than £200, no increase in such valuation shall be taken into account, for a period of seven years succeeding the first day of April after such increase of value has taken place, where such increase is by reason of the erection on such property of a dwelling house including domestic outbuildings or by improvements to a dwelling house including its domestic outbuildings unless the value of such property is thereby increased beyond the amount of £200."



No. 8---1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

13th April, 1937.

A LAW to Amend the Parochial Roads Consolidation Law  
1931 (Law 34 of 1931).

[15th April, 1937.]

**B**E it enacted by the Governor and Legislative Council  
of Jamaica as follows:—

1—This Law may be cited as the Parochial Roads Short Title.  
Amendment Law, 1937, and shall be read and construed as  
one with the Parochial Roads Consolidation Law 1931 (in  
this Law referred to as the Principal Law).

2—Sub-section two of Section four of the Principal Law Amendment of  
Principal Law.  
is hereby repealed and in place thereof the following sub-  
section is hereby substituted:—

“(2) Such Superintendent shall be paid such salary  
as may be determined by the Board with the  
sanction of the Governor out of the Parochial  
Road Fund of the Parish and he shall not be  
dismissed except with the sanction of the  
Governor in Privy Council.”



No. 9---1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

15th April, 1937.

A LAW to make Provision for Currency Notes of Jamaica  
and to place the Issue of such Currency Notes upon a  
Permanent Basis.

[ The day of the date of any Proclamation notifying that  
His Majesty will not exercise his powers of disallowance. ]

**B**E it enacted by the Governor and Legislative Council  
of Jamaica as follows:—

1—This Law may be cited as the Currency Notes Law, Short Title.  
1937.

2—(1) A Board of Commissioners of Currency (in this  
Law referred to as “the Board”) shall be established for the  
purposes of this Law, and shall consist of the persons for  
the time being lawfully discharging the duties of Treasurer  
and of Collector-General and such other person as may be  
nominated by the Governor in Privy Council from time to  
time. The Treasurer shall be the Chairman of the Board.

Board of  
Commissioners  
of Currency.

(2) The Board shall have an office in Kingston and may employ such agents, officers and persons as may be from time to time authorised by the Governor.

(3) Any duty devolving, and any power conferred, on the Board may be discharged or exercised by any two of the Commissioners of Currency.

Issue and form  
of Currency  
Notes.

3—(1) It shall be lawful for the Board, subject to the provisions of this Law, to provide and issue and re-issue Notes, to be designated "Currency Notes of the Government of Jamaica" (in this Law referred to as Government Currency Notes).

(2) Government Currency Notes issued under this Law shall be of such denominations and of such form and design and printed from such plates and on such paper and be authenticated in such manner as may from time to time be approved by the Secretary of State.

(3) The plates shall be prepared and kept and the notes printed, issued and cancelled in the manner and in accordance with the conditions prescribed.

Legal Tender

4—Government Currency Notes issued under this Law shall be legal tender for the payment of any amount.

Conversions of  
Currency Notes  
into sterling and  
*vice versa*.

5—The Board shall issue on demand to any person desiring to receive Government Currency Notes, such Notes to the equivalent value of sums in sterling lodged with the Board or with the Crown Agents in London by the said person, and shall pay on demand in Jamaica or through the Crown Agents to any person desiring to receive sterling in London the equivalent value of Government Currency Notes lodged with them in Jamaica by the said person:—

Provided that—

(1) No person shall be entitled to lodge with the Crown Agents or the Board as the case may be less than such minimum sum as may be prescribed for the purpose of obtaining such Notes or sterling as the case may be; and

(2) The Board shall be entitled to charge and levy from any person obtaining Government Currency Notes or sterling a commission at such rate or rates not

exceeding one and three quarters per centum as may from time to time be prescribed and in addition the cost of any telegrams sent by the Board or by the Crown Agents in connection with any transfer as above prescribed.

6—The Governor may, by Proclamation issued with the approval of the Secretary of State, declare that any Notes issued under this Law shall cease to be legal tender and provide for any matters incidental to the calling in and demonetisation of such Notes, and any such Proclamation shall have effect as from the date thereof or from such later date as may be therein specified : Provided that the holders of any such Notes shall be entitled at any time after they have ceased to be legal tender to claim payment of the value thereof from the Treasurer.

Demonetisation  
of Notes.

7—(1) There shall be established a Fund to be called "The Note Security Fund" and there shall be paid into the said Fund :—

Note security  
Fund and  
Income Account.

(a) all moneys and investments standing to the credit of the Board of Commissioners of Currency and of the Depreciation Fund established under the provisions of Law 27 of 1904 and any Laws amending the same; and

(b) the equivalent value of all Currency Notes issued otherwise than in exchange for Currency Notes already issued.

(2) There shall be charged upon the said Fund the sterling payments made by the Board in respect of Notes lodged with them under the provisions of section five of this Law.

(3) The Note Security Fund shall be held by the Crown Agents and may be invested in securities of or guaranteed by the Government of any part of the British Empire (except the Government of Jamaica) or such other securities as the said Crown Agents, with the approval of the Secretary of State, may in their discretion select : Provided that a proportion of the Fund shall be held in liquid form and such proportion may be determined and varied from time to time by the Governor in directions (the issue of which is hereby authorised) to the Crown Agents.

- (4) (i) All dividends, interest or other revenue derived from such investments or from the employment in any other manner of the moneys of the Note Security Fund and all commissions paid to the Board as provided in section five of this Law shall be paid into an account to be called "The Government Currency Note Income Account."
- (ii) There shall be charged upon the said Account—
- (a) all the expenses incurred by the Board and by the Crown Agents in the preparation, transport and issue of the Notes and the transaction of business relating thereto; and
- (b) a sum equal to one per centum of the Note Security Fund, that is to say the amount made up of the liquid moneys of the Fund together with the estimated market value of the investments in the Fund on the last day of each financial year, which shall be paid annually into the Note Security Fund.

Provided that the Governor in Privy Council may with the approval of the Secretary of State direct that any expenditure of an exceptional nature may be charged upon the Note Security Fund and not upon the Government Currency Note Income Account.

- (iii) If on the last day of each financial year there is a surplus in the Government Currency Note Income Account it shall be transferred to the General Revenue of Jamaica and any deficiency in the Account of that day shall be met from moneys to be appropriated out of the said revenues. Provided that—
- (a) if on the last day in any financial year the face value of the notes in circulation other than Notes which have been demonetised by a Proclamation issued under Section six of this Law exceeds the amount of the Note Security Fund calculated in the manner provided in sub-paragraph (ii) (b) of this sub-section there shall be paid into the Fund the whole of the



said surplus in the Government Currency Note Income Account or such part thereof as shall make up the moneys of the Fund as aforesaid to an amount equal to the face value of the Notes in circulation other than Notes which have been demonetised by a Proclamation issued under Section six of this Law; and

(b) if on the date on which this Law shall come into force or on the last day in any financial year subsequently the amount of the Note Security Fund so calculated exceeds one hundred and ten per centum of the face value of the notes in circulation other than Notes which have been demonetised by a Proclamation issued under Section six of this Law, the Governor may with the sanction of the Secretary of State direct—

- (i) that the whole or part of the excess over the one hundred and ten per centum shall be transferred from the said Fund to the General Revenue of Jamaica; and
- (ii) that the annual appropriation out of the Government Currency Note Income Account of the one per centum aforesaid shall be wholly or partially discontinued for so long as it shall appear that the necessity for such annual appropriation no longer exists.

(5) The liquid portion of the Note Security Fund may be held in cash or on deposit in the Treasury or on deposit at the Bank of England or in Treasury Bills or may be lent out at call or for short terms in such ways or invested in such readily realisable securities as may be approved by the Secretary of State.

8—(1) The Board shall cause to be published half-yearly in the Gazette an abstract showing :—

Publication of  
Statement.

- (a) the whole amount of Government Currency Notes in circulation other than Notes which have been demonetised by a Proclamation issued under

Section six of this Law, on the last day of the half-year;

- (b) the total amount of the Note Security Fund on the said day the value of the invested portion of the Fund being calculated on the latest known market price of the securities held by the Fund; and
- (c) a list of the securities held by the Fund showing in each case the nominal value, the cost price and the latest known market price;

and shall submit annually to the Governor and the Secretary of State a statement of their transactions during the previous year.

**Forgery.**

9—Whosoever shall forge or counterfeit or alter any Government Currency Note or a Currency Note deemed by virtue of this Law to be a Government Currency Note or **any word, figure, mark, sign, signature or facsimile** upon or attached to any such Note, or shall offer, utter, dispose of, or put off any such Note, knowing the same to be forged or counterfeited or altered shall be guilty of an offence and shall on conviction be liable to imprisonment with or without hard labour for any period not exceeding ten years.

**Imitation of  
Currency Notes.**

10—(1) If any person makes or causes to be made or uses for any purpose whatsoever, or utters any document purporting to be or in any way resembling or so nearly resembling, as to be calculated to deceive, any Currency Note or any part thereof, he shall be guilty of an offence and shall on conviction be liable to imprisonment with or without hard labour for any period not exceeding five years and it shall be lawful for the convicting Court to order the document in respect of which the offence was committed and any copies of that document and any plates, blocks, dies or other instruments used for, or capable of being used for, printing or reproducing any such document which are in the possession of such offender to be destroyed.

(2) The expression "Currency Note" in this Section means a note issued or deemed to be issued under this Law and includes also any note of a similar character by whatever name called, issued by and on behalf of the Government of any other part of the British Empire or by the Government of any Foreign State.

11—Whosoever, without lawful authority or excuse (the proof whereof shall lie on the person accused), shall have in his possession, knowing the same to be forged, counterfeited or altered, any forged, counterfeited or altered Government Currency Note or any Currency Note deemed by virtue of this Law to be a Government Currency Note or any unfinished or incomplete note purporting to be issued by the Board, shall be guilty of an offence, and shall on conviction be liable to imprisonment with or without hard labour for any period not exceeding five years.

Possession of  
counterfeit or  
incomplete  
Notes.

12—Whosoever, without lawful authority or excuse (the proof whereof shall lie on the person accused) shall make use of or knowingly have in his possession any paper with any word, figure, device or distinction peculiar to and appearing in the substance of the paper used for Government Currency Notes, or for Currency Notes deemed by virtue of this Law to be Government Currency Notes, or any material upon which the whole or any part of any Note purporting to resemble a Government Currency Note, or a Currency Note deemed by virtue of this Law to be a Government Currency Note, shall have been engraved or made or any facsimile of the signature of any of the Commissioners or of any person who has held office as a Commissioner and whose signature appears on Notes still in circulation, shall be guilty of an offence, and shall on conviction be liable to imprisonment with or without hard labour for any period not exceeding five years.

Possession of  
paper for Notes.

13—Whosoever, without lawful authority or excuse (the proof whereof shall lie on the person accused) mutilates, cuts, tears, or perforates with holes any Government Currency Note, or any Currency Note deemed by virtue of this Law to be a Government Currency Note, or in any way defaces any such Currency Note whether by writing, printing, drawing or stamping thereon, or by attaching or affixing thereto anything in the nature or form of an advertisement, shall on summary conviction before a Resident Magistrate be liable to a fine not exceeding Ten Pounds.

Mutilating or  
defacing  
Currency Notes.

## Regulations.

14—(1) The Governor may with the approval of the Secretary of State make Regulations :—

- (a) prescribing anything which by this Law is to be prescribed; and
- (b) generally for the better carrying into effect of the provisions of this Law.

## Saving for Existing Currency Notes.

15—Currency Notes issued under the provisions of the Currency Note Law 1904 (Law 27 of 1904) and any Law amending the same shall be deemed for the purposes of this Law to have been issued under this Law.

## Extension to the Dependencies.

16—This Law extends to the Turks and Caicos Islands and to the Cayman Islands.

## Saving of Currency Notes issued under Turks Island Ordinance 1902.

17—Currency Notes issued under the provisions of the Currency Note Ordinance 1902 (Ordinance 5 of 1902) of the Turks and Caicos Islands shall be deemed, for the purposes of this Law, to be Currency Notes of the Government of Jamaica issued under this Law, and there shall be transferred from the Note Guarantee Fund, established under the said Ordinance, to the Note Security Fund established under this Law, such sum as shall be sufficient to cover the amount of the notes issued under the said Ordinance which at the commencement of this Law remain outstanding and unredeemed, and any balance remaining to the credit of the Note Guarantee Fund established under the said Ordinance shall be paid into the General Revenue of the Turks and Caicos Islands.

## Repeal.

18—The Laws and Ordinance mentioned in the Schedule hereto are hereby repealed.

## Commencement.

19—This Law shall not come into operation, unless and until the Governor notifies by Proclamation, that it is His Majesty's pleasure not to disallow the same, and thereafter, it shall come into operation upon such day as the Governor shall notify by the same or any other Proclamation.

## SCHEDULE.

- The Currency Note Law 1904.
- The Currency Note Amendment Law 1918.
- The Currency Note Amendment Law 1920.
- The Currency Note Further Amendment Law 1933.
- The Turks and Caicos Islands Currency Note Ordinance 1902.

No. 10----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

15th April, 1937.

A LAW to make provision with respect to the clearance or improvement of unhealthy areas, the repair or demolition of insanitary dwelling houses and barracks, the housing of persons of the working classes and for purposes connected with the matters aforesaid.

[The date of any Proclamation issued by  
the Governor bringing the Law into operation.]

BE it enacted by the Governor and Legislative Council of Jamaica as follows :—

1—This Law may be cited as the Slum Clearance Law, Short Title.  
1937.

2—In this Law and in any Notice given under this Law, Interpretation of terms.  
the following words and expressions shall, where not inconsistent with the context, have the meanings assigned to them in this Section :—

(1) “Central Housing Authority” hereinafter referred to as the “Authority” means the Central Housing Authority established by this Law.

(2) "Local Housing Authority" means the Local Housing Authority as constituted by this Law.

(3) "Slum Clearance Area" means an area defined and declared as such in the manner hereinafter contained to be declared for the purposes of and in accordance with the provisions of this Law.

(4) "Sanitary defects" includes lack of air, space or of ventilation, darkness, dampness, absence of adequate and readily accessible water supply or sanitary accommodation or of other conveniences and inadequate paving or draining of courts, yards or passages.

(5) "Building" includes any house, outhouse, or any wall, fence or other erection being part of any premises wherein such house or outhouse is contained.

(6) "Barracks" includes any housing accommodation provided at any estate, plantation, pen, factory, works or other place for the lodging of persons employed thereat, not being a dwelling house occupied continuously by one family.

Governor to  
appoint Central  
Housing Authority.

3—(1) There shall be established a Central Housing Authority for the Island which shall consist of seven members appointed by the Governor. The Governor shall appoint the Chairman of the Authority and may from time to time remove all or any of the persons appointed under this sub-section and appoint others in the stead of such of them as shall be removed, die, resign or depart from the Island.

When Chairman  
absent Members  
to elect Chairman.

(2) In the absence of the Chairman from any meeting the members shall from their number elect a Chairman for the purposes of such meeting.

Members not to  
hold office for  
more than five  
years, but  
eligible for re-  
election.

(3) The members so appointed by the Governor shall, subject to the provisions of sub-section (1) of this section, hold office for such period not exceeding five years as the Governor may determine, but shall be eligible for re-appointment at his pleasure.

Powers of  
Authority not  
affected by  
vacancy in  
membership.

(4) The powers of the Authority shall not be affected by any vacancy in the membership thereof.

4—At all meetings of the Authority three members shall constitute a quorum for the transaction of business. Quorum.

5—(1) The Authority may from time to time make rules for the transaction of their business including the power to appoint Committees to whom they may delegate authority to carry out such portions of the work committed to them as they may from time to time determine. Provided that such rules shall not come into force unless they receive the approval of the Governor in Privy Council. Powers of Authority to make Rules.

(2) The Governor shall appoint the Secretary on such terms and conditions as he may think fit and the Authority may appoint and employ on such terms and conditions as they may, with the approval of the Governor, determine such other officers and servants as they may deem necessary for the efficient administration of the Authority.

(3) The Secretary shall be paid a salary not exceeding £800 per annum and such other officers and servants shall receive such remuneration as the Authority, subject to the sanction of the Legislative Council, shall appoint.

(4) The Governor may require such Secretary, Officers or Servants to give such security as he may consider proper for the due execution of their duties.

(5) A person in the service of the Authority shall not be eligible for Pension; Provided that the Legislative Council may by Resolution declare such person pensionable in respect of such service and where the Legislative Council so declare the Pensions Law, 1904, and Regulations made thereunder, shall apply for the computation of such pension; Provided nevertheless in case of appointment under this section of an officer holding a Pensionable office in the service of the Colony such officer shall, for purposes of the Pensions Law, 1904, and Regulations thereunder, be entitled to count his employment under the Authority as though it were service in a Pensionable office in the service of the Colony at the salary which he was receiving immediately prior to his retirement from the service of the Authority or, if subsequently re-employed in the Public Service, at the salary which he was receiving immediately prior to his ultimate retirement from that Service.

Authority to be body corporate and may sue, etc.

6—The Authority shall be a body corporate under the name of the Central Housing Authority and may sue and be sued by that name and shall have perpetual succession, and may have and use a common seal.

Each parish to have Local Housing Authority.

7—There shall be a Local Housing Authority for each parish of this Island for the purpose of carrying out the provisions of this Law.

Local Housing Authority.

8—The Council of the Kingston and St. Andrew Corporation shall be the local Housing Authority for the parishes of Kingston and St. Andrew, and as regards the several other parishes the Parochial Boards of such other parishes shall be the Local Housing Authorities.

Indemnity to members of the Central Housing Authority.

9—No member of the Authority or of the Local Housing Authority shall incur any personal liability or any loss or damage by any act or omission in the administration of the affairs of the Authority or of the Local Housing Authority unless such loss or damage be occasioned by an intentionally wrongful act on his part.

Funds of the Central Housing Authority.

10—(1) The Governor is hereby authorised to raise loans from time to time, of such amounts as may be approved by Resolution by the Legislative Council, for the purposes of this Law.

(2) The money borrowed under this Law shall be placed at the disposal of the Authority and shall form the funds of the Authority.

(3) Pending the raising of any such loan it shall be lawful for the Governor by warrant under his hand to authorise the Treasurer to make advances to the Authority in such sums and on such terms and conditions as he may think fit for the purposes authorised by this Law.

Application of Funds.

11—The funds of the Authority shall be applied towards:—

- (a) The payment of the cost of acquisition of any land or buildings authorised to be acquired under the provisions of this Law;
- (b) the payment of all rates, taxes and insurance on any land or buildings acquired;



- (c) the payment of all expenses connected with the provision of accommodation in advance of displacements as required by Section 13 (3) (c) of this Law;
- (d) the payment of all other undertakings and expenses authorised by this Law;
- (e) Assisting any Improvement Scheme by way of loan or grant subject to the approval of the Governor in Privy Council.

12—The accounts of the Authority relating to its transactions shall from time to time be audited by the Auditor-General or some other suitable person appointed by the Governor for the purpose, and who shall have access to the books of the Authority at all times, and the cost of such audit as may be determined by the Governor shall be defrayed out of the moneys standing to the credit of the Authority. A Report of the operations of the Authority for the preceding year shall be furnished to the Colonial Secretary on or before the 31st day of January in each year and the Financial Statement contained in the Report shall be certified by the Auditor General. Such Report shall be laid on the table of the Legislative Council and published in the Gazette.

Accounts of the Authority.

13—Where the Authority, upon consideration of an official representation or other information in their possession are satisfied as respects any area that the housing conditions in that area are dangerous or injurious to the health and welfare of the inhabitants, by reason of the disrepair or sanitary defects of dwelling houses or barracks therein, or of overcrowding in the area, or of the bad arrangement of the houses, or of the narrowness or bad arrangement of the streets and that those conditions can be effectually remedied—

Authority may declare an insanitary area to be a Slum Clearance Area.

- (a) By the demolition, reconstruction or repair, as the circumstances may require, of those dwelling houses or barracks which are unfit for human habitation; and
- (b) if it be so desired by the purchase by the Authority of any other land or buildings in the area which

it is expedient for them to acquire for the reconstruction and development of the area, the Authority shall cause that area to be defined on a plan in such a manner as to exclude from the area any land or building in respect of which, in their opinion, sanitary defects do not exist or which they do not find it expedient to acquire for the remedying of overcrowded or badly arranged conditions, but including in such area buildings which, in their opinion, are in a state of disrepair; and the Authority shall pass a resolution declaring the area so defined to be a Slum Clearance Area.

Improvement Scheme to be submitted to Governor in Privy Council.

(2) Where the Authority shall have passed a resolution declaring an area to be a Slum Clearance Area, they shall forthwith forward a copy of such resolution for the approval of the Governor in Privy Council accompanied by a copy of the plan showing the Slum Clearance Area and a scheme (hereinafter referred to as an Improvement Scheme) giving the details specified in the First Schedule to this Law.

Approval of Improvement Scheme by Governor in Privy Council.

(3) The Governor in Privy Council may approve such resolution, subject to any modifications (if any) in the Improvement Scheme as in his discretion he may think fit, but shall not approve such resolution unless he is satisfied—

- (a) That the size of the area is such that the housing conditions therein can be remedied within a reasonable period;
- (b) that the financial resources of the Authority are or will be sufficient for the purpose of carrying the resolution into effect; and
- (c) that in so far as suitable accommodation, available for the persons of the working classes who will be displaced by the steps the Authority propose to take for the improvement of the area, does not already exist, the Authority will provide or secure the provision of such accommodation in advance of the displacements which will from time to time become necessary as those steps are taken.

Notification of Improvement Scheme.

(4) Upon notification to the Authority of the approval of the Governor in Privy Council the Authority shall forthwith serve on the owner of the property or if he cannot be found on his Agent and publish in one or more newspapers

of this Island a Notice stating the terms of the resolution and the date on which it was approved by the Governor in Privy Council, and naming a place at which a copy of the resolution and of the plan referred to therein and of the Improvement Scheme in relation thereto (with modifications if any) as approved, may be seen at all reasonable hours.

14—After the expiration of four weeks from the first publication of the Notice as required by Section 13 subsection (4) hereof, any land and buildings within a Slum Clearance Area or any part thereof which are intended to be acquired by the Authority for the purposes of this Law may be acquired by the Authority in accordance with the provisions of the Lands Clauses Law 1872, (Law 26 of 1872).

Acquisition by Authority of land and buildings in Area.

15—The Lands Clauses Law 1872, (Law 26 of 1872), with the exception of Sections 10, 11, 12, 13, 14, 15, 16, 84, 88, 89, 90, 91, 92, 93, 101, 104, 105 and 106 shall be deemed to be incorporated with and to form part of this Law, except when the provisions of that Law are inconsistent with this Law; and in construing the said Lands Clauses Law, 1872, the Authority shall be deemed to be “the promoters of the undertaking.”

Incorporation of Lands Clauses Law.

16—In assessing the amount of compensation payable to the owners of such land and buildings no regard shall be had to the fact that such land and buildings are being acquired compulsorily, and in assessing the amount of compensation payable to the owners—

Basis for assessing compensation.

- (a) of land with buildings thereon which are unfit for human habitation or are dangerous or injurious to health, the compensation payable shall be the value at the time when the valuation is made, of the site as a cleared site available for development without regard to any buildings existing thereon;
- (b) of any other land and building, the compensation payable shall be the full market value at the time when the valuation is made.

Extinguishment  
of ways, ease-  
ments, etc.

17—(1) The Authority may with the approval of the Governor in Privy Council by order extinguish any public right of way over any land purchased by them in accordance with the preceding Section, or over any land acquired by them in any manner whatsoever but an order intended to be made under this sub-section shall prior to such approval be published in one or more newspapers of this Island at least once in every week for a period of six weeks and if any objection is made thereto to the Governor in Privy Council before the expiration of six weeks from the date of the first publication thereof, the Governor in Privy Council shall not approve the order until he has caused a full enquiry into the matter to be made.

(2) Any such order when so approved shall be published in the Jamaica Gazette and shall take effect from the date of such publication or from the date specified in such order.

(3) Upon the completion by the Authority of the purchase by them of any land in accordance with the preceding Section, all private rights of way and all rights of laying down, erecting, continuing or maintaining any pipes, wires or cables on, under or over that land (together with the property in those pipes, wires or cables) and all other rights or easements in or relating to that land shall, except so far as may be otherwise agreed by the Authority and the person entitled to the rights in question, vest in the Authority, and any person who suffers loss by the vesting of any such right or property as aforesaid shall be entitled to be paid by the Authority compensation to be determined under and in accordance with the provisions of the Lands Clauses Law 1872, (Law 26 of 1872).

Recovery of  
possession of  
buildings within  
a Slum Clear-  
ance Area.

18—(1) Where a Slum Clearance Area has been approved in accordance with the provisions of Section 13 of this Law the Authority shall serve on the occupier of any building or any part of any building situate within the area a Notice stating the effect of the declaration of the Slum Clearance Area and specifying the date by which the Authority require the building to be vacated and requiring him to quit the building before the said date or before the

expiration of twenty-eight days from the service of the Notice, whichever may be the later; and if at any time after the date on which the Notice requires the building to be vacated any person is in occupation of the building or any part thereof, the Authority may make complaint to the Resident Magistrate of the parish within which the Slum Clearance Area is situate and thereupon the Resident Magistrate shall by a warrant in the form set out in the Second Schedule to this Law, order vacant possession of the building or of any part thereof to be given to the complainants within such period as may be determined by the Resident Magistrate, and against his order made as aforesaid there shall be no right of appeal.

(2) Any expenses incurred by the Authority under this Section in obtaining possession of any building may be recovered by them from the owner or from any of the owners of that building summarily as a civil debt.

Recovery of expense.

(3) Any person who, after a Slum Clearance Area has been declared and applied to any building enters into occupation of that building or any part thereof after the date of the declaration of the Slum Clearance Area or permits any person to enter into such occupation after that date, shall be guilty of an offence, and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding Ten Pounds and to a further penalty of Two Pounds for every day or part of a day on which the occupation continues after the conviction.

Offence and penalty.

19—(1) It shall be the duty of the Authority who are hereby empowered so to do, to take steps for carrying into execution as soon as practicable the Improvement Scheme within the Slum Clearance Area as approved, and for that purpose to alter, enlarge, repair, improve or reconstruct any of the buildings or to demolish any or all of the buildings, to clear the whole or any part of the area and to rebuild or otherwise develop the area in the manner provided by the Improvement Scheme.

Authority to carry out Improvement Scheme.

(2) The Authority may in like manner and for the purposes of the Improvement Scheme lay out, pave, sewer, and complete all such streets upon the land acquired by

them as they may think fit, and all streets so laid out and completed shall thenceforth be public streets repairable by the Kingston and St. Andrew Corporation or the Parochial Boards of the several parishes or the Director of Public Works as the case may be.

(3) Subject to the approval of the Governor in Privy Council the Authority may also engage with any person to carry the whole or any part of the Improvement Scheme into effect upon such terms as the Authority may deem expedient.

Owner of land and buildings may be permitted to carry out Improvement Scheme.

20—(1) Notwithstanding the service and publication of a Notice by the Authority in accordance with the provisions of Section 13 sub-section (4) of this Law the owner of any land and buildings specified in such Notice may with the permission of the Authority undertake for himself the reconstruction of the land and buildings so specified, subject to the provisions hereinafter contained.

Application to be submitted.

(2) Application for such permission, with full particulars, shall be made by the owner in writing addressed to the Authority within four weeks of the date of publication of the Notice by the Authority. The Authority shall as soon as practicable after the receipt of such application consider the same at a meeting of the Authority, and shall by resolution passed at such meeting either reject the application or grant the same with such modifications (if any) as the Authority may think fit.

Bond to be furnished.

(3) If the application is granted, the owner shall, within four weeks of the date of his being notified of the granting of his application, enter into a bond with one or more sureties to be approved by the Authority in a sum not less than the estimated cost of clearance and reconstruction of the land and buildings specified in the application as approved, which said bond shall require that the owner shall pay such sum as aforesaid to the Authority upon failure to complete the clearance and reconstruction of the said land and buildings within a period to be specified in the bond and in accordance with the Improvement Scheme: Provided that if the owner of any such land and buildings fails to complete the clearance and reconstruction thereof in

accordance with the Improvement Scheme to the satisfaction of the Authority and within the period specified in the bond, the Authority may, notwithstanding the enforcement of the bond, acquire such land and buildings and clear and reconstruct the same in accordance with the provisions of this Law.

(4) Upon the completion by the owner of the clearance and reconstruction of the said land and buildings to the satisfaction of the Authority, the Authority shall, cause the Notice published by the Authority in accordance with Section 13 sub-section (4) of this Law to be amended by the publication of an amending Notice deleting from the first mentioned Notice the land and buildings specified in the bond.

Land, etc.,  
withdrawn from  
the Slum Clear-  
ance Area.

21—(1) Any owner of a dwelling house, which is so occupied or of a type suitable for occupation, by persons of the working classes and in respect of which works of improvement (otherwise than by way of decoration or repair but including fittings and fixtures) or structural alterations are proposed to be executed, may submit a list of the proposed works to the Authority with a request in writing that the Authority shall inform him whether in their opinion the house would, after the execution of those works or of those works together with any additional works, be in all respects fit for human habitation and would, with reasonable care and maintenance, remain so fit for a period of at least five years.

Certificates as  
to the condition  
of houses and  
exemption from  
Slum Clearance  
Area.

(2) As soon as may be after the receipt of such a list and request as aforesaid the Authority shall take the list into consideration and shall inform the owner whether they are of opinion as aforesaid or not, and in a case where they are of that opinion, shall furnish him with a list of the additional works (if any) appearing to them to be required.

(3) Where the Authority have stated that they are of opinion as aforesaid and the works specified in the list submitted to them, together with any additional works specified in a list furnished by them, have been executed to their satisfaction, they shall, on the application of any owner of the house, and upon payment by him of a fee of

one shilling, issue to him a certificate that the house is in all respects fit for human habitation and will with reasonable care and maintenance remain so fit for a period (being a period of not less than five nor more than ten years) to be specified in the certificate.

(4) During the period specified in a certificate given under this Section, no action shall be taken under this Law with a view to the demolition of the house as being unfit for human habitation and its reconstruction as part of a Slum Clearance Area.

Certificate by Authority of completion of reconstruction.

22—When and so soon as a Slum Clearance Area has been acquired and the reconstruction thereof has been completed by the Authority in accordance with the provisions of this Law, the Authority shall certify such fact to the Governor in Privy Council and specify the date upon which the reconstruction of such area was completed and the buildings within such area or any part thereof were ready for habitation.

Transfer of Slum Clearance Area to Local Housing Authority.

23—When and so soon as the reconstruction of a Slum Clearance Area has been certified as having been completed as provided in Section 22 of this Law, the Authority may convey the land and buildings situate within the area by deed to the Local Housing Authority and the land and buildings or the part thereof as may be therein described shall become vested in the Local Housing Authority absolutely in fee simple.

Local Housing Authority liable for moneys expended by Authority in connection with Area.

24—When the land and buildings, situate within a Slum Clearance Area, have been conveyed to a Local Housing Authority in accordance with the provisions of the preceding section, the Local Housing Authority shall be liable for the payment of all debt charges in respect of moneys expended by the Authority in connection with the area so conveyed.

Powers of Authority when Area not transferred.

25—When the Authority in their discretion decide not to convey to the Local Housing Authority the land and buildings contained in the Reconstructed Area as provided for in Section 23 of this Law, the Authority, when and so soon



as the Reconstruction of a Slum Clearance Area has been certified as having been completed as provided in Section 22 of this Law, are hereby authorised :—

- (a) To let or lease for any term of years or upon any conditions any land or buildings vested in them and to accept surrenders of any such leases as they in their discretion think fit : Provided that no lessee or tenant shall be permitted or allowed to assign, sub-demise or sub-let any land or buildings so let or leased without the permission in writing of the Authority ;
- (b) to sell, with the approval of the Governor in Privy Council, any land or buildings vested in them ; any application for the approval of the Governor in Privy Council shall set forth :—
  - (i) Full particulars of the land or buildings intended to be sold,
  - (ii) the purchase price to be paid on such sale,
  - (iii) the price paid by the Authority when the land or buildings were acquired by them, together with a statement of the amount expended by the Authority on such land or buildings,
  - (iv) the name and address of the intended purchaser,
  - (v) the purpose for which the land or buildings will be used.
- (c) To invest at their discretion in any securities authorised by Law for the time being for the investment of Trust Funds, any monies (whether consisting of Capital or Income) at any time at the disposal of the Authority and not immediately required by the Authority for the purchase of lands or buildings as authorised by this Law.

26—Notwithstanding anything contained in any other Law to the contrary any instruments necessary for transferring or vesting any land and buildings to or in the Authority and any instruments necessary for transferring or vesting any land and buildings acquired by the Authority to or in the Local Housing Authority shall be exempt from the payment of Stamp Duties and Registration Fees.

Exemption in respect of payment of Stamp Duties and Registration Fees.

Notice of  
Action.

27—(1) No action, suit, prosecution or other legal proceedings shall be brought and instituted against the Authority or Local Housing Authority or any member of the Authority or Local Housing Authority or other employee of the Authority or Local Housing Authority in respect of any act done in pursuance or execution or intended execution of this Law, or of any order of the Authority or Local Housing Authority until the expiration of one month's notice in writing of such intended action, suit, prosecution or other legal proceeding given by the person complaining, to the Authority or Local Housing Authority or the person concerned, specifying the act or injury complained of and the amount of damages claimed therefor.

Where action  
to be tried.

(2) Any such action, suit, prosecution or other legal proceeding against the Authority or Local Housing Authority or any person for anything done in pursuance or execution or intended execution of this Law shall be commenced within six months next ensuing after the thing done.

Time limit for  
commencing  
action.

What defendant  
may plead.

(3) In any such action the defendant may plead generally that the act complained of was done in pursuance or execution or intended execution of this Law, and give this Law and the subject matter in evidence at any trial to be had thereon.

(4) The plaintiff shall not recover—

What plaintiff  
must prove.

(a) Unless he can prove that the act complained of was done maliciously or through gross carelessness or ignorance; or

Tender by  
defendant.

(b) if tender of sufficient amends is made before action brought, or if a sufficient sum of money is paid into Court after action brought by or on behalf of the defendant, and the defendant may plead such tender with or without other matters of defence.

Costs of a  
successful  
defendant.

(5) If verdict is passed for the defendant or the plaintiff be nonsuited, or discontinues the action after issue joined or for any other reason judgment is given against the plaintiff, the defendant shall receive his full costs as between attorney and client, and shall have the like remedy for the same as any defendant has by Law for costs in other cases.

(6) Any damages or costs recovered against the Authority or Local Housing Authority or any member of the Authority or Local Housing Authority or employee of the Authority or Local Housing Authority in any such action, suit, or other legal proceeding, and the costs of the defendant as between attorney and client shall be paid out of any moneys appropriated to the Authority or Local Housing Authority as the Governor in Privy Council shall think fit, or if those moneys prove insufficient out of such moneys as may be voted by the Legislative Council for the purpose.

Costs and damages given against the Authority, etc., to be paid out of general revenue.

28—This Law shall come into operation on a day to be named by Proclamation in the Jamaica Gazette.

Commencement.

## SCHEDULE I.

### IMPROVEMENT SCHEME.

To be accompanied by a plan showing the area proposed to be acquired in relation to adjoining or adjacent property and distinguishing by numbers the plots variously owned which it is proposed to acquire.

The general outlines of the Improvement Scheme to be stated.

The following details to be given in respect of each plot.

#### PLOT 1.—DETAILS.

- (a) Name and address of owner.
- (b) Brief description of buildings.
- (c) Superficial area of plot, also showing that covered by buildings.
- (d) Water Supply.
- (e) Sanitary arrangements.
- (f) Number of occupants per room and total.
- (g) Rentals payable, in detail with total.
- (h) Value of buildings as per assessment roll. Amount of rates payable and by whom.
- (i) Estimated amount of compensation payable.
- (j) If demolition proposed and new building to be erected, specification and plan of proposed new building to be submitted, and estimated cost.
- (k) If total demolition not proposed, nature of repairs, improvements and reconstruction intended to be made, and estimated cost.
- (l) Number of occupants intended to be accommodated.
- (m) Proposed water supply and sanitary arrangements.
- (n) Proposed date of commencement of work.
- (o) Approximate date of completion of work.
- (p) Arrangements for accommodation elsewhere of occupants.
- (q) Proposed future rents payable showing total income from reconstructed property.

## SCHEDULE II.

WARRANT TO PEACE OFFICERS TO TAKE AND GIVE  
POSSESSION.

Whereas (set forth the complaint)

I, Resident Magistrate for the Parish of.....

do authorise and command you, on any day within.....  
 days from the date hereof (except on Sunday, or any public holiday, to  
 be added if necessary) between the hours of eight in the forenoon and five  
 in the afternoon, to enter (by force, if needful) with or without the aid of  
 any other person or persons whom you may think requisite to call to  
 your assistance into and upon the said tenement, and to eject thereout  
 any person, and of the said Tenement full and peaceable possession to  
 deliver to the said Central Housing Authority.

Given under my hand this.....day of.....193

To.....and.....

All other Constables and Peace Officers acting for the parish of

.....

No. 11----1937.

I reserve this Law for the signification of His Majesty's pleasure.

[L.S.]

EDWARD DENHAM,

*Governor.*

15th April, 1937.

A LAW to Amend the Registration of Voters Law 1908.  
(Law 52 of 1908).

[ The day of the date of any Proclamation notifying that  
His Majesty will not exercise his powers of disallowance. ]

BE it enacted by the Governor and Legislative Council of  
Jamaica as follows :—

1—This Law may be cited as the Registration of Voters Short Title.  
Amendment Law, 1937, and shall be read and construed as  
one with the Registration of Voters Law 1908 (in this Law  
referred to as the Principal Law).

2—There shall be inserted immediately after Section 5 Amendment of  
Principal Law.  
and before Section 6 of the Principal Law the following  
Section and numbered "5 A" :

"5 A (1) Notwithstanding the other provisions of this  
Law, where the Ingiving required by Section nine  
of the Valuation Law 1911 is signed by a person  
paying by virtue of the Taxation Amendment Law  
1937, taxes—

- (a) On real property, in the case of a male, to an amount of less than ten shillings, or, in the case of a female, to an amount of less than forty shillings, or
- (b) On personal property, in the case of a male, to an amount of less than thirty shillings, or, in the case of a female, to an amount of less than forty shillings,

the name of such person shall be inserted on the Register :  
Provided nevertheless that the same shall only be inserted if the taxes paid by such person would, but for the passing of the said Taxation Amendment Law, have amounted to not less than ten, thirty or forty shillings, as the case may be.

(2) Notwithstanding the provisions of this Law the Revising Judge shall not be compellable to settle finally the Register of Voters for the Parish for the year 1937 before the 15th day of May, 1937."

No. 12---1937.

I reserve this Law for the signification of His Majesty's pleasure.

[L.S.]

EDWARD DENHAM,

*Governor,*

15th April, 1937.

A LAW to Amend Further the Kingston and Saint Andrew Corporation Law 1931 (Law 12 of 1931).

[ The day of the date of any Proclamation notifying that His Majesty will not exercise his powers of disallowance. ]

**BE** it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Kingston and Saint Andrew Corporation Amendment Law 1937 and shall be read and construed as one with the Kingston and Saint Andrew Corporation Law 1931 (in this Law referred to as the Principal Law). Short Title.

2—The Principal Law is hereby amended as follows:— Amendment of Principal Law.  
Section 36 sub-section (1). To the sub-section and at the end thereof there shall be added the following proviso—

“Provided that the Settled Voters List under the Registration of Voters Law 1908, or any Law amending the same, shall be the Settled Voters List for the purposes of this Law notwithstanding any provision of this Law.”





No. 13---1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

7th July, 1937.

A LAW to amend the Jamaica Co-Operative Marketing Association Enquiry Law 1934.

[9th July, 1937.]

BE it enacted by the Governor and Legislative Council of Jamaica as follows :—

1—This Law may be cited as the Jamaica Co-operative Marketing Association Enquiry (Amendment) Law 1937 and shall be read and construed as one with the Jamaica Co-operative Marketing Association Enquiry Law 1934 (in this Law referred to as the Principal Law).

Short Title  
and Construc-  
tion.

2—Section 3 of the Principal Law is hereby repealed and in place thereof the following Section is hereby substituted :—

Amendment of  
the Principal  
Law.

“3—(1) If such appointment is made by the Governor by reason of the requisition of the said members, such members shall give proper and sufficient security as shall be

approved by the Governor for the payment of all costs of and expenses incident to such enquiry before the Governor shall appoint any person or persons to enter on such enquiry.

(2) The costs of and expenses incident to any such enquiry shall be in the discretion of the Governor on the recommendation of the person or persons holding the enquiry, and any order for costs and expenses made by the Governor by virtue of this Section shall, subject to taxation of such costs and expenses by the Registrar of the Supreme Court, have the force of a judgment of the Supreme Court of Judicature of Jamaica."

No. 14----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

7th July, 1937.

The Telegraph Control Law, 1937.

[9th July, 1937.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows :—

1—This Law may be cited as the Telegraph Control Law Short Title.  
1937.

- 2—(a) No person shall within the Colony or any of its dependencies deal in or sell, establish, maintain or use, any telegraphic or telephonic apparatus, mechanism or contrivance of any nature or kind whatsoever without first obtaining a license for the purpose as prescribed by Regulations made under this or any amending Law.
- (b) For the purpose of this Law and within the meaning of this section, any instrument used in connection with what is commonly known as Wireless Telegraphy or Telephony shall be deemed to be a Telegraphic or Telephonic Apparatus.

Unlicensed Tele-  
graphic appa-  
ratus prohibited.

Mechanism or contrivance and shall include what is commonly known as Radio Receiving Sets and any apparatus, mechanism or contrivance for sending, transmitting or broadcasting words, signals or sounds through the air, and any system of communication by any apparatus for transmitting or receiving telegraphic or telephonic messages by means of electric signals or otherwise, without the aid of any wire connecting the points from, to and on which the telegraphic or telephonic messages are sent.

- (c) The terms "telegraphic message" and "telephonic message" shall include any communication composed of words, letters, signals or sounds.

Governor in  
Privy Council  
may make  
Rules and Regu-  
lations.

3—It shall be lawful for the Governor in Privy Council from time to time to make, and as he shall think fit repeal, alter or vary Regulations for all or any of the following purposes, viz. :

- (a) Permitting or licensing any person to deal in or sell, establish, maintain or use any telegraphic or telephonic apparatus, mechanism or contrivance whether for the service of the public or for any private purpose.
- (b) Attaching conditions, restrictions, and limitations to the exercise of the privileges by such permission or license conferred.
- (c) Prescribing the fees payable on the grant of any such permission or license.
- (d) The exercise of all such powers and control over telegraphic and telephonic apparatus, mechanism or contrivance wherever established, maintained or used (by temporarily entering into possession thereof or otherwise) as may be necessary for the public safety whether at all times or in any case of emergency which may arise.
- (e) Prescribing the form of license and other forms to be used under this or any other amending Law.
- (f) Providing for the proper protection of any telegraphic or telephonic apparatus mechanism or

contrivance established maintained or used by a person duly licensed under this Law against interference by any motor vehicle or other apparatus, mechanism or contrivance radiating electrical energy or emitting electrical waves or frequencies while in operation.

- (g) And generally for the better carrying out of the provisions of this or any amending Law.

4—All Rules and Regulations in force at the coming into operation of this Law shall remain in full force and effect until new Regulations are made under the provisions of this Law as if the same had been made under this Law.

Effect of previous Rules and Regulations.

Regulations made under this or any other amending Law shall come into force as from the date of the publication thereof in the Jamaica Gazette.

Coming into force of Rules and Regulations.

- 5—(a) If any person establishes, maintains or uses any telegraphic or telephonic apparatus, mechanism or contrivance of whatsoever nature or kind without permission or license in that behalf or commits a breach of any Regulation made under the power contained in this Law he shall be liable on summary conviction by a Resident Magistrate for the parish in which the telegraphic or telephonic apparatus, mechanism or contrivance is situate or in which such breach has been committed to a penalty of not less than Two Pounds and not exceeding Two Hundred Pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding twelve months and in either case be liable to forfeit any such telegraphic or telephonic apparatus, mechanism or contrivance established, maintained or used without permission or license: Provided however that no proceedings shall be taken against any person under this Law except by order of the Attorney General.

Offences and punishment.

- (b) If any person deals in or sells any telegraphic or telephonic apparatus, mechanism or contrivance without first obtaining a license as prescribed by

the Regulations made under this Law (in addition to any license for which he may be liable under Law 7 of 1908) he shall be guilty of an offence and shall be liable on conviction before a Resident Magistrate for the parish in which the offence is committed to a penalty of not less than Ten Pounds and not exceeding Fifty Pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months.

- (c) A Dealer's License shall entitle the holder in addition to dealing in or selling any telegraphic or telephonic apparatus, mechanism or contrivance, to demonstrate such telegraphic or telephonic apparatus, mechanism or contrivance to possible purchasers, either at the place designated in the License or at the homes of such prospective purchasers, but in the latter case such demonstration shall not exceed a period of fourteen clear days.
- (d) Nothing in this section shall be construed as applying to anyone licensed under this Law who sells his private telegraphic or telephonic apparatus, mechanism or contrivance to another party for personal use.

Power in the Governor to appoint persons to inspect.

6—It shall be lawful for the Governor to appoint and empower any person or persons for such time or times as the Governor shall think fit to enter any premises for the purpose of inspecting any telegraphic or telephonic apparatus, mechanism or contrivance thereon or which such person or persons suspect may be contained therein.

Any person obstructing, hindering or preventing any person so appointed from entering as aforesaid shall be guilty of an offence under this Law, and shall be liable on summary conviction by a Resident Magistrate for the parish in which the offence is committed to a penalty not exceeding Two Hundred Pounds or in default of payment to be imprisoned with or without hard labour for a period not exceeding twelve months.

Validating section.

7—Nothing in this Law contained shall invalidate or impair any right now possessed by any Telegraph or Cable

Company under any License granted under any Law repealed by The Telegraph Control Law 1929 (Law 18 of 1929).

8—It shall be lawful for the Governor to grant to any suitable applicant a Special License to establish, maintain or use a telegraphic or telephonic apparatus, mechanism or contrivance for such period and on such terms as the Governor may determine.

Power given to Governor to grant special licenses.

9—The Telegraph Control Law 1929 (Law 18 of 1929) is hereby repealed.

Repeal.





No. 15---1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

7th July, 1937.

A LAW to amend The Water Commission (Corporate Area) Law, 1936 (Law 34 of 1936).

[9th July, 1937.]

BE it enacted by the Governor and Legislative Council of Jamaica as follows :—

1—This Law may be cited as the Water Commission Short Title. (Corporate Area) Amendment Law 1937 and shall be read and construed as one with the Water Commission (Corporate Area) Law 1936 (in this Law referred to as the Principal Law).

2—The Principal Law is hereby amended as follows :— Amendment of Principal Law.

Section 3.

(1) The word “who” which occurs in the first line of paragraph (a) of sub-section (2) of the Section, is hereby deleted.

- (2) For the proviso to sub-section (3) of the Section there shall be substituted the following proviso:—
- “Provided the Chairman shall not have or exercise any of the powers or duties conferred, or imposed, on the Commission by sub-sections 1, 2 (provided nevertheless that the Chairman may employ any servant of the Commission, or dismiss any servant employed by the Commission, otherwise than at a yearly salary) 3 and 5 of Section 5 and by Sections 11, 12, 14, 15, 20, 22, 23 and 29 of this Law.”

No. 16---1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

7th July, 1937.

A LAW to Amend the Banana Industry Aid Laws 1932  
and 1933 (Law 15 of 1932 and Law 25 of 1933).

[9th July, 1937.]

BE it enacted by the Governor and Legislative Council of  
Jamaica as follows:—

1—This Law may be cited as the Banana Industry Aid Short Title.  
(Amendment) Law 1937 and shall be read and construed  
as one with the Banana Industry Aid Laws 1932 and 1933  
(in this Law referred to as the Principal Laws).

2—The provisions of Section 29, (which relate to an Amendment of  
Principal Laws.  
owner of land subject to charges, to consent by the Board  
and to the Deputy Keeper of the Records), and of  
Section 30, (which relate to the cancellation of any notifica-  
tion or consent or amendment thereof by the Deputy Keeper  
of the Records), of the Banana Industry Aid Law 1935, (in  
this Law referred to as the 1935 Law) shall apply to an

owner of land subject to charges created by, to the Board established, and to the Deputy Keeper of the Records, under, either of the Principal Laws in like manner as they apply to an owner of land subject to charges created by, to the Board established, and the Deputy Keeper of the Records, under the 1935 Law, subject to the qualification that references in that Law to "charges," "notification," "advances," "Board," "Chairman of the Board" shall be construed as references to "charges," "notification," "advances" created by, or under, either of the Principal Laws and to the Board established under either of the said Laws or the Chairman thereof respectively.

No. 17---1937

I assent,

[L. S.]

EDWARD DENHAM,

*Governor.*

7th July, 1937.

A LAW to Amend the Registration of Titles Laws.

[9th July, 1937.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Registration of Titles (Amendment) Law 1937, and the Registration of Titles Laws 1888 to 1933, and this Law shall be read and construed as one and may together be cited as the Registration of Titles Laws 1888 to 1937.

Short Title and Construction.

2—In this Law the expression “the Principal Law” means the Registration of Titles Law 1888 (Law 21 of 1888).

Interpretation.

3—Any person sustaining loss or damage in any case in which he is entitled to bring an action to recover damages under the provisions of Sections 136 and 138 of the Principal Law shall before commencing proceedings make application in writing to the Registrar for compensation.

Persons claiming shall before action brought apply to Registrar in writing for compensation.

and such application shall be supported by Affidavits or Statutory Declarations. If the Registrar, with the approval of the Attorney General, admits the claim or any part thereof and certifies accordingly to the Governor, the Governor may if he thinks fit issue a Warrant to the Treasurer for the amount so certified to be paid out of "The Assurance Fund," and the Registrar shall be entitled, as though he were a person deprived of land, to proceed under Section 136 of the Principal Law against the person liable under the said Section for the amount so paid and any amount recovered shall be lodged into the Treasury to the credit of "The Assurance Fund."

Amendment of  
Principal Law.

4—The Principal Law is hereby amended as follows:—

(1) Section 37. For the words—

“the value of any such land shall be ascertained by the Statutory Declaration of the applicant or of the person deriving title to such land by transmission”

which occur in the sixth, seventh and eighth lines of the Section, there shall be substituted the following words:—

“Provided the value of any such land shall be deemed to be the value thereof at the time of lodging the application to bring the land under the operation of this Law or for registration on transmission as in this Section mentioned and such value shall be ascertained by the Statutory Declaration of the applicant or of the person deriving title to such land by transmission.”

(2) Section 134. For the Section the following Section is hereby substituted:—

“134—All sums of money which shall be received by the Registrar as contributions to “The Assurance Fund,” or in augmentation thereof, shall be paid to the Treasurer, who shall place such sums to the credit of an account to be kept in the Treasury, to be called “The Assurance Fund, and shall from time to time invest the same together with all dividends and profits accruing thereon, in Jamaica Government securities, or

otherwise as the Governor may direct, to constitute an "Assurance Fund" for the purposes hereinafter mentioned: Provided however that the Governor may from time to time, by Warrant under his hand directed to the Treasurer, authorise such sums of money as may be approved by Resolution by the Legislative Council to be transferred from "The Assurance Fund" into General Revenue and money transferred as aforesaid shall be used for the purpose of a Trigonometrical Survey of Jamaica and for such other purposes as may be required for the advancement of the objects of the Registration of Titles Laws: Provided further that at no time shall "The Assurance Fund," by any such transfer, be reduced to an amount of less than £15,000."

(3) Section 136. The last proviso to the Section is hereby deleted and in place thereof the following proviso is hereby substituted:—

"Provided that in estimating such damages the value of all buildings and other improvements erected or made subsequent to the making of a contract of sale binding on the parties thereto, or subsequent to the deprivation, shall be excluded."

(4) Section 138. All the words of this Section after the word "damages," which occurs in the twelfth line of the Section, shall be deleted and in place thereof the following words substituted:—

"Provided that in estimating such damages the value of all buildings and other improvements erected or made subsequent to the making of a contract of sale binding on the parties thereto, or subsequent to the deprivation, shall be excluded."





No. 18----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

7th July, 1937.

A LAW to provide for a Revised Edition of the Laws of  
Jamaica.

[9th July, 1937.]

BE it enacted by the Governor and Legislative Council of  
Jamaica as follows:—

1—This Law may be cited as the Revised Edition (Laws of Jamaica) Law, 1937. Short Title,

2—In this or any future Law the expression “revised edition” means the revised edition of the Laws of Jamaica to be prepared under the authority of this Law. Meaning of “revised edition.”

3—(1) The Governor may appoint a fit and proper person (in this Law referred to as the Commissioner) to prepare a revised edition of the Laws of Jamaica. Appointment of Commissioner by Governor.

(2) In case the Commissioner shall from any cause be unable fully to discharge his Commission under this Law, the Governor may appoint some other fit and proper person or persons to be Commissioner or Commissioners in his stead.

(3) If in such case more Commissioners than one be appointed the term Commissioner shall apply to such Commissioners.

Powers of Commissioner.

4—In the preparation of the revised edition the Commissioner shall have the following powers:

(1) To omit:—

- (a) all Acts and Laws or parts of Acts and Laws which have been expressly and specifically repealed or which have expired, or have become spent or have had their effect;
- (b) all repealing enactments contained in Acts and Laws and also all tables and lists of repealed enactments, whether contained in schedules, sections or otherwise;
- (c) all preambles and long titles to Acts and Laws, where such omission can, in the opinion of the Commissioner, conveniently be made;
- (d) all words of enactment in any Act or Law or in any section of an Act or Law where such Act or Law consists of more sections than one;
- (e) all enactments prescribing the date when, or the manner in which, an Act or Law, or part of an Act or Law is to come into operation, where such omission can, in the opinion of the Commissioner, conveniently be made;
- (f) all amending Acts or Laws or parts thereof where the amendments effected thereby have been embodied by the Commissioner in the Law to which they relate;
- (g) all punishments, words and phrases that no longer have any application; and, all local venues in civil causes and matters triable in the Circuit Courts:

Provided that the provisions of section 9 of the Interpretation Law, 1926, shall apply to such omissions in the same way as if the Act or Law omitted had been repealed.

(2) To classify and arrange the Acts and Laws by chapters according to their subject matter, to number such chapters, and to attach a marginal reference at the head of each chapter specifying the Acts or Laws included in it under their original year and number.

(3) To consolidate into one Law any two or more Acts or Laws in *pari materia*, making the alterations thereby rendered necessary in the consolidated Law, and affixing, if necessary, such date thereto as may seem most convenient.

(4) To alter the order of sections in any Act or Law and, in all cases where it may be necessary to do so, to renumber the sections.

(5) To alter the form or arrangement of any section of an Act or Law by transferring words, by combining it in whole or in part with another section or other sections, or by dividing it into two or more sub-sections.

(6) To divide any Act or Law, whether consolidating or not into parts or other divisions and to give to such parts or divisions a suitable heading.

(7) To add a short title to any Law which may require it and if necessary to alter the short title of any Law; or to alter and amend the title of any Law so as to bring such title into conformity with the consolidated Law appearing under such title.

(8) To shorten and simplify the phraseology of any enactment.

(9) To correct grammatical and typographical errors in the existing copies of Laws, and for that purpose to make verbal additions, omissions or alterations not affecting the meaning of any Law.

(10) To make such adaptations of or amendments to any Laws as may appear to be necessary or proper as a consequence of the establishment of the Irish Free State.

(11) To make such formal alterations as to names, localities, offices and otherwise as may be necessary to bring any Law into conformity with the circumstances of the Island.

(12) To add or alter marginal notes to the sections of a Law but no marginal notes shall be regarded or construed as being part of any Law.

(13) To use the term or title Law instead of Act in connection with any Act or Law incorporated in and forming part of the revised edition.

(14) To do all things relating to form and method which may be necessary for the perfecting of the revised edition.

Edition of Revised Laws to 1888 to be treated as authentic.

5—The Laws of Jamaica, Revised Edition, prepared by the late Honourable C. Ribton Curran comprising the Laws of Jamaica from 1681 to 1888 (both inclusive) shall be taken as the authentic edition of the Laws passed during those years for the purposes of this revision.

Laws or parts of Laws in Schedule to continue in force though omitted from the revised edition.

6—The Commissioner shall omit from the revised edition the Laws or parts of Laws specified in the Schedule to this Law: Provided always that, anything in this Law to the contrary notwithstanding, the said Laws shall remain in force until the same shall have been expressly repealed or shall have expired or become spent or had their effect.

Limitation of Commissioner's powers.

7—(1) The powers conferred upon the Commissioner by section 4 shall not be taken to imply any power in him to make any alteration or amendment in the matter or substance of any Act or Law or part thereof.

(2) Subject to the provisions of sub-section (4) of this section, in every case where any such alteration or amendment is, in the opinion of the Commissioner, desirable, the Commissioner shall draft a Bill setting forth such alterations and amendments, and authorizing them to be made in the revised edition, and every such Bill shall, subject to the sanction of the Governor, be submitted to the Legislative Council and dealt with in the ordinary way.

(3) Any such Bill may have reference to more Acts or Laws than one, although such Acts or Laws may not be in *pari materia*.

(4) In any case where an Act or Law, whether consolidated or not, requires such considerable alterations and amendments as to involve its entire re-casting, the Commissioner shall draft a Bill accordingly, and any such Bill shall, subject to the sanction of the Governor in Privy Council, be submitted to the Legislative Council and dealt with in the ordinary way.

Chronological Table and Index.

8—The Commissioner shall prepare or cause to be prepared in a separate volume a chronological table of the Acts and Laws of Jamaica and a full and complete Index to the Acts and Laws contained in the revised edition.

9—(1) As soon as the revised edition is completed the Governor shall lay a copy thereof before the Legislative Council.

Bringing the Revised Edition into operation.

(2) Upon the passing of a Resolution of the Legislative Council authorizing him so to do, the Governor may, by Proclamation, order that the revised edition shall come into force from such date as he may think fit.

10—Subject to the provisions of section 6 the revised edition, from the date named in the Proclamation in the preceding section mentioned, shall be without any question whatever in all Courts of Justice and for all purposes whatsoever the sole and only proper edition of the Laws of Jamaica in force on the 31st day of December, 1937: Provided that nothing in this section shall affect the operation of any Law which, before the date of such Proclamation, may be passed repealing, altering or amending any earlier Law, although such Law has been already included in the revised edition.

Authority of revised edition.

11—(1) The repeal or omission from the revised edition of any Act or Law repealed or omitted during and for the purpose of the preparation of such revised edition, shall not affect the validity of any existing Resolutions, Proclamations, or Orders of the Governor or the Governor in Privy Council, or statements prepared by any Officer of the Government, or Rules, Regulations or By-Laws made under any Act or Law, so repealed or omitted, but such Resolutions, Orders, Decisions, Proclamations, Statements, Rules, Regulations or By-Laws, so far as they are not inconsistent with any Statute Law of this Island for the time being in force, shall continue in force until otherwise provided.

Effect of repealed or omitted Laws.

(2) All Resolutions, Proclamations or Orders of the Governor or the Governor in Privy Council, or statements prepared by any Officer of the Government, or Rules, Orders, Regulations or By-Laws, and forms made under any Law included in the revised edition, and in force at the date when such revised edition, shall come into force, shall continue in force until otherwise provided; and references in any such Resolution, Proclamation or Order of the

Saving of existing subsidiary legislation.

Governor or the Governor in Privy Council, or statement prepared by any Officer of the Government, or Rule, Order, Regulation or By-Law and form to the Law under which it was made, or to any other Law, shall, where necessary and practicable, be deemed to apply to the corresponding enactment in the revised edition.

Reference to any Law repealed to be to revised edition.

12—Wherever in any Act or Law or in any document of whatever kind, reference is made to any Act or Law repealed, omitted or otherwise affected by the operation of this Law, such reference shall, where necessary and practicable, be deemed to extend and apply to the corresponding Law in the revised edition.

Distribution of Copies.

13—(1) Copies of the revised edition shall be distributed among such persons, officers, departments and institutions as the Governor may direct.

(2) Such number of copies, and at such a price as the Governor may direct, shall be offered for sale to the general public.

Expenses.

14—The expenses of and incidental to the preparation and publication of the revised edition shall be paid from such moneys as may be provided by the Legislative Council for that purpose.

Repeal.

15—The Statute Law (Revised Edition) Law, 1921 (Law 27 of 1921) is hereby repealed.

SCHEDULE.

(Section 6.)

Law.	Title or Subject Matter.
2 Ann, Cap. 7	An Act for ascertaining, establishing and more speedy collecting Her Majesty's Quit Rents.
25 Geo. III. Cap. 1	An Act for the ascertainment and regulation of emblements.
29 Geo. III. Cap. 22	An Act to repeal part of an Act passed in 1723 entitled An Act for dividing the parish of Westmoreland into two distinct parishes for the ease of the inhabitants.
44 Geo. III. Cap. 19	An Act for better securing fishing and preserving of fish in the Harbour of Kingston and its vicinity, and on the coast adjacent.
53 Geo. III. Cap. 26	An Act to explain and amend an Act for the ascertainment and regulation of emblements.
7 Victoria, Cap. 56	An Act to repeal part of an Act entitled, Act to repeal several Acts and parts of Acts therein mentioned, and to declare the first clause of the tenth of George the First, Chapter five, in force.
8 Victoria, Cap. 38	An Act for establishing an Island Curates' Fund for the benefit of the Widows and Children of deceased Island and other Curates, and to provide for the proper management of the said fund.
9 Victoria, Cap. 39	An Act to consolidate and amend the Laws relating to the Rectors' Fund.
14 Victoria, Cap. 35	An Act to amend an Act for establishing an Island Curates' Fund for the benefit of the Widows and Children of deceased Island and other Curates, and to provide for the proper management of the said Fund.
18 Victoria, Cap. 53	An Act in aid of and to amend an Act entitled "An Act for the sale of the real estate of Robert Hugh Munro and Caleb Dickenson respectively, and investing the same in the funds, and applying the same to the charitable purposes of their Wills and for other purposes.
21 Victoria, Cap. 23	An Act to facilitate the recovery of forfeited recognizances and pecuniary fines.

## SCHEDULE.

(Section 6.)

Law.	Title or Subject Matter.
22 Victoria, Cap. 36 ..	An Act to repeal certain Acts relating to the Kingston and Liguanea Water Works Company, and to re-enact the same with amendments.
25 Victoria, Cap. 22 ..	An Act to amend and in aid of the Eighteenth Victoria, Chapter fifty-three, for carrying out the objects of the charitable devises and bequests of Robert Hugh Munro and Caleb Dickenson.
30 of 1869 ..	A Law to amalgamate the Free School of Saint Jago de la Vega and the School established under the Will of the late Francis Smith, Esquire, deceased.
3 of 1870 ..	A Law to abolish the Offices of Clerk of the Peace and Clerk to the Magistrates, and to make better provision for the discharge of Magisterial duties.
27 of 1870 ..	A Law to define the limits of the City of Kingston.
15 of 1871 ..	The Kingston and Liguanea Water Works Transfer Law, 1871.
16 of 1874 ..	A Law to provide additional trustees for the Rectors' and Curates' Funds, and to make further provisions in reference thereto.
7 of 1878 18 of 1879 23 of 1879 1 of 1881 3 of 1883 18 of 1886 4 of 1889 14 of 1891 20 of 1891 12 of 1897 2 of 1899 13 of 1903 13 of 1905 20 of 1905 29 of 1906 31 of 1910 33 of 1912 40 of 1916 13 of 1917	Immigration (East Indian) Laws.



## SCHEDULE.

(Section 6.)

Law.	Title or Subject Matter.
15 of 1878	.. A Law to vest certain premises in Duke Street, Kingston, formerly used for the purposes of a Chapel by the United Methodist Free Churches, in Solomon Levy Barned.
35 of 1879 28 of 1887 9 of 1891 15 of 1915	} The Militia Laws.
6 of 1880	.. The Saint Andrew's Free School Lands Transfer Law, 1880.
26 of 1885	.. The Kingston and Liguanea Water Works Additional Powers Law, 1885.
12 of 1889 except Sections 29, 32, 38, 39, 40, 113, 115, 117, 118, 119, 120, 124, 126, 133 to 140, 142 to 146, 167.	} The Jamaica Railway Company's Law, 1889
25 of 1890 29 of 1923 25 of 1924 32 of 1924 35 of 1924 37 of 1924 5 of 1927 13 of 1927 28 of 1928 13 of 1929 21 of 1930 8 of 1931 19 of 1931 4 of 1932 2 of 1933 6 of 1933 24 of 1933 19 of 1935	} .. Laws relating to Pensions to certain persons.
33 of 1897	.. The West India Electric Company's Law, 1897.
15 of 1898	.. The Kingston General Commissioners Extended Powers Law, 1898.
38 of 1898 30 of 1906	} .. The West India Electric Company's Law, 1897, Amendment Laws, 1898 and 1906.
26 of 1907	.. The Kingston Street Improvements Law.
38 of 1908	.. The Rifle Clubs Tax Relief Law, 1908
32 of 1909	.. The Earthquake Annuities Law, 1909.

## SCHEDULE.

(Section 6.)

Law.	Title or Subject Matter.
28 of 1910	.. The Saint Elizabeth Water Supply Loan Law, 1910.
36 of 1912 3 of 1913 11 of 1913 9 of 1914 40 of 1914 37 of 1916 24 of 1917 15 of 1932 25 of 1933 28 of 1933 6 of 1934 40 of 1926	.. Special Loan Laws made after certain Calamities.
..	The Trelawny Resident Magistrate's Court Law, 1926.
29 of 1929	.. The Montego Bay Pier (Enabling) Law, 1929.
31 of 1931	.. The Central Board of Health Validation Law, 1931.
35 of 1931	.. The Montego Bay Pier (Enabling) Law 1931.
36 of 1936	.. A Law to enable a Tenant for life of the estates passing under the Will of Dermot Owen Kelly-Lawson deceased to raise money by way of Mortgage and declaring the devolution as to part of such Real Estate.

No. 19----1937

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

7th July, 1937.

A LAW to Amend Further the Tariff Laws.

[9th July, 1937.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Tariff Law 1927 (Law 11 Short Title of 1927) Amendment Law 1937 and shall be read and construed as one with the Tariff Laws 1925 to 1936 and those Laws and this Law may together be cited as the Tariff Laws 1925 to 1937.

2—In this Law unless the context otherwise requires— Interpretation.  
“Empire” means the United Kingdom of Great Britain and Northern Ireland, the Dominions, India, the Territories administered by His Majesty’s Governments in the Dominions under Mandate or otherwise, British Colonies, British Protectorates and Protected States, and the Mandated Territories of Tanganyika, Cameroons under British Mandate and Togoland under British Mandate.

“Motor Spirit” includes benzine, benzoline, gasolene, naphtha and petrol spirits generally.

Amendment of  
Principal Law.

3—The first Schedule to the Tariff Law 1925 as amended by the Tariff Laws 1927 to 1936 is hereby further amended by repealing Item 24 (d) in the said First Schedule and by substituting therefor the item in the Schedule to this Law.

Power to fix  
preferential rate  
of duty.

4—(1) Whenever the Governor is satisfied that a substantial change in sources of supply of motor spirit imported into Jamaica from Empire to non-Empire sources has occurred, he may, by Order in Privy Council and subject to such terms and conditions as he may deem just, fix a preferential duty on motor spirit imported into Jamaica from Empire sources in lieu of the general rate of duty specified in the Schedule to this Law: And on fixing any such Preferential Rate of Duty the Governor in Privy Council may by the same or any subsequent order increase the General Rate of Duty: Provided that the rates of duty fixed by any such order shall not accord greater preference on motor spirit imported from Empire sources than the preference granted on such spirit under the provision of the Tariff Law 1925 repealed by Section 3 of this Law: Provided further that the Preferential Rate of Duty shall in no case exceed sevenpence half-penny per gallon.

(2) Orders made under this Section shall be published in the Gazette and shall not have any force or effect until approved by the Secretary of State and, subject to such approval, shall, as from a date to be notified by the Governor and published in the Gazette, have the force and effect of Law.

Duration.

5—This Law shall continue in force until the 31st day of March, 1942, and shall unless renewed, then cease to have any force or effect.

SCHEDULE.

Item Number.	Article.	Preferential Tariff.	General Tariff.
24	(d) Motor Spirit, including benzine, benzoline, gasolene, naphtha and petrol spirits generally per gallon .		7½d.



No. 20---1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

7th July, 1937.

A LAW to facilitate the preparation of a Revised Edition  
of the Laws of Jamaica.

[The date of any Proclamation issued by  
the Governor bringing this Law into operation.]

BE it enacted by the Governor and Legislative Council of  
Jamaica as follows:—

1—This Law may be cited as the Statute Law Revision Law, 1937. Short Title.

2—The Acts and Laws mentioned in the Schedule to this Law are hereby repealed to the extent mentioned in the third column of the said Schedule. Laws repealed, in whole or in part. Schedule.

3—This Law shall come into operation on a day to be named by the Governor by Proclamation to be published in the Jamaica Gazette but such day shall not be an earlier day than the day named for the commencement of the Revised Edition of the Laws of Jamaica. Commencement of Law.

## SCHEDULE

## Section 2.

Act.	Title.	Extent of Repeal.
33 Charles II. Ch. 17	An Act for regulating Building and Preventing Fire.	The whole Law
33 Charles II. Ch. 22	An Act for Prevention of Law-suits.	The whole Law
35 Charles II. Ch. 3	An Act for encouraging the settlement of this Island.	The whole Law
35 Charles II. Ch. 4	An Act for ordering Boats and Wherries and better Government of Seamen.	The whole Law
5 William and Mary, Ch. 1	An Act for establishing a Perpetual Anniversary Fast on seventh of June.	The whole Law
11 William III. Ch. 4	An Act appointing Scavengers and regulating Wharfage at Port Royal	The whole Law
11 Anne, Ch. 4.	An Act for preserving the Public Records of this Island.	The whole Law
9 George I. Ch. 1	An Act for establishing a perpetual Anniversary Fast on Twenty-eighth of August.	The whole Law
4 George II. Ch. 4	An Act for the further quieting Possessions and regulating Re-Surveys.	The whole Law
14 George II. Ch. 3	An Act to empower Commissioners to take Affidavits in the several Parishes to be made use of in the Grand Court.	The whole Law
21 George II. Ch. 8	An Act for causing the Streets, Ways and Avenues leading into and out of the Town of St. Jago de la Vega to be cleansed; and for keeping the same constantly clean, and in good repair.	The whole Law
22 George II Ch. 6	An Act for amending and rendering more effectual an Act entitled "An Act for causing the Streets, Ways and Avenues leading into and out of the Town of St. Jago de la Vega to be cleansed; and for keeping the same constantly clean and in good repair."	The whole Law
24 George II. Ch. 9	An Act for the better Regulating of the Probate Deeds and Conveyances and Letters of Attorney executed off the Island.	The whole Law



## SCHEDULE

## Section 2.

Act.	Title.	Extent of Repeal.
1 George III. Ch. 13	An Act for the better and more certain Recovery of Fines, Forfeitures, and other Debts, due to His Majesty.	The whole Law
9 George III. Ch. 4	An Act to repeal part of an Act entitled "An Act for erecting, establishing, and regulating a Free School in the Parish of Westmoreland, in this Island, and enforcing the last Will and Testament of Thomas Manning, deceased;" and for the better and more effectual carrying the said Act into execution; and for the prevention of damages that may arise by fire in the Town of Savanna-la-Mar in the said Parish of Westmoreland.	Sections 5, 6 7, 8 and
10 George III. Ch. 11	An Act to empower the Justices and Vestry in the Town of Kingston to build a Market-house, and to appoint a place for the sale of Fresh-fish; and for preventing Nuisances in the Streets of the said Town; and for other purposes therein mentioned.	The whole Law
14 George III. Ch. 5	An Act explaining an Act, entitled "An Act for further quieting Possessions and regulating Re-Surveys;" and for Establishing Reputed Boundaries.	Section 1.
14 George III. Ch. 17	An Act to regulate the Issuing of Writs of Certiorari out of the Supreme Court of Judicature for the removal of proceedings before Justices of the Peace under certain restrictions and regulations.	The whole Law
14 George III. Ch. 28	An Act to repeal an Act passed in the last Sessions of the Assembly entitled "An Act to prevent the fraudulent passing or paying away Bonds, Promissory Notes, or Bills of Exchange, or assigning Judgments obtained on them, or any other judgments at Law, without giving due credit for moneys paid on account of such Bonds,	The whole Law

## SCHEDULE.

## Section 2

Act.	Title.	Extent of Repeal.
	Notes, Bills of Exchange, or Judgments, and to oblige all assignees of Judgments to record them in the Office of the Clerk of the Supreme Court; and more effectually to prevent frauds in passing, paying away, or assigning Judgments, Bonds, Promissory Notes, and Bills of Exchange; and to regulate the issuing writs on Judgments at Law; and for entering satisfactions; and to regulate the Offices of the Clerk of the Supreme Court and Provost-Marshal in respect to the entering satisfactions on Judgments paid.	
16 George III. Ch. 15	An Act for the better regulation of Executors and Administrators in the defence of Actions or Suits brought against them in right of their respective Testators' or Intestates' Estates, and for other purposes.	The whole Law
17 George III. Ch. 27	An Act to explain an Act entitled "An Act for establishing Courts, and directing the Marshal's proceedings," and to give jurisdiction to the Judges of the Supreme Court of Judicature on the Equity side of the Exchequer in revenue matters in the same manner that the Barons of the Exchequer have in England.	The whole Law
21 George III. Ch. 23	An Act to compel the present Provost-Marshal to enter satisfaction in his books upon all executions now entered (returned?) into his office which appear to be satisfied; and to oblige the person hereafter executing that office to enter satisfaction in said office upon Executions that shall be hereafter lodged; and for other purposes respecting the public offices and officers.	The whole Law

## SCHEDULE

## Section 2.

Act.	Title.	Extent of Repeal.
23 George III. Ch. 14	An Act to remedy the evils arising to Mortgagees and Mortgagers by the removal of Slaves, Mules, Cattle, Stock and levied on junior writs of Venditioni; and for other purposes.	The whole Law
29 George III. Ch. 13	An Act for the further Raising and Establishing the Credit of Island, and for preventing vexatious Suits at Law in consequence of the destruction of vouchers by the late Hurricanes and Fires.	Section 3 and the words "bills and mortgages whatsoever" in Section 4.
35 George III. Ch. 35	An Act for the better regulating the Police within the Town of Montego Bay and for other purposes.	The whole Law
36 George III. Ch. 35	An Act for making certain alterations and amendments in the streets and Town of Montego Bay to render it more safe, healthy and convenient in future; and for other purposes.	The whole Law
46 George III. Ch. 26	An Act for regulating the Police of the Town of Saint Ann in the parish of Saint Ann.	The whole Law
53 George III. Ch. 19	An Act for establishing an Inland Town, on the Eastern Boundary of the Parish of Tre-lawny by the name of Stewart Town.	The whole Law
55 George III. Ch. 19	An Act for the better adjusting, and the more easy recovery of the Wages of Servants, and for the better regulation of such Servants.	The whole Law
4 George IV. Ch. 21	An Act for further securing the Monies ordered by the Chancellor to be paid, into the Court of Chancery of this Island.	The whole Law
8 George IV, Ch. 22	An Act for improving the Administration of Criminal Justice in this Island.	Sections 1, 2 and 3.
9 George IV. Ch. 23	An Act to declare the Act of Thirteenth George the Second, entitled "An Act for naturalizing such Foreign Protestants, and others therein mentioned, as are settled, or shall settle, in any of His Majesty's Colonies in America," in force in this Island, and for other purposes.	The whole Law

## SCHEDULE.

## Section 2.

Act.	Title.	Extent of Repeal.
10 George IV. Ch. 12	An Act to remove certain Disabilities, from His Majesty's subjects of the Roman Catholic Religion within this Island.	Sections 1, 2, 3, 4, 8, 9, 10, 12 and references in the remaining sections to the Oath referred to in the repealed sections.
2 William IV. Ch. 16	An Act to alter and amend the Laws relating to Orphans' Estates.	The whole Law
5 William IV. Ch. 39	An Act for the better regulating the Police within the Town of St. Jago de la Vega, and for the more easy recovery of small Debts within the said Town.	The whole Law
6 William IV. Ch. 32	An Act for the more effectual Protection of Persons and Property and to appoint Constables, and for other purposes.	The whole Law
1 Victoria Ch. 26	An Act relating to Landlords and Tenants.	Sections 1, 2, 3, 11, 18 and 19.
1 Victoria Ch. 28	An Act to amend the Criminal Law.	Sections 5, 6, 7, 9, 14, 15, 16, 17, 19, 21, and the words "shall be charged with an offence a degree below felony and" in Section 4.
3 Victoria Ch. 50	An Act to alter, enlarge and improve the Town of Lucea, and to regulate the Police therein, and for other purposes.	The whole Law
3 Victoria Ch. 58	An Act to promote and encourage Steam Navigation between this Island and Great Britain.	The whole Law.
4 Victoria Ch. 22	An Act for the more effectual prosecution and punishment of persons guilty of Wilful and Corrupt Perjury, or Subornation thereof.	The words "according to the Laws now in force" in Section 1. Sections 2 and 3.

## SCHEDULE

## Section 2.

Act.	Title.	Extent of Repeal.
4 Victoria Ch. 51	An Act to amend the Law relating to Larceny and other offences connected therewith, and for abolishing the Punishment of Death in certain cases, and substituting a lesser punishment in lieu thereof, and also for abolishing the Punishment of Whipping.	The whole Law
4 Victoria Ch. 52	An Act for abolishing the Punishment of Death in certain cases, and to amend "An Act for preventing Tumults and Riotous Assemblies;" also an Act relating to Malicious Injuries to Property.	The whole Law
5 Victoria Ch. 48	An Act to prevent Delay in the Administration of Justice in Cases of Misdemeanor.	The whole Law
6 Victoria Ch. 55	An Act for establishing the jurisdiction and power of the Ordinary of this Island.	The whole Law
6 Victoria Ch. 59	An Act for regulating the Police of the Town of Port Royal, and of Wherries, Canoes, and other boats plying for fare and freight, to authorise the sale of certain lands and for other purposes.	The whole Law
7 Victoria Ch. 23	An Act to Alter and amend an Act, entitled "An Act for the better preservation of River Courses, and for the better protection of Property in Fisheries.	The whole Law
7 Victoria Ch. 49	An Act for the incorporation of the Royal Agricultural Society of Jamaica, and for granting certain powers to the said Society.	The whole Law
9 Victoria Ch. 22	An Act to provide for the conveyance of mails by railways now or hereafter to be constructed in this Island.	The whole Law
Victoria Ch. 23	An Act for the conveyance of Troops and Police by railways now or hereafter to be constructed in this Island.	The whole Law
10 Victoria Ch. 22	An Act to repeal certain duties of Customs levied under an Act of Parliament entitled "An Act to regulate the trade of the British Possessions abroad."	The whole Law

## SCHEDULE

## Section 2.

Act.	Title.	Extent of Repeal.
13 Victoria Ch. 22	An Act to facilitate the granting of Leases.	The whole Law
14 Victoria Ch. 40	An Act to amend the Law with respect to the rights of Aliens.	The whole Law
16 Victoria Ch. 15	An Act for further improving the Administration of Criminal Justice.	Sections 8, 21, and 22.
16 Victoria Ch. 23	An Act to authorise the removal of the Female Penitentiary in Saint Andrew to a portion of the General Penitentiary in Kingston.	The whole Law
17 Victoria Ch. 29	An Act for the better government of this Island, and for raising a Revenue in support thereof.	The whole Law except Schedule E. and the part of Section 40 referring thereto.
18 Victoria Ch. 34	An Act to simplify proceedings in the Court of Ordinary for the Probate of Wills in solemn form.	The whole Law
18 Victoria Ch. 48	An Act to repeal the Laws relating to Usury.	The whole Law
18 Victoria Ch. 58	An Act to facilitate the payment of Debts and legacies charged on real estate.	The whole Law
18 Victoria Ch. 61	An Act to repeal an Act entitled "An Act for the better preventing mischiefs that may happen by fire in the Town of Kingston; for the further regulating the assize of bread, and the nightly watch in the said Town; and for other purposes therein mentioned;" and also an Act entitled "An Act to consolidate and amend the several acts relating to the Corporation of the City and Parish of Kingston" and the several Acts repealed by the last-mentioned Act; and to consolidate and amend the several Acts relating to the City and Parish of Kingston.	The whole Law
19 Victoria Ch. 29	An Act for abolishing Capital Punishment in certain cases.	The whole Law
20 Victoria Ch. 3.	An Act for the summary disposal of Larcenies, and to diminish delay in the Administration of	Sections 3, 4, 5, 6, 8, 11, 15 and 16.

## SCHEDULE.

## Section 2.

Act.	Title.	Extent of Repeal.
21 Victoria Ch. 9	Criminal Justice in certain cases, and for other purposes. An Act in aid of the law giving Summary Jurisdiction to Justices in Petty Sessions.	The words "as may be directed by the Act under which the conviction takes place" in Section 1.
21 Victoria Ch. 31	An Act for the abolition of Fees to Justices of the Peace.	The whole Law
22 Victoria Ch. 20	An Act to repeal the second Section of the fourth Chapter of the Twentieth Victoria, and re-enact the same, with amendments.	The whole Law
22 Victoria Ch. 28	An Act to protect the public from vexatious suits.	The whole Law
22 Victoria Ch. 39	An Act to amend the "Judicial Amendment Act, 1855."	Section 4.
24 Victoria Ch. 2	An Act for the better protection of Public Property, and of the inhabitants of the Towns in the several Parishes of this Island from accidents and dangers by fire.	The whole Law
24 Victoria Ch. 13	An Act to repeal so much of the Twenty-ninth George Second, Chapter four, and the Seventeenth Victoria, Chapter twenty-nine, as relates to the article of Molasses.	The whole Law
25 Victoria Ch. 5	An Act to grant a Revenue to Her Majesty by a duty upon Rum and other Spirits distilled in this Island, and to allow a drawback on certain Compounds exported from this Island and manufactured from Spirits distilled therein, to the extent of the Spirit used in their manufacture or composition.	The whole Law
25 Victoria Ch. 6	An Act to establish Competitive Examinations.	The whole Law
25 Victoria Ch. 25	An Act to make provision towards the establishment of a Resident Magistrate in and for the Cayman Islands.	The whole Law

## SCHEDULE.

Section 2.

Act or Law.	Title.	Extent of Repeal.
25 Victoria Ch. 31	An Act to extend the powers of the Governor in the removal of prisoners from one prison to another under the provisions of the Prisons Consolidation Act, 1856.	The whole Law
27 Victoria Ch. 22	An Act to incorporate the Royal Agricultural Society of Jamaica and the Royal Society of Arts.	The whole Law
27 Victoria Ch. 33	An Act to consolidate and amend the statute Laws relating to Larceny and other similar offences.	The words "For the purposes of this Act" in the sixth paragraph of Section 1.
28 Victoria Ch. 18	An Act to Authorize the Infliction of Corporal Punishment in certain cases of Larceny and other Offences.	Sections 1 and 2 and the words "by this Act additionally or in substitution authorized" in Section 5.
28 Victoria Ch. 21	An Act to provide for the appointment of an Officer for inspecting the several Revenue Departments of this Island.	The whole Law
28 Victoria Ch. 24	An Act to provide for the Re-construction of the most Public thoroughfares of the City of Kingston.	The whole Law
28 Victoria Ch. 26	An Act to raise a Loan, not exceeding nine thousand pounds, to meet expenses for damages to Main and Parochial Roads and Bridges incurred in consequence of the floods in the month of May last.	The whole Law
28 Victoria Ch. 44	An Act to extend the power of granting building or repairing leases of premises.	The whole Law
29 Victoria Ch. 18	An Act for making more effectual provision for the survey of disputed lands.	The whole Law
3 of 1866	A Law to declare the amount of the salaries of the Governor and of the Colonial and Financial Secretaries of Jamaica.	The whole Law
5 of 1866	A Law in aid of, and to amend the Act twenty-eight Victoria,	The whole Law



## SCHEDULE.

## Section 2.

Law.	Title.	Extent of Repeal.
3 of 1867	Chapter twenty-four entitled "An Act to provide for the reconstruction of the most Public thoroughfares of the City of Kingston."	The whole Law
4 of 1867	.. A Law to extend the limits prescribed by the Act twenty-eight Victoria, Chapter twenty-four, for drainage purposes.	The whole Law
9 of 1867	.. A Law to remove the Obligatory and Penal Restrictions of the Acts Fifth William and Mary, Chapter one, and Ninth George the First, Chapter one.	The whole Law
8 of 1868	.. A Law to Amend and Continue in Force, for a Limited Period, the Duties of Stamps.	The whole Law
21 of 1868	.. A Law for the appointment of Additional Trustees of certain of the Charities, and other Institutions of this Island.	The whole Law
44 of 1869	.. A Law to Authorize Justices of the Peace to take Affidavits in the Court of Chancery and Supreme Court.	The whole Law
2 of 1870	.. A Law to Repeal the Export Duty on Pimento and Ginger.	The whole Law
5 of 1870	.. A Law to Reduce the Number of Assistant Judges of the Supreme Court of this Island and to provide Compensation to One Retiring Judge, and to alter the number of and the times and places of Holding the several Circuit Courts of this Island.	The whole Law
9 of 1870	.. A Law to amend Law 47 of 1869.	The whole Law
10 of 1870	.. A Law to extinguish the main road funds, and to make other provision in lieu thereof	The whole Law
12 of 1870	.. A Law to Repeal the Twenty-third Section of Twenty-first Victoria, Chapter thirty-four, and the Twenty-sixth Victoria, Session two, Chapter twenty-one.	The whole Law
12 of 1870	.. A Law to transfer to the Clerks of Petty Sessions the duties heretofore performed by the Clerks of the Peace under certain Acts and Laws for granting Licenses.	The whole Law

## SCHEDULE.

## Section 2.

Law.	Title.	Extent of Repeal.
15 of 1870	A Law to Abolish certain Tonnage Duties, levied in Aid of General Revenue, and for the support of Marine Hospitals, and to abolish certain fees on Vessels.	The whole Law
22 of 1870	A Law to Amend and Explain the Laws Relating to the District Courts.	The whole Law
32 of 1870	A Law to render valid any securities given to the Clerks of the Peace under any Act or Law of this Island and in aid of Law 3 of 1870.	The whole Law
20 of 1871	A Law to Abolish the Office of Master in Ordinary of the Court of Chancery, and to make provision for the more speedy and efficient despatch of Business in the said Court.	The whole Law
28 of 1871	A Law to Amend the Law of Civil Procedure Respecting Warrants of Attorney, Cognovits, and Orders for Judgments.	The whole Law
24 of 1872	A Law to Remove some Defects in the Administration of the Criminal Law.	Section 24.
6 of 1873	A Law to Render more Effectual an Act of Parliament, made in the Twenty-first Year of the Reign of King James the First, entitled "An Act for the General Quiet of the Subjects against all Pretences of Concealment Whatsoever."	Section 7, the words from "and" in the eighth line to the end.
32 of 1873	A Law to Incorporate the Municipal Boards of the several Parishes of this Island.	The whole Law
20 of 1874	A Law to Amend Law 1 of 1867, to Prohibit the Keeping of Swine in the City of Kingston and Town of Port Royal.	The whole Law

## SCHEDULE.

## Section 2.

Law.	Title.	Extent of Repeal.
17 of 1875	A Law for the Establishment and Regulation of Fire Brigades where Required.	Section 22.
25 of 1875	A Law in Aid of Law 3 of 1870, and to Define the Jurisdiction of the Clerks of Petty Sessions.	The whole Law
7 of 1877	A Law to Provide for the more Convenient Administration of "The Extradition Acts, 1870 and 1873."	Repeal the words "Police Magistrate" and substitute Resident Magistrate as applied to Jamaica.
9 of 1878	A Law to amend the procedure in Inferior Courts of Criminal Jurisdiction.	The whole Law
12 of 1881	The Limitation of Actions (Land) Law, 1881.	Section 37.
21 of 1885	The Saint Elizabeth Temporary Registration of Voters Law, 1885.	The whole Law
2 of 1886	The Lucea Sanitary Law, 1886.	The whole Law
8 of 1887	The Contagious Diseases Laws, Repeal Law.	The whole Law
9 of 1887	The Employers of Chinese Immigrants Relief Law, 1887.	The whole Law
40 of 1888	The Civil Procedure Code, 1888	The words "except where otherwise expressly provided" in Section 329
15 of 1889	The Agricultural Produce Buyers' Law 1881, Repeal Law, 1889.	The whole Law
15 of 1890	The Praedial Larceny Laws, Amendment Law.	The whole Law
23 of 1891	The Export Duties Abolition Law, 1891	The whole Law
13 of 1898	The Jury Law, 1898	Section 41
9 of 1903	A Law to amend the Deficit Loan (Imperial) Law, 1900.	The whole Law
45 of 1903	A Law to provide for the Establishment and Maintenance of a Sugar Experiment Station.	The whole Law
3 of 1906	A Law in aid of Law 45 of 1903.	The whole Law

## SCHEDULE.

Section 2.

Law.	Title.	Extent of Repeal.
17 of 1908	The Endowed Schools Land Law.	The whole Law
9 of 1909	A Law to supersede the Board of Agriculture.	The whole Law
37 of 1909	A Law to Continue the Jamaica Hotels Law, 1904.	The whole Law
19 of 1911	A Law to amend the Health Law, 1910	The whole Law
18 of 1914	The Kingston Building Law, 1914.	The words "of the Surveyor or" in the third and fourth lines of the first proviso in Section 2.

No. 21----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

7th July, 1937.

A LAW to amend the Police Pension Law, 1926 (Law 13 of 1926).

[9th July, 1937.]

**BE** it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Police Pension Amendment Law, 1937, and shall be read and construed as one with the Police Pension Law 1926 (in this Law referred to as the Principal Law).

Short Title and Construction.

2—The Principal Law is hereby amended as follows:—

(1) Section 1. The Section is hereby repealed and in lieu thereof the following Section is hereby substituted:—

Amendment of Principal Law.

“1—This Law may be cited as the Police Pension Law, 1926, and shall be read and construed as one with the Jamaica Constabulary Force Consolidation and Amendment Law, 1935 (Law 27 of 1935).”

(2) Section 2. The definition of the expression “the Force” is hereby repealed and in lieu thereof the following definition is hereby substituted:—

“the expression ‘the Force’ means the Jamaica Constabulary Force constituted and maintained under the Jamaica Constabulary Force Consolidation and Amendment Law, 1935.”

(3) Section 9 sub-section 2. From the sub-section the words “and Section twenty-four of the Principal Law” which occur in the fifth and sixth lines of the sub-section are hereby deleted and in lieu thereof the following words are hereby substituted:—

“and, notwithstanding the repeal of the Section, under Section twenty-four of Law 8 of 1867.”

Refunds on  
being struck  
off the  
strength of  
the Force.

3—Where deductions have been made from the pay of any constable by way of contribution to his pension, and that constable, not being eligible for pension, gratuity or disability allowance, is struck off the strength of the Force he shall on being so struck off, be entitled to refund of the amount of the deductions so made.

Commencement.

4—This Law shall be deemed to have come into operation on the 1st day of April, 1933.

No. 22 -1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

7th July, 1937.

A LAW to Amend The Public Health Law 1925  
(Law 18 of 1925).

[9th July, 1937.]

**B**E it enacted by the Governor and Legislative Council  
of Jamaica as follows :—

1—This Law may be cited as The Public Health Amend- Short Title.  
ment Law 1937 and shall be read and construed as one with  
The Public Health Law 1925 (in this Law referred to as  
the Principal Law).

2—The Principal Law is hereby amended as follows :— Amendment of  
Principal Law.

(1) Section 15 (2) and (3). The sub-sections are  
hereby repealed and in place thereof the following sub-  
section is hereby substituted :—

“(2) From time to time appoint and remove—

- (a) subject to the approval of the Governor,  
Medical Officers (Health), Sanitary  
Inspectors and any officer in receipt of  
Emoluments exceeding thirty shillings  
per week.

(b) such other officers and servants as may be necessary to enable them efficiently to carry out the provisions of this Law, and shall make regulations for defining their duties."

(2) Section 17. The Section is hereby repealed and in lieu thereof the following Section is hereby substituted:—

"17 (1) Any person may, and every Medical Officer, Medical Officer (Health) and Police Constable, under whose notice the same shall come, shall give information in writing to the Local Board of the existence of any circumstances which may in the opinion of such informer constitute a nuisance.

(2) The Local Board on receipt of such information, if satisfied that a nuisance is liable to occur, or exists, shall serve on the person permitting or committing the same, or upon the owner or occupier of the premises on or in respect of which such nuisance is liable to occur, or exists, an order to prevent or abate the same within a time to be specified in such order, and to do such things as may be necessary for such purpose.

The Local Board may by order specify the things to be done.

(3) Whenever the Local Board is not sitting every Medical Officer (Health) and Sanitary Inspector appointed under this Law, under whose notice any of the nuisances referred to in Section 63 of this Law shall come, is hereby empowered to serve on the person permitting or committing the same, or upon the owner or occupier of the premises on or in respect of which such nuisance is liable to occur, or exists, an order to prevent or abate the same within such time to be specified in such order as may be necessary for such purpose. A return of all orders served by virtue of this sub-section shall be transmitted to the Local Board by the Medical Officer (Health), or the Sanitary Inspector, as the case may be, at the end of each calendar month.

(4) Service of an Order under this Section may be effected by any person thereunto authorised by the Local Board, Medical Officer (Health) or Sanitary Inspector, as the case may be."



(3) Section 18. The Section is hereby repealed and the following Section is hereby substituted :—

“18 (1) If for any reason any order under the preceding Section be not complied with after due service thereof within the specified time, it shall be lawful for the Local Board to cause the threatened or existing nuisance to be prevented or abated, and for that purpose may authorise any person to enter the premises on or in respect of which such nuisance is threatened or exists, and do such things as may be necessary for such prevention or abatement: Provided that whenever the Local Board is not sitting and the nuisance or threatened nuisance, in the opinion of the Medical Officer (Health) or Sanitary Inspector, should be immediately abated or prevented, the Chairman of the Board may, if he thinks fit, on application by the Medical Officer (Health) or Sanitary Inspector, exercise the powers by this sub-section conferred on the Local Board.

(2) The expenses of such prevention or abatement may be recoverable by the Local Board with costs from the person whose act or omission rendered such nuisance liable to occur or exist, in accordance with the Law for the time being regulating the procedure before a Resident Magistrate.”

(4) There shall be inserted immediately after Section 23 and before Section 24 of the Principal Law the following Section and numbered “23A” :—

“23A (1) Every Local Board, subject to the approval of the Governor in Privy Council may make regulations which shall, subject to the provisions of paragraph (a) of this sub-section, have effect throughout the parish or throughout such portion of the parish as may be specified in such regulations :—

(a) For the licensing of persons to slaughter animals where the flesh of any such animal, or any portion thereof, is intended to be offered for sale for human consumption, the fees to be charged for such licences, and the suspension, revocation and cancellation of

such licences: Provided that regulations under this paragraph shall not extend to the licensing of persons to slaughter animals in a town for which a slaughtering place is appointed under the General Markets Law 1874.

- (b) For the regulation, conduct, control and licensing of barber shops and for the licensing of persons who perform the duties of a barber (whether in a building in which the business of a barber is carried on or elsewhere) for reward, the fees to be charged for such licences and the suspension, revocation and cancellation of such licences.

(2) Regulations made under this Section may provide for discretion in the Board to refuse to grant any licence, for conditions to be attached to the grant of a licence and for appeal to the Governor in Privy Council by any person aggrieved by any such refusal or by any condition attached to a licence.

(3) All licence fees received by a Local Board under regulations made by virtue of this Section shall be paid by the Board to the Treasurer of the Island and shall be dealt with by the Treasurer in manner directed by Section 13 of the Parochial Finance Law 1900 (Law 34 of 1900).

(4) Any person who, in any parish or portion thereof in which such regulations have effect, contravenes any of the provisions of such regulations or the conditions attached to any licence, shall be guilty of an offence against this Law.

(5) For the purposes of this Section and the regulations made thereunder—

- (a) "Animal" means any bull, steer, cow or other description of neat cattle, or any pig, sheep, lamb, goat or kid;
- (b) "town" has the same meaning assigned to that expression by the General Markets Law Amendment Law 1880."

(5) Section 42—

(a) Sub-section 5 of the Section is hereby repealed and in lieu thereof the following sub-section is hereby substituted :—

“(5) If any person acts in contravention of or fails to comply with the provisions of the preceding sub-sections of this section, or any order, direction, prohibition or requisition thereunder, he shall be guilty of an offence against this Law.”

(b) To the Section and after sub-section 7 thereof there shall be added the following sub-section :—

“(8) Every Head Teacher in charge of a school on whom a notice has been served under sub-section 6 of this Section, who permits a child to remain at the school in contravention of the directions contained in such notice, or who, while such directions remain in operation, receives back into the school the child referred to in such directions, shall be guilty of an offence against this Law.”

3—For the purpose of carrying into effect any of the provisions of this Law, or of regulations made thereunder, the Central Board or a Local Board by any of their duly authorised officers or servants may enter by day on any land or premises.

General right  
of entry.



No. 23----1937

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

7th July, 1937.

A LAW to amend The Criminal Law Amendment Law,  
1872.

[9th July, 1937.]

**B**E it enacted by the Governor and Legislative Council of  
Jamaica as follows:—

1—This Law may be cited as the Criminal Law Further Short Title.  
Amendment Law, 1937.

2—The Criminal Law Further Amendment Law 1933 is hereby repealed and in lieu of Section 14 of the Criminal Law Amendment Law 1872 (Law 24 of 1872), as re-enacted by the Law hereby repealed, the following Section shall be substituted:—

Repeal of Law  
14 of 1933 and  
substitution of  
Section for  
Section 14 of  
Law 24 of 1872.

“14—Whenever any Circuit Court shall have assigned Counsel to defend any person charged with any capital offence there may be allowed—

To Counsel :—

- (1) a fee not exceeding £5 5s. 0d. Provided that the presiding Judge after the conclusion of the trial, may, if he think fit and the trial has lasted more than one day, certify that the case was one of exceptional length or difficulty and thereafter the fee may be increased to such sum not exceeding £10 10s. 0d. as he may direct;
- (2) a further fee of £3 3s. 0d. for attendance on accused in prison;
- (3) a further fee not exceeding £3 3s. 0d., for viewing the locality of the crime when such view is considered by the Court necessary and proper;
- (4) where sentence of death is pronounced by the Court a further fee not exceeding £3 3s. 0d., for advice to the convicted person as to whether he has any ground for appeal and for drafting of all necessary documents where the convicted person decides to appeal.

And Counsel may be allowed, subject to taxation thereof by the Registrar of the Supreme Court, travelling expenses actually and necessarily incurred and any other out of pocket expenses actually and reasonably incurred.”

JAMAICA.

No. 24----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

7th July, 1937.

A LAW to Amend The Court of Appeal Law 1932.

[9th July, 1937.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows :—

1—This Law may be cited as The Court of Appeal Amendment Law 1937, and shall be read and construed as one with The Court of Appeal Law 1932 (Law 9 of 1932), in this Law referred to as the Principal Law. Short Title.

2—The Principal Law is hereby amended as follows :— Amendment of  
Principal Law.  
“Section 6—

(a) Sub-section 2. To the sub-section and at the end of the proviso thereto there shall be added the following words—

“whether the person tried was or was not convicted, or in any case where the jury were discharged before verdict.”

- (b) Sub-section 3. The sub-section is hereby renumbered "4" and immediately after sub-section 2 there shall be inserted the following sub-section and numbered "3"—

"(3) Subject to the provisions of this sub-section shorthand notes shall also be taken of the whole or of any part of the proceedings at the trial of civil actions or proceedings in the Supreme Court upon request in writing to the Registrar by any party thereto, and on any appeal a transcript of the notes shall be made and furnished to the Registrar for the use of the Court of Appeal or any Judge thereof. Provided always that the duties to be performed by the shorthand writers under the preceding sub-section shall take precedence of the duties to be performed by the shorthand writers under this sub-section. A fee of half a guinea per day of five hours and a further fee of five shillings for every hour or part of an hour over the first five hours, payable in advance unless a Judge otherwise orders, shall be paid to the Registrar for the attendance at the trial of a civil action or proceeding of a shorthand writer. A transcript of the notes shall be furnished to any party interested upon the payment to the Registrar of such charge, not exceeding sixpence per folio of 160 words and not exceeding 25% of such charge for each carbon copy thereof, as may be fixed by Rules of Court."



No. 25 -1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

7th July, 1937.

A LAW to Amend the Public Water Supply Law 1889.

[9th July, 1937.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Public Water Supply Short Title. Amendment Law 1937 and shall be read and construed as one with the Public Water Supply Law 1889 (in this Law referred to as the Principal Law.)

2—The Principal Law is hereby amended as follows:— Amendment of Principal Law.  
Section 6. In the sixth line of the Section, between the word “watercourse” and the word “in” there shall be inserted the following words:—

“or to take water from any such river, stream, or watercourse.”



No. 26---1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

13th July, 1937.

A LAW to authorise the Issuing of Inscribed Stock for the conversion of the Jamaica Three Per Centum Stock, 1949.

[The date of any Proclamation issued by the Governor bringing the Law into operation.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows :—

1—This Law may be cited as the Jamaica Stock Conversion Law, 1937. Short Title.

2—The Governor is hereby authorised to issue Jamaica Inscribed Stock to the amount of Three Hundred and Forty Thousand Pounds carrying interest at the rate of three per centum and redeemable in 1949. Authority to issue stock.

3—The stock issued under the authority of this Law shall be appropriated and applied to the conversion of the Jamaica Government three per centum Stock, 1949, issued Appropriation of stock.

under the authority of the Loan Repayment Law, 1933, and to payment of Stamp Duties on transfer of stock, issued under this or any other Law, of the Government of Jamaica.

Mode of  
issuing stock.

4—The stock hereby authorised shall be issued under the General Loan and Inscribed Stock Law, 1921, and the provisions of that Law shall apply to the stock so issued, as if such stock had been issued for the purpose of raising a loan under the said Law.

Provisions as to  
Sinking Fund

5—(1) The amount now lying in the Sinking Fund raised for redemption of the said Jamaica Government three per centum Stock, 1949, shall be transferred to the credit of the Sinking Fund to be raised for the redemption of the stock hereby authorised.

(2) The contributions to the Sinking Fund as contemplated by Section 27 of the General Loan and Inscribed Stock Law, 1921, shall commence not later than six months after the date from which the interest on the stock will begin to run.

Commencement.

6—This Law shall come into operation on such day as the Governor shall appoint in that behalf by Proclamation.

No. 27----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

13th July, 1937.

A LAW Relating to Currency Coinage and Legal Tender.

[13th July, 1937.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the *Subsidiary Coinage Law, 1937.* Short Title.

2—In this Law, unless the context otherwise requires— Interpretation.  
“Crown Agents” means the person or persons for the time being acting as Crown Agents for the Colonies in England;

“the Commissioners” means the Board of Commissioners of Currency established by virtue of the provisions of Section 2 (1) of the Currency Notes Law 1937 (Law 9 of 1937).

3—(1) The Commissioners may for the purposes of this Commissioners.  
Law employ such agents officers and persons throughout the Colony as may from time to time be approved by the Governor.

(2) Any act of the Commissioners may be signified in writing under the hands of the Commissioners.

Commissioners  
may issue Alloy  
Bronze Sub-  
sidiary Coin.

4—(1) It shall be lawful for the Commissioners, subject to the provisions of this Law, to provide and issue and re-issue alloy bronze coins (hereinafter referred to as "Jamaica Coins") of the denominations specified in a proclamation under Section eight of this Law.

(2) Jamaica Coins issued under this Law shall be of such form and design as may from time to time be determined by a proclamation under Section eight of this Law.

Legal Tender.

5—A tender of payment of money if made in Jamaica Coins shall be a legal tender for the payment of an amount not exceeding one shilling but for no greater amount.

Prohibition of  
other than  
Official Coins.

6—No piece of alloy bronze, or of any metal or mixed metal, of any value whatever shall be made or issue except under the provisions of this Law as a coin or as a token for money or as purporting that the holder thereof is entitled to demand any value denoted thereon. Every person who acts in contravention of this Section shall be liable on summary conviction to a penalty not exceeding one hundred pounds.

Publication of  
Statement.

7—(1) The Commissioners shall cause to be published half-yearly in the Jamaica Gazette an abstract showing—

- (a) the amount of Jamaica Coins in circulation on the last day of the half-year;
- (b) a statement of the nickel coinage issued under Law 49 of 1869 in circulation on the last day of the half-year,

and shall submit annually to the Governor and the Secretary of State a statement of their transactions during the previous year.

(2) The accounts of all transactions of the Commissioners shall be audited by the Auditor General or by such persons and in such manner and subject to such condition as the Secretary of State may direct.

8—The Governor, subject to the approval of the Secretary of State, may by proclamation do all or any of the following things, namely:—

Power of Governor.

- (a) determine the denomination and form of and design of any Jamaica Coin;
- (b) call in Jamaica Coins of any date or denomination or any Jamaica Coins coined before the date in the proclamation mentioned.

9—The Governor in Privy Council may make regulations not inconsistent with this Law—

Regulations.

- (a) prescribing the condition upon which and manner in which coinage may be issued, re-issued and accepted by the Commissioners whether in exchange for Jamaica Currency Notes or Jamaica Coins Silver or otherwise;
- (b) prescribing all matters and things which are necessary or convenient to be prescribed for giving effect to this Law.

10—Notwithstanding anything in this Law contained all nickel coins issued under the provisions of Law 49 of 1869 shall be legal tender for the payment of any amount not exceeding one shilling, but for no greater amount, until such time as may be notified by the Governor by proclamation under Section eight of this Law. The Governor may by the same or any other proclamation declare that it is no longer expedient that Law 49 of 1869 shall continue in force and thereupon the said Law shall cease to have effect as from such date as may be specified in the proclamation: Provided that on the expiration of the said Law sub-sections 3 and 4 of the Interpretation Law 1926 (which relate to the effect of repeals) shall apply as if the said Law had been repealed by another Law.

Saving.

11—Nothing in this Law shall prevent any paper currency which under the Currency Notes Law 1937 is legal tender from being a legal tender.

Saving of Paper Currency as Legal Tender.





No. 28 --- 1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

13th July, 1937.

A LAW to Amend the Passenger Duty Law, 1935  
(Law 16 of 1935).

[13th July, 1937.]

**B**E it enacted by the Governor and Legislative Council  
of Jamaica as follows:—

1—This Law may be cited as the Passenger Duty Short Title.  
Amendment Law, 1937 and shall be read and construed as  
one with the Passenger Duty Law, 1935 (in this Law  
referred to as the Principal Law).

2—The Principal Law is hereby amended as follows:— Amendment of  
Principal Law.  
Section 8. The Section is hereby repealed and in lieu  
thereof the following Section is hereby substituted:—

“8—This Law shall not apply—

- (a) to a passenger by a ship or aircraft brought to  
Jamaica by reason of storm or other accident  
of the sea or air or by reason of accident to the  
machinery or structure of the ship or aircraft,  
or

- (b) to a passenger who is a duly accredited Foreign Consul or Vice-Consul, or the wife or child of any such Consul or Vice-Consul or any member of his official staff, or
- (c) to a passenger who arrives at Jamaica within three months of a previous visit to Jamaica : Provided that on the passenger's first arrival at Jamaica the relevant duty was paid in respect of such passenger, or
- (d) to a passenger by a ship brought to Jamaica mainly for the purpose of on-loading coal or other fuel or mainly for the purpose of replenishing its bunkers with coal or other fuel : Provided the Master or other person in control of such ship satisfies the Collector General accordingly; and Provided further that in case of dispute as to the main purpose of the arrival of the ship at Jamaica the decision of the Collector General thereon shall be final, or
- (e) to a passenger who arrives at Jamaica after 10 of the clock of the evening of any day and departs from Jamaica before 8 of the clock of the morning of the following day and who is an intransit passenger for some other destination, or
- (f) to a passenger in respect of whom the Governor, or any officer appointed by the Governor, is satisfied that in the special circumstances of the case this Law should not apply, or
- (g) to a third-class passenger.

JAMAICA.

No 29----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

13th July, 1937.

A LAW to amend The Earthquake Annuities Law 1909  
(Law 32 of 1909.)

[13th July, 1937.]

**B**E it enacted by the Governor and Legislative Council  
of Jamaica as follows :—

1—This Law may be cited as the Earthquake Annuities Short Title.  
Amendment Law 1937, and shall be read and construed as  
one with the Earthquake Annuities Law 1909 (in this Law  
referred to as the Principal Law.)

2—(1) Notwithstanding that the payment of all the Amendment of  
Principal Law.  
annuities under the Principal Law is not completed the  
Loan Board shall realise the Securities standing to the  
credit of the Earthquake Annuities Fund and the moneys  
realised by the sale of such Securities shall be dealt with,  
appropriated and applied as in this Law provided.

(2) The Loan Board shall out of such moneys pay to the Treasurer of the Island £6,000 and the Treasurer shall carry the said sum of £6,000 to the credit of a Deposit Account to be entitled "The Earthquake Annuities Fund, 1937". The said sum shall bear interest at Bank rate earning interest and shall be appropriated and applied to the payment of the annuities under the Principal Law not completed at the commencement of this Law.

(3) The balance of moneys realised by such sale shall be appropriated to the purposes stated in the Schedule to this Law: Provided that any surplus of such balance, after the appropriations specified in the said Schedule, shall be appropriated and applied to the fifth item in that Schedule.

Deficiency to be made good out of General Revenue.

3—In the event of the sum specified in sub-section 2 of Section 2 of this Law becoming exhausted before the completion of the payment of any of the annuities set out in Schedule A to the Principal Law, such annuities shall become payable out of the General Revenue of the Island; and it shall be lawful for the Governor to issue his warrant to the Treasurer for their payment.

#### SCHEDULE.

1. For Kingston Boy's Clubs	£1,500
2. For the Kingston Charity Organisation Society	1,000
3. For the Salvation Army School for the Blind	500
4. For the Jamaica Women's League (Handicraft Depot)	500
5. For the Kingston and St. Andrew Corporation Poor House	4,500

No. 30----1937.

I assent.

[L.S.]

EDWARD DENHAM,

*Governor.*

13th July, 1937.

A LAW to Amend The Coconut Industry Aid Law 1931  
(Law 23 of 1931).

[13th July, 1937.]

BE it enacted by the Governor and Legislative Council of  
Jamaica as follows:—

1—This Law may be cited as The Coconut Industry Aid  
Amendment Law 1937 and shall be read and construed as  
one with Law 23 of 1931 entitled “The Coconut Industry  
Aid Law 1931” ( in this Law referred to as “the Principal  
Law).”

Short Title and  
Construction.

2—Section 15 of the Principal Law is hereby repealed  
and in lieu thereof the following section is hereby  
substituted:—

Amendment of  
Principal Law.

“15—From and after the coming into operation of  
this part of this Law there shall be raised and paid for  
the use of the Government a duty upon all edible oil  
manufactured in this Island at such rate not exceeding  
three pence per gallon of such oil as may be fixed by the  
Governor and such duty shall be ascertained and  
collected in the manner hereinafter provided.”

License necessary to manufacture edible oil.

3—Section 16 of the Principal Law is hereby repealed and the following section is hereby substituted:—

“16—(1) No person shall engage in the business of manufacturing edible oil in this Island except under and in accordance with the terms of the license granted in that behalf by the Governor.

(2) Every license granted under this part of this Law shall be for the period from the 1st April in one year to the 31st of March in the succeeding year and shall specify the number of gallons of edible oil the licensee is permitted to manufacture. Provided that any edible oil manufactured by the applicant between the first day of April, 1937 and the commencement of this Law may be taken into account in fixing the number of gallons of edible oil the applicant is permitted to manufacture under his license for the year 1937-38.

(3) The license duty shall be One Pound in respect of each manufactory. Provided that if any person shall commence business after the 1st day of April in any year he shall pay the duty or proportion of duty for so many quarters of a year (the fractional part of a quarter being reckoned as a quarter) as shall remain of the current licensing year.

(4) The Governor on the recommendation of the Board appointed under Part 1 of this Law may at any time after the grant of a license amend the same by varying the amount of gallons stated therein.

(5) Every licensee under this part of this Law shall on the request of the Governor forthwith surrender his license to have the same amended in accordance with the preceding sub-section.

(6) Any person offending against the provisions of this section shall be guilty of an offence and shall on conviction be liable to a penalty not exceeding one hundred pounds and the Court before which any offender is tried and convicted may in addition to any penalty imposed suspend or cancel the offender's license.”

Application for License.

4—Section 17 of the Principal Law is hereby repealed and the following section is hereby substituted:—

“17—(1) Every edible oil manufacturer shall within ten days after the commencement of this part of this Law, and every person who intends to become an edible oil manufacturer, shall before commencing such business apply to the Governor for a license and pay the duty thereon whereupon the Governor shall consider the same and grant or refuse the application.

(2) Every holder of a license under this part of this Law who intends to carry on the business of manufacturing edible oil after the 31st day of March in any year shall within thirty days of the expiration of his license make application to the Governor for the grant of a new license and pay the duty thereon whereupon the Governor shall consider the same and grant or refuse the application.

(3) Applications for a license under this part of this Law accompanied by the duty thereon shall be made to the Governor in the form set forth in the First Schedule to this Law and the license, if granted, shall be in the form set forth in the Second Schedule hereto and shall be subject to such terms and conditions to be specified in the license as the Governor may deem just.

(4) It shall be an offence under this section to make any false statement in an application for a license.

(5) Where on any application for a license the Governor considers the grant thereof would be prejudicial to the interest of the Coconut Industry he shall refuse to grant a license, and where on any application for a license the Governor considers the interest of the Coconut Industry requires the grant of a license for the manufacture of a smaller number of gallons of edible oil than mentioned in the application the Governor shall grant a license for the manufacture of such quantity of edible oil as he considers best suited to the requirements of the said Industry.

(6) The decision of the Governor to grant or to refuse a license or to grant a license for the manufacture of a smaller amount of edible oil than applied for

shall be final and conclusive and shall not be liable to appeal or to be questioned by any proceedings in any Court of Law.

(7) Any person offending against the provisions of this section shall be guilty of an offence and shall on conviction be liable to a penalty not exceeding one hundred pounds and the Court before which any offender is tried and convicted may in addition to any penalty imposed suspend or cancel the offender's license."

Repeal of  
Section 18 of  
Law 23 of 1931.

5—Section 18 of the Principal Law is hereby repealed.

Recovery of  
penalties.

6—Section 34 of the Principal Law is hereby repealed and the following section is hereby substituted:—

“34—(1) Subject to the provisions of Section 13 of this Law penalties imposed under this Law or any rules made thereunder may be recovered summarily before a Resident Magistrate and in default of payment the Court may order the offender in the case of a fine of Fifty Pounds or upwards to be imprisoned with or without hard labour for any period not exceeding three months and in all other cases to be imprisoned with or without hard labour for any period not exceeding one month.

(2) Every offence under this part of this Law or any rule made under this Law shall be deemed to have been committed either at the place in which the same was actually committed or in the parish in which the offender resides.



FIRST SCHEDULE.

APPLICATION FOR LICENSE TO MANUFACTURE EDIBLE OIL.

Pursuant to Section 17 of the Coconut Industry Aid Law 1931, I hereby make application to the Governor for a License to manufacture Edible Oil.

Surname and Christian Names of the Applicant.....

Address of the Applicant.....

Situation of the factory or proposed factory.....

Capital to be invested in the business of the factory..... (State whether the capital is subscribed or is to be subscribed from local sources and if not, state the source or sources from which the capital is or is to be derived.)

Nationality and domicile of Applicant.....

(If a Company state in addition the names of the Directors, their nationality and domicile.)

Quantity of Edible Oil for which it is desired the License should issue.....

Monthly capacity of the factory..... (State in gallons.)

Average monthly sales of Edible Oil for the past 18 months.....

SECOND SCHEDULE.

I..... Governor of the Island of Jamaica and its Dependencies hereby grant a License to..... of the parish of..... to manufacture for sale..... gallons Edible Oil.

This License expires on the 31st day of March 19 .....

Governor.



No. 31----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

13th July, 1937.

The Appropriation Law, 1937-38.

[13th July, 1937.]

WHEREAS of the amount of two million two hundred Preamble.  
and twenty-two thousand eight hundred and eighty-  
four pounds required for the service of the Civil Govern-  
ment of this Island and for other purposes, for the  
Financial Year to end 31st day of March, one thousand nine  
hundred and thirty-eight, the sum of four hundred and  
twenty-eight thousand one hundred and seventy-nine  
pounds has been provided for by Law, and it is now  
requisite to make a further provision of one million seven  
hundred and ninety-four thousand seven hundred and five  
pounds :

Be it enacted by the Governor and Legislative Council of  
Jamaica, as follows :—

1—The Treasurer of the Island shall, on the warrant of Amount  
authorised.  
the Governor, pay a sum not exceeding in the aggregate one  
million seven hundred and ninety-four thousand seven  
hundred and five pounds for defraying the several charges

and expenses of the Civil Government of this Island, and for other purposes, for the Financial Year to end on the 31st day of March, one thousand nine hundred and thirty-eight set forth in the Schedule to this Law annexed.

## SCHEDULE.

	£
Charges of Debt ... ..	490
Pensions ... ..	11,443
Pensions of Widows and Orphans ... ..	50
Governor and Staff ... ..	2,769
Privy Council ... ..	62
Legislative Council ... ..	4,862
Colonial Secretariat ... ..	8,369
Lands Department ... ..	14,990
Land Settlement ... ..	7,508
Forestry ... ..	4,716
Audit Department ... ..	8,447
Public Treasury ... ..	7,970
Currency Commissioners ... ..	2,722
Government Savings Bank ... ..	14,400
Collector General's Department ... ..	121,780
Post Office ... ..	110,460
Supreme Court ... ..	5,532
Law Officers ... ..	4,661
Resident Magistrate's Courts ... ..	22,366
Administrator General's Office ... ..	5,603
Bankruptcy Department ... ..	2,629
Medical—	
General Administration ... ..	27,954
Health Service ... ..	44,799
Hospitals and Lepers' Home ... ..	95,626
Lunatic Asylum ... ..	45,111
Constabulary ... ..	204,287
Prisons ... ..	42,021
Industrial School, Stony Hill ... ..	7,224
Education ... ..	241,117
Harbours and Pilotage ... ..	5,794
Marine Board ... ..	1,204
Local Forces ... ..	10,380
Registrar General's Dept. and Island Record Office ... ..	4,975
Registration of Titles Office ... ..	3,627
Government Printing Office ... ..	26,098
Board of Supervision ... ..	417
Department of Science and Agriculture ... ..	52,307
Agricultural Loan Societies Board ... ..	2,395
Subventions ... ..	119,992
Miscellaneous ... ..	25,948
Railway ... ..	38,246
Public Works Department ... ..	53,747
Public Works, Annually Recurrent ... ..	299,777
Public Works, Extraordinary ... ..	47,489
Colonial Development Fund ... ..	32,341
	£1,794,705

No. 32 ----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

13th July, 1937.

A LAW to Amend the Sugar Industry Control Law 1933  
(Law 31 of 1933).

[13th July, 1937.]

**B**E it enacted by the Governor and Legislative Council  
of Jamaica as follows :—

1—This Law may be cited as the Sugar Industry Control Short Title.  
Amendment Law 1937 and shall be read and construed as  
one with the Sugar Industry Control Law 1933 (in this Law  
referred to as the Principal Law).

2—(1) Notwithstanding anything contained in the Amendment of  
Principal Law.  
Principal Law from and including the first day of  
September, 1937, sugar of whatsoever kind whether  
manufactured by the process known as the vacuum pan  
process or of the quality known as muscovado shall not be  
exported from Jamaica except under licence granted by the  
Collector General in the form set forth in the Schedule to  
this Law.

(2) The Collector General may refuse to grant a licence, or may attach conditions to the grant of a licence, and any person aggrieved by such refusal or by any condition attached to a licence may appeal to the Governor in Privy Council whose decision thereon shall be final.

SCHEDULE.

FORM OF LICENCE TO EXPORT SUGAR.

Licence is hereby granted to.....  
to export.....tons of.....  
(State here whether vacuum pan or muscovado)  
sugar to.....within.....  
(Name of Country).  
days from the date of this licence.

No. 33----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor,*

13th July, 1937.

A Law to Amend further The Kingston and St. Andrew Corporation Law 1931 (Law 12 of 1931).

[13th July, 1937.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows :—

1—This Law may be cited as the Kingston and St. Andrew Corporation Amendment Law (No. 2) 1937 and shall be read and construed as one with the Kingston and St. Andrew Corporation Law 1931 (in this Law referred to as the Principal Law). Short Title.

2—The Principal Law is hereby amended as follows :— Amendment of Principal Law.  
(1) Section 15 Sub-section 2. The sub-section is hereby repealed and in place thereof the following sub-section is hereby substituted :—

“(2) The term of office of the Mayor shall be one year : Provided always that he shall be eligible for

re-election and Provided further that notwithstanding anything to the contrary in this section contained he shall continue in office until his successor in office has accepted office and made and subscribed the required declaration.”

(2) Section 191. The section is hereby repealed and in place thereof the following section is hereby substituted—

“191 (1) The Council shall on or before the 15th of February in each year prepare and submit to the Governor a true estimate of the income receivable and expenditure to be incurred during the financial year commencing on the 1st day of April then following:

(2) The Council shall submit its Estimate in the form required by the Governor in Privy Council, who may approve or amend the same.

(3) No further sum shall be expended other than is provided in such Estimates unless the same shall have been included in a Supplemental Estimate of Expenditure which shall have received the approval of the Governor in Privy Council: Provided that the Council shall be authorised to re-appropriate between the Sub-Heads of other charges within any respective Head (other than special expenditure) up to a sum not exceeding 20% of any Sub-Head.

(4) Any variation of salary (as distinct from rates of wages) and all new appointments of a pensionable nature shall receive the approval of the Governor before being included in the Estimates. All new or special expenditure shall receive the approval of the Governor before being included within Estimates.

(5) Subsequent to the approval of the Annual Estimates any new expenditure shall have the prior approval of the Governor and when authorised must be provided as a special item of Expenditure within the appropriate Head of Expenditure of the year of account.

(6) The Estimates of the Council shall be subject to the approval of the Legislative Council.”

(3) Section 194 Paragraph (b). The Paragraph is hereby repealed.



No. 34---1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

14th July, 1937.

A LAW to Prevent the Treatment of Venereal Disease otherwise than by Duly Registered Medical Practitioners, and to Control the supply of Remedies therefor, and for other matters connected therewith.

[15th July, 1937.]

BE it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Venereal Disease Law, Short Title.  
1937.

2—In this Law the expression “Venereal Disease” means Definition.  
Syphilis, Gonorrhoea or Soft Chancre.

3—(1) A person shall not in a proclaimed district, Prevention of the treatment of Venereal Disease in Proclaimed Districts otherwise than by duly qualified persons.  
unless he is a duly Registered Medical Practitioner, treat any person for Venereal Disease or prescribe any remedy therefor, or give any advice in connection with the treatment thereof, whether the advice is given to the person to be treated or to any other person.

(2) The Governor in Privy Council, whenever he is satisfied that proper provision has been made in any parish, or any part thereof, for the treatment of persons residing therein for Venereal Disease, may from time to time by Proclamation published in the Gazette declare any parish, or part thereof, to be a proclaimed district within the meaning of this Section, and thereupon such parish, or part thereof, shall be deemed to be a proclaimed district within the meaning of this Section until the Proclamation declaring the same to be such a district shall be revoked.

Prohibition of advertisements, etc.

4—(1) A person shall not by any advertisement or any public notice or announcement treat or offer to treat any person for Venereal Disease, or prescribe or offer to prescribe any remedy therefor, or offer to give or give any advice in connection with the treatment thereof.

(2) A person shall not hold out or recommend to the Public by any notice or advertisement, or by any written or printed papers or handbills, or by adding any label to, or words written or printed affixed to or delivered with, any packet, box, phial, bottle, or other enclosure containing the same, any pills, capsules, powders, lozengers, tinctures, potions, cordials, plasters, electuaries, unguents, salves, ointments, drops, lotions, oils, spirits, medicated herbs and waters, chemical and officinal preparations, surgical or electrical appliances whatsoever, to be used or applied externally or internally as medicines or medicaments or treatment for the prevention, cure, or relief of any Venereal Disease.

Provided that nothing in this Section shall apply to any advertisement, notification, announcement, recommendation or holding out made or published by or with the sanction of the Director of Medical Services.

Penalties.

5—Any person who acts in contravention of any of the provisions of this Law, shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a penalty not exceeding ten pounds, and in default of payment to imprisonment, with or without hard labour, for a term not exceeding three months, and on a

second or subsequent conviction to a penalty not exceeding twenty-five pounds and in default of payment to imprisonment, with or without hard labour, for a term not exceeding six months.



No 35-----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

14th July, 1937.

A Law Relating to Designs.

[15th July, 1937.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows :—

1—This Law may be cited as the Designs Law 1937.

Short Title.

2—In this Law—

Interpretation.

“Class” means prescribed class.

“Copyright” means the exclusive right to apply a design to any article of manufacture as to any such substance as in this section mentioned in the class or classes in which the design is registered.

“Court” means the High Court.

“Design” means any design applicable to any article of manufacture, or to any substance artificial or natural or partly artificial and partly natural, whether the design is applicable for the pattern,

or for the shape or configuration or for the ornament thereof or for any two or more such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical or chemical, separate or combined.

“Prescribed” means prescribed by this Law or the Rules thereunder.

“Judge” means a Judge of the Court.

“Registered” means registered in the Register of Designs and “Registration” has a corresponding meaning.

“Registrar” means the Registrar-General.

“Registry” means the General Register Office.

“Approved Society” means a society, institution or organisation of a public, philanthropic, or self-help, character approved by the Governor in Privy Council.

“United Kingdom Design” means a design registered in the United Kingdom.

## PART I.

### DESIGNS.

Register of Designs.

3—There shall be kept at the Registry a book called “The Register of Designs” wherein shall be entered the names and addresses of proprietors of registered designs, and such other matters as may from time to time be prescribed.

Author of new design to be deemed proprietor thereof.

4—The author of any new and original design shall be deemed to be the proprietor thereof, unless he executed the work on behalf of an approved Society, whether for consideration or otherwise, or on behalf of another person for a good or valuable consideration, in which case such Society or person shall be considered the proprietor; and every approved society acquiring, and every person acquiring for a good or valuable consideration, a new and original design, or the right to apply the same to any article or substance either exclusively of any other person or otherwise, and also

every person on whom the property in such design or such right to the application thereof shall devolve shall be considered the proprietor of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise.

5—(1) The Registrar may, on application by or on behalf of any person claiming to be the proprietor of any new or original design not previously published in this Island, and on payment of the prescribed fee, register the design under this Part of this Law.

Application for registration of design.

(2) The application must be made in the form in the Schedule to this Law, or in such other form as may be from time to time prescribed, and must be left at the Registry in the prescribed manner.

(3) The application must contain a statement of the nature of the design, and the prescribed class or classes of goods in which the applicant desires that the design be registered.

(4) The same design may be registered in more than one class.

(5) In case of doubt as to the class in which a design ought to be registered, the Registrar may decide the question.

(6) The Registrar may, if he thinks fit, refuse to register any design presented to him for registration, but any person aggrieved by any such refusal may appeal therefrom to a Judge in Chambers.

6—On application for registration of a design, the applicant shall furnish to the Registrar the prescribed number of drawings, photographs, or tracings of the design sufficient to enable him to identify the design, and suitable for the official records; or the applicant may, instead of such copies furnish exact representations or specimens of the design.

Drawings, etc., to be furnished on application.

7—(1) When a design is registered the Registrar shall grant a Certificate of Registration and the registered proprietor of the design shall, subject to the provisions of this Law, have copyright in the design during fifteen years from the registration of the design.

Copyright on registration.

(2) Before delivery on sale of any articles to which a registered design has been applied, the proprietor must (if exact representations or specimens were not furnished on the application for registration) furnish to the Registrar the prescribed number of exact representations or specimens of the design; and if he fails to do so, the Registrar may erase his name from the Register and thereupon his copyright in the design shall cease.

Marking registered designs.

8—Before delivery on sale of any articles to which a registered design has been applied, the proprietor of the design shall cause each such article to be marked with the prescribed mark, or with the prescribed word or words or figures, denoting that the design is registered; and if he fails to do so the copyright in the design shall cease, unless the proprietor shows that he took all proper steps to ensure the marking of the article.

Inspection of registered designs.

9—(1) During the existence of copyright in a design, the design shall not be open to inspection except by the proprietor, or a person authorised by the Registrar or by the Court, and furnishing such information as may enable the Registrar to identify the design, nor except in the presence of the Registrar, nor except on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design or of any part thereof.

(2) When the copyright in a design has ceased, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

Information as to existence of copyright.

10—On the request of any person producing a particular design, together with its mark of registration, or producing only its mark of registration, or furnishing such information as may enable the Registrar to identify the design, and on payment of the prescribed fee, it shall be the duty of the Registrar to inform such person whether the registration still exists in respect of such design, and if so, in respect of what class or classes of goods, and stating also the date of registration, and the name and address of the registered proprietor.



11—(1) If a registered design is used in manufacture in any foreign county and is not used in this Island within six months of its registration in this Island, the copyright in the design shall cease.

Ceasing of  
copyright and  
cancellation of  
registration.

(2) At any time after the registration of a design any person interested may apply to the Registrar for the cancellation of the registration of the design on the ground that the design has been published in Jamaica prior to the date of the registration, and the Registrar may make such order on the application as he considers just.

(3) An appeal shall lie from any order of the Registrar under this Section to the Court, and the Registrar may at any time refer any such application to the Court for trial.

12—(1) During the existence of copyright in any design no person—

Penalty on  
piracy of regis-  
tered design.

(a) shall, without the licence or written consent of the registered proprietor, apply or cause to be applied such design or any fraudulent or obvious imitation thereof, in the class or classes of goods in which such design is registered, for purposes of sale, to any article of manufacture or to any substance, artificial or natural, or partly artificial and partly natural;

(b) shall publish or expose for sale any article of manufacture or any substance to which such design or any fraudulent or obvious imitation thereof shall have been so applied, knowing that the same has been so applied without the consent of the registered proprietor.

(2) Any person who acts in contravention of this Section shall be liable for every offence to forfeit a sum not exceeding fifty pounds to the registered proprietor of the design, and such registered proprietor may, by action brought in the Court, recover either such sum as a simple contract debt, or damages arising from any breach of the said Section.

## PART II.

## UNITED KINGDOM DESIGNS.

Protection in  
this Island of  
United Kingdom  
Designs.

13—Subject to the provisions of this Law, the registered proprietor of any design registered in the United Kingdom under the Patents and Designs Acts 1907 to 1932 or any Act amending or substituted for those Acts shall enjoy in this Island the like privileges and rights as though the Certificate of Registration in the United Kingdom had been issued with an extension to this Island.

Damages not  
recoverable in  
certain cases.

14—The registered proprietor of a design shall not be entitled to recover any damages in respect of any infringement of copyright in a design from any defendant who proves that at the date of the infringement he was not aware nor had any reasonable means of making himself aware of the existence of the registration of the design: Provided that nothing in this Section shall affect any proceedings for an injunction.

Power of Court.

15—The Court shall have power upon the application of any person who alleges that his interests have been prejudicially affected to declare upon any of the grounds upon which the United Kingdom registration might be cancelled under the Law for the time being in force in the United Kingdom that exclusive privileges and rights in a design have not been acquired in this Island under the provisions of this Law. Such grounds shall be deemed to include the publication of the design in this Island prior to the date of registration of the design in the United Kingdom.

## PART III

## GENERAL.

Trusts.

16—There shall not be entered in any register kept under this Law, or be receivable by the Registrar, any notice of any trust expressed, implied, or constructive.

Scandalous  
design.

17—The Registrar may refuse to register a design which is, or of which the use would be, scandalous or contrary to law or morality.

18—Any design shall be deemed to be registered when the name of any person is entered, as the proprietor thereof, in the Register of Designs.

When design deemed to be registered.

19—Where a person becomes entitled by assignment, transmission, or other operation of law to the copyright in a registered design, the Registrar shall, on request, and on proof of title, cause the name of such person to be entered as proprietor of the copyright in the design in the Register of Designs. The person for the time being entered in the Register of Designs as proprietor for copyright in a design, shall, subject to the provisions of this Law, and to any rights appearing from such Register to be vested in any other person, have power absolutely to assign, grant licences as to, or otherwise deal with the same, and to give effectual receipts for any consideration for such assignment, licence or dealing: Provided that any equities in respect of such design may be enforced in like manner as in respect of any other personal property: Provided also, that the priority of all assignments and charges shall, as regards purchasers for value without notice, be determined by priority of registration.

Entry of assignments and transmissions.

20—Every register kept under this Law shall be *prima facie* evidence of all matters duly entered therein; and every such register shall be open to the inspection of the public on payment of the prescribed fee, subject to the provisions of this Law and to such regulations as may be prescribed; and certified copies, sealed with the seal of the Registry, of any entry of such register shall be given to any person requiring the same on payment of the prescribed fee: Provided that whenever any extract includes any tracing, drawing, or diagram, an additional fee for any copy thereof shall be paid equal to the cost of preparing such tracing, drawing or diagram.

Inspection of extracts from Register.

21—The Registrar may, on request in writing, accompanied by the prescribed fee—

Correction of errors and amendment.

- (a) correct any clerical error in or in connection with an application for registration of a design; or

- (b) correct any clerical error in the name, style, or address of the registered proprietor of a design; or
- (c) permit an applicant for registration of a design to amend his application by omitting any particular goods or classes of goods in connection with which he has desired the design to be registered.

Certificate of Registrar's evidence.

22—A certificate purporting to be under the hand of the Registrar as to any entry, matter or thing which he is authorised by this Law, or by any general rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

Orders by a Judge.

23—An order requiring the Registrar to do or abstain from doing anything under this Law, may be made by a Judge on a summons in Chambers.

Powers of Court or Judge.

24—In any proceedings under this Law, the Court or a Judge, as the case may be, may at any time make such orders for an injunction, inspection, or account, impose such terms, and give such directions as to the order in which the parties shall be heard, and the procedure under this Law generally, as the Court or Judge shall see fit.

Persons under disability.

25—If any person is, by reason of infancy, lunacy, or other disability, incapable of making any declaration or doing anything required or permitted by this Law, or by any rules made under the authority of this Law, then the guardian or committee, if any, of such incapable person, or if there be none, any person appointed by any Court or Judge possessing jurisdiction in respect of the property of persons under disability, upon the petition of any person on behalf of such incapable person, or of any other person interested in the making of such declaration or doing such thing, may make such declaration, or a declaration as nearly as possible corresponding thereto, as circumstances permit, and do such thing in the name and on behalf of such incapable person, and all acts done by such substitute shall for the purposes of this Law be as effectual as if done by the person for whom he is substituted.

26—The Registrar shall cause to be published during each quarter, in the Gazette, a list of all designs registered, during the preceding quarter, and any further information that he may deem generally useful or important.

Publication of quarterly list.

27—Copies of all published lists of registered designs shall be transmitted to the Comptroller General of Patents, Designs and Trade Marks in England.

Transmission of copies, etc., to England.

28—Any declaration required to be made under this Law may be taken by the Registrar.

Declarations.

29—(1) The Registrar, with the sanction of the Governor, may from time to time make such general rules and do such things as he may think expedient, for prescribing the practice of registration under this Law, for classifying goods for the purposes of designs; for prescribing the fees to be paid under this Law, or for any other purpose which may be or be deemed necessary for the carrying out of the provisions of this Law.

Rules and fees.

(2) Subject to the provisions hereinbefore contained the fees mentioned in the Schedule to this Law shall be paid to the Registrar including the fee of ten shillings for publication in the Gazette.

(3) Any rules made in pursuance of this Section shall be laid before the Legislative Council and shall be published in the Gazette.

30—All fees received under this Law shall be paid into the Treasury for account of General Revenue.

Fees to be paid into General Revenue.

31—All certificates and certified copies given by the Registrar under this Law shall be exempt from stamp duty.

Exemption from stamp duty.

32—All designs of an approved Society for which application for registration is made under this Law shall be exempt from all fees under this Law, or rules made thereunder.

Exemption from fees.

## SCHEDULE.

## APPLICATION FOR REGISTRATION OF DESIGN.

.....day of.....19...

You are hereby requested to register the accompanying.....

.....Design in Class..... in the name of

of.....

who claims to be the proprietor thereof and to return the same

to.....

Statement of nature of Design.....

To the Registrar of Designs for the Island of Jamaica.

(Signed).....

## FEES.

	£	s.	d.
Application for registration of every Design ... ..	1	0	0
Registration of every assignment, charge or transmission of copyright ... ..	0	10	0
Publication in Gazette of any application or other matter required to be published ... ..	0	10	0
Every search or inspection of the Register ... ..	0	2	0
Every certificate (other than of the correctness of a copy)	0	10	0

No 36----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

22nd July, 1937.

A LAW to Impose Stamp Duties.

[The date of any Proclamation issued by  
the Governor bringing this Law into operation.]

**B**E it enacted by the Governor and Legislative Council of  
Jamaica as follows:—

1—This Law may be cited as the Stamp Duty Law, Short Title.  
1937.

2—From and after the coming into operation of this Law there shall be raised, for the use of the Government of this island, upon and in respect of the several instruments mentioned in Schedule B hereto, the several duties therein respectively specified: Provided, however, that nothing herein contained shall extend, or be deemed or construed to extend to charge with Stamp Duty, any instrument which by any act or law heretofore passed and in force at the time of the coming into operation of this Law, is expressly exempted from Stamp Duty.

Duties in Schedule B raised after Law in force.

The Collector General to be Stamp Commissioner and to hold his office during pleasure and on his removal, death or resignation His Majesty may appoint his successor.

3—The Collector General of Jamaica, shall be the Stamp Commissioner for Jamaica, and shall hold his office during pleasure, and on his removal, death or resignation or other vacancy in the said office, His Majesty, his heirs and successors, may nominate and appoint a successor to such office, who shall have the like powers, authorities and duties.

The Governor may appoint Deputy Stamp Commissioner.

4—The Governor may from time to time appoint a fit person to be Deputy Stamp Commissioner, who shall hold his office during pleasure.

Deputy Stamp Commissioner to give Security.

5—The Deputy Stamp Commissioner shall before entering upon the duties of his office, give security for the due execution of his duties in such sum as the Governor may require. A substitute shall give security in such sum as the Governor may require.

Duties of Deputy Stamp Commissioner.

6—The Deputy Stamp Commissioner shall superintend all persons employed in the execution of this Law, and shall discharge such other duties as may be required of him, including such duties as by Law devolves on the Stamp Commissioner, subject however to the directions of the Stamp Commissioner.

Governor in Privy Council may make and alter rules and prescribe forms.

7—The Governor in Privy Council may from time to time make rules, and may also from time to time rescind, alter and amend the same with respect to the following matters, viz.:—

1. As to the methods and practice to be adopted for impressing stamps.
2. As to the management and regulation of, and as to the distribution of work in the Stamp Office.
3. Generally for giving full effect to the objects and intention of this Law.

The Governor may also prescribe all forms, which he may deem desirable, in connection with the management of Stamp duties.



Penalties not exceeding Five Pounds, may be imposed for any breach of the rules framed under the authority of this Law.

Such rules shall be published for three consecutive weeks in the Jamaica Gazette, and shall thereafter have the force and effect of law.

Distribution of  
Stamps.

8.—It shall be lawful for the Governor from time to time to appoint distributors of stamps, to whom the Stamp Commissioner shall issue such quantity of adhesive stamps and stamped papers, and printed forms of the respective denominations or values as may be necessary to meet the demands of the public, and each distributor of stamps shall account to the Stamp Commissioner from time to time, as the Revenue Commissioner shall direct, for all such stamps, stamped paper, and printed forms, and for all moneys received by him for or on account of the sale of such stamps, stamped paper, and printed forms, and pay over such moneys at such periods and in such manner as may be fixed by the Revenue Commissioner: Provided, that every such distributor of stamps, not being a Collector, or an Assistant Collector of Taxes, shall, as a remuneration for his trouble and services, be allowed to retain, from the proceeds of such sales by him, a commission at a rate not exceeding two pounds ten shillings *per centum* on the amount of all such sales.

Scale of moneys  
to be demanded  
on sale of Stamps

9—The distributors of stamps in the sale of stamped paper, shall demand, over and above the amount of stamps thereon, a sum of money for and in respect of each sheet of paper, according to the following scale:—

On each set of foreign bills of exchange .. .. .	0	0	6
On each set of foreign bills of lading .. .. .	0	0	6
On each form of title .. .. .	0	1	0
On each sheet or half sheet of printed forms, of any other description whatsoever, such sum as shall cover the cost thereof, to be fixed from time to time by the Revenue Commissioner			

Penalty for demand beyond the Stamp and rate hereby fixed.

10—If a distributor of stamps shall demand any amount for any stamp beyond the value of such stamp, or for paper, or for any form beyond the rate hereby fixed, he shall forfeit a sum not exceeding ten pounds.

Certificate of admission of Barristers and Solicitors to be stamped under this Law.

11—Every certificate of the admission of a barrister, and a solicitor, attorney, or proctor to practise in the courts of this island shall be stamped as by this Law is required, and shall be signed by the Registrar of the Supreme Court; and any barrister, solicitor, attorney, or proctor who shall not, upon his admission, take out a certificate of admission, is hereby declared incapable of acting, practising, or officiating in any court of this island, or otherwise, in such capacity; but one certificate of admission, so stamped and signed as aforesaid, shall entitle a barrister, solicitor, attorney, or proctor, to admission in every court of law and equity in this island; and no barrister, solicitor, attorney, or proctor, who shall have taken out his certificate as aforesaid, shall be required to produce such certificate of admission.

Bankers, &c., to take out license to enable them to issue unstamped notes.

12—It shall not be lawful for any banker, banking corporation, or co-partnership to issue any unstamped promissory note for money, payable to the bearer on demand, without taking out a license yearly for that purpose, which license shall be granted by the Stamp Commissioner for the time being, on payment of the full license duty charged in schedule B to this Law; and every such license shall specify the proper name and place of abode of the person, or the proper name and description of any body corporate to whom the same shall be granted, and also the name of the town or place where, and the name of the bank, as well as the partnership or other name, style, or firm under which such notes are to be issued, and where any such license shall be granted to persons in partnership, the same shall specify the names and places of abode of all the persons concerned in the partnership, whether all their names shall appear on the promissory notes to be issued by them or not; and in default thereof, such license shall be absolutely void; and every such license shall be dated on the day on which the same shall be granted, and shall have effect, and continue in force from the day of the date thereof

until the thirty-first day of December then next following, both inclusive; Provided that any license taken out under Law 40 of 1903, since the thirty-first day of December, last, shall continue in force under this Law until the thirty-first day of December, next.

13—Every banker, banking corporation or co-partnership who may issue notes payable to bearer on demand, without the same being stamped, shall under a penalty of one hundred pounds for every default, within twelve days after the last day of each of the months of March, June, September and December in every year, deliver to the Stamp Commissioner a just and true account, verified upon the declaration of any director, manager, secretary, cashier or accountant of such corporation or co-partnership, to be made before any Justice of the Peace, of the amount or value of all their promissory notes in circulation on some given day in every week for the space of one quarter of a year prior to the quarter day immediately preceding the delivery of such accounts, together with the average amount or value thereof, according to such account, and shall also pay to the Stamp Commissioner, or otherwise as by Law directed, as a composition for the duties which would otherwise have been payable for such promissory notes issued in the space of one year, the sum of twenty shillings for every one hundred pounds and also for the fractional part of one hundred pounds of the said average amount or value of such notes in circulation, according to the true intent and meaning of this Law.

Bankers, &c.,  
issuing notes to  
make quarterly  
returns to Stamp  
Commissioner,  
and pay after  
the rate of 20s.  
for every £100

14—When any such license as aforesaid shall be granted to any persons in partnership as bankers, the same shall continue in force for the issuing of promissory notes under the name, style, and firm therein specified, notwithstanding any alteration in the partnership.

License to person  
in partnership to  
continue in force  
notwithstanding  
alteration in  
partnership.

15—(1) It shall not be lawful for an insurance or assurance company to transact business in this colony without taking out a license for that purpose, such license shall be granted by the Stamp Commissioner on payment of the stamp duty herein provided, and shall be in such form as the Stamp Commissioner may prescribe—such license shall

Insurance and  
Assurance Com-  
panies to take  
out license under  
this Law.

specify the proper name and description of the company to which the same shall be granted, and shall give the principal address or head office thereof. Every such license shall continue in force for twelve months from the day of the date thereof.

(2) Any attorney, agent, director or secretary of an insurance or assurance company, who shall sign a receipt for money paid on account of insurance or assurance, or any policy of insurance or assurance, or make a contract of insurance or assurance with any person or persons, and any person who delivers any policy of insurance or assurance or any interim receipt, or who collects any premiums (except only on policies of life assurance issued to persons not resident in Jamaica at the time of issue) or carries on any business of insurance or assurance on behalf of any insurance or assurance company shall, unless the company shall have taken out the license prescribed by this Law, be liable to a penalty not exceeding one hundred pounds.

Records or documents to enable stamp duty on insurance and assurance to be checked.

16—(1) Every chief agent of an insurance or assurance company shall keep at the chief agency in Jamaica, and every managing director, secretary, or manager of a local company shall keep at the chief office of the company, records and documents sufficient to enable the sums payable for stamp duty to be checked and verified as hereinafter provided; and every chief agent, managing director, secretary or manager failing to keep such records or documents, shall be liable to a penalty not exceeding one hundred pounds.

(2) Every chief agent of an insurance or assurance company at the chief agency of such company in Jamaica and every managing director, secretary or manager of a local insurance or assurance company shall keep a record of the policy moneys payable on the death of any person and shall render to the Stamp Commissioner at the end of each quarter a statement showing—

- (a) the name of the person insured;
- (b) the date of the death of the insured;
- (c) the amount payable under the policy;
- (d) the name and address of the person to whom the insurance money has been paid;

and every chief agent, managing director, secretary or

manager aforesaid failing to render such return shall be liable to a penalty not exceeding one hundred pounds.

Inspection of books and records of Insurance and Assurance Companies.

17—The Stamp Commissioner, or Auditor General or a Clerk of the Stamp Office or of the Audit Office, if authorised in writing by the Stamp Commissioner or Auditor General in any case, or any officer acting under his instructions in writing shall have the right to inspect the books records or documents of every insurance and assurance company doing business in Jamaica, for the purpose of ascertaining that stamp duty is duly paid on all policies of insurance and assurance.

Application of Sections 15, 16 and 17 of this Law.

18—Sections 15, 16 and 17 of this Law shall apply to all persons carrying on or transacting insurance or assurance business in this colony on their own account, or on behalf of persons abroad, in the same manner and to the same extent as the said sections apply to insurance and assurance companies and the said sections shall apply to the attorneys or agents of any such persons as aforesaid, in the same manner and to the same extent as they apply to the attorneys and agents of such companies as aforesaid.

Time policy of marine insurance not to exceed 12 months

19—(1) No policy of marine insurance made for time shall be made for any time exceeding twelve months.

(2) A policy of marine insurance shall not be valid unless it specifies the particular risk or adventure, the name of the broker, agent or other person negotiating or transacting the insurance, and the sum or sums insured, and is made for a period not exceeding twelve months.

Policy for voyage and policy for time.

20—Where any marine insurance is made for a voyage and also for time, or to extend to or cover any time beyond thirty days after the ship shall have arrived at her destination and been there moored at anchor, the policy is to be charged with duty as a policy for a voyage, and also with duty as a policy for time.

Statement of share capital of Companies to be registered.

21—A statement of the amount which is to form the nominal share capital of any company to be registered with limited liability shall be delivered to the Stamp Commissioner, and a statement of the amount of any increase of registered capital of any company now registered

or to be registered with limited liability, shall be delivered to the said Stamp Commissioner, and every such statement shall be duly stamped with the duty imposed by this Law, when the same is delivered to the Stamp Commissioner.

Statement of  
share capital of  
Company incor-  
porated by let-  
ters patent or  
by any Law.

22—(1) Where by virtue of any letters patent granted by His Majesty, or any law, the liability of the holders of shares in the capital of any corporation or company is limited, otherwise than by registration with limited liability under the law in that behalf, a statement of the amount of nominal share capital of the corporation or company shall be delivered by the corporation or company to the Stamp Commissioner, within one month after the date of the letters patent or the passing of the law; and in case of any increase of the amount of nominal share capital of any corporation or company, whether now existing or to be hereafter formed, being authorised by any letters patent or law, a statement of the amount of such increase shall be delivered by the corporation or company to the Stamp Commissioner within the like period.

(2) The statement shall be duly stamped with the duty imposed by this Law when the same is delivered to the Stamp Commissioner.

Letters or Powers  
of Attorney  
appointing proxy  
to vote.

23—(1) Every letter or Power of Attorney for the purpose of appointing a proxy to vote at a particular meeting, and every voting paper respectively charged under this Law with the duty of one penny, is to specify the day upon which the meeting at which it is intended to be used is to be held, and is to be available only at the meetings so specified, and any adjournment thereof.

(2) The duty of one penny may be denoted by an adhesive stamp, which is to be cancelled by the person by whom the instrument is executed, and a letter or Power of Attorney or voting paper charged with the duty of one penny, is not to be stamped after the execution thereof by any person.

(3) Every person who makes, or executes, or votes, or attempts to vote, under or by means of any letter or Power of Attorney or voting paper, not being duly stamped, shall incur a fine of twenty pounds, and every vote given or

tendered under the authority or by means of the letter or Power of Attorney or voting paper shall be void.

24—Instruments or documents hereby subjected to stamp duty shall only operate for one purpose unless the same shall be stamped in addition for each other object or purpose embraced therein, or affected thereby, according to the rates hereby fixed for such other object or purpose respectively.

Instrument, &c. to operate only for one purpose unless additionally stamped.

25—The duties respectively imposed by this Law may be made up by several stamps, and stamps of greater value than is hereby required may be used upon any instrument.

Duties may be made up of several stamps.

26—All stamps must be impressed, except where otherwise specially provided, and no instrument, the duty upon which is permitted by law to be denoted by an adhesive stamp, shall be deemed duly stamped with an adhesive stamp, unless the persons using such adhesive stamp cancels the same, by writing on or across the stamp his name, or initials, or the name or initials of his firm, together with the true date of his so writing, so that the stamp may be effectually cancelled and rendered incapable of being used for any other instrument; or unless it is otherwise proved that the stamp appearing on the instrument was affixed thereto at the proper time.

Stamps to be impressed except where otherwise provided, and adhesive stamp where provided to be cancelled.

Provided that the provision of this section shall not apply to stamps affixed to letters for the purpose of denoting payment of postage duty; but on the contrary any stamp so affixed to a letter on which any writing or mark shall have been made before the posting of such letter, shall be deemed to have been cancelled, and shall not be taken to denote payment of postage duty.

27—Every person who, being required by law to cancel an adhesive stamp, wilfully neglects or refuses duly and effectually to do so in manner aforesaid, shall forfeit a sum not exceeding ten pounds.

Penalty for not cancelling adhesive stamps.

28—Any person who fraudulently removes, or causes to be removed from any instrument any adhesive stamp, or affixes any adhesive stamp which has been so removed to

Frauds in connection with adhesive stamps.

any other instrument, with intent that such stamp may be used again; or who sells, or offers for sale, or utters any adhesive stamp which has been so removed, or utters any instrument having thereon any adhesive stamp which has to his knowledge been so removed as aforesaid; or who practises, or is concerned in any other fraudulent act, contrivance, or device concerning adhesive stamps, not herein specially provided for, with intent to defraud His Majesty, his heirs, or successors of any duty, shall forfeit, over and above any other penalty to which he may be liable, a sum not exceeding fifty pounds; and, in default of payment forthwith, shall be liable to be imprisoned, with or without hard labour, for a period not exceeding six months.

Stamping of unstamped instrument liable to stamp duty under any former Law.

29—Any instrument that at the time of its execution was under any act of Jamaica then but not now in force, liable to stamp duty that might not be denoted by adhesive stamps, which instrument has not yet been impressed with any or with the proper stamps required by such act, and is not by any act or law now in force prohibited from being so stamped, may now, or at any time hereafter be so stamped, upon the following conditions: namely, first, upon production of an affidavit to the effect that the omission to have such instrument stamped was owing to accident, mistake, inadvertency, or necessity, and was not owing to any wilful intention to evade the duty to which it was liable; and secondly, upon payment of the full amount of duty to which such instruments are liable under Law 40 of 1903, or any Law read as one therewith, and of the penalty of five pounds, and also by way of further penalty, where the unpaid duty exceeds five pounds, of interest on such duty at the rate of five pounds per centum per annum, from the day upon which the instrument was first executed up to the time when the amount of interest is equal to the unpaid duty. Such instrument may thereafter be used and given in evidence in like manner as if it had been duly stamped at the time of its execution.

Stamps of patterns heretofore in use under Law 51 of 1908 and Law 40 of 1903 may be used.

30—From and after the passing of this Law, any stamps of the pattern heretofore in use for expressing and denoting payment of rates or duties of postage under Law 51 of 1908 and issued by the Stamp Commissioner under and pursuant



to the provisions of Law 40 of 1903, may be also lawfully used for expressing and denoting payment, to the amount expressed by the same, of any stamp duties, payment of which may be lawfully expressed and denoted by adhesive stamps; and any stamps of the pattern heretofore in use, and issued under the provisions of Law 40 of 1903 for expressing and denoting payment of the stamp duties imposed by the said Law, may be also lawfully used for expressing and denoting payment to the amount expressed by the same, of rates and duties of postage.

31—It shall be lawful for the Governor, as from time to time the same shall be needed, to cause to be provided proper and sufficient adhesive stamps, of such denomination or denominations, according to the value of the same, as may from time to time be required, and of such size, pattern and colour, as he may determine, for the purpose of expressing and denoting payment, as well of the rates or duties of postage, as of any other duties, payment of which is by any law required or allowed to be denoted by the use of adhesive stamps.

Governor to provide adhesive stamps.

32—All adhesive stamps, whether provided for postage or for revenue, or for postage and revenue purposes, shall be kept in the custody of the Stamp Commissioner and the Treasurer, who shall from time to time, subject to such regulations, as may from time to time be made by the Governor, issue the same to the Postmaster for Jamaica or to the Stamp Commissioner.

Custody and issue of adhesive stamps.

33—The Stamp Commissioner shall cause a separate account to be kept of all stamps received and issued respectively under the provisions of this Law.

Stamp Commissioner to keep separate account of stamps received and issued.

34—(1) Save where other express provision is by law made, any unstamped or insufficiently stamped instrument may be stamped after the execution thereof, on payment of the unpaid duty, without penalty, provided that this is done before the expiration of fourteen days after the instrument is first executed; if fourteen days have so expired there shall be a penalty of five pounds, and also by way of further penalty, where the unpaid duty exceeds five

Stamping documents after execution.

pounds, of interest on such duty, at the rate of five pounds per centum per annum, from the day upon which the instrument was first executed up to the time when the amount of interest is equal to the unpaid duty.

(2) "Court Documents," that is to say, documents connected with the process or procedure of the Supreme Court or the Resident Magistrates' Courts, upon the filing or lodging of which a Court fee is payable, may be filed and used if properly stamped at the time of the filing or lodging thereof without the penalty being imposed by this section, anything in this Law to the contrary notwithstanding.

(3) In the case of such instruments hereinafter mentioned, as are chargeable with ad valorem duty, the following provisions shall have effect:—

- (a) The instrument, unless it is written upon duly stamped material, shall be duly stamped with the proper ad valorem duty before the expiration of thirty days after it is first executed, or after it has been first received in Jamaica, in case it is first executed at any place out of this Colony, unless the amount of duty is uncertain, and the opinion of the Stamp Commissioner with respect to the amount of duty with which the instrument is chargeable, has, before such expiration, been required in writing.
- (b) If the opinion of the Stamp Commissioner with respect to any such instrument has been required the instrument shall be stamped in accordance with the assessment of the Stamp Commissioner, within fourteen days after notice of the assessment:
- (c) If any such instrument executed after the coming into operation of this Law, has not been, or is not duly stamped in conformity with the foregoing provisions of this sub-section, the person in that behalf hereinafter specified, shall incur a fine of five pounds, and in addition to the penalty payable on stamping the instrument, there shall be paid a further penalty equivalent to the Stamp Duty thereon, unless a reasonable excuse for the delay in stamping,

or the omission to stamp, or the insufficiency of stamp, be afforded to the satisfaction of the Revenue Commissioner, or of the Court, Judge, or arbitrator, before whom it is produced;

The instruments and persons to which the provisions of this sub-section are to apply are as follows:—

Title of Instrument.	Person liable to Penalty.
Bond, Covenant, or Instrument of any kind whatsoever creating a Security	The Obligee, Covenantee or other person taking the security.
Conveyance	The Vendee or Transferee.
Lease	The Lessee.
Mortgage, Bond, Debenture	The Mortgagee or Obligee. In the case of a transfer or re-conveyance the Transferee, Assignee or Disponee, or the person redeeming the security.
Settlement	The Settler.
Transfers, re-conveyances, assignments	Transferee, disponee, assignee.

(4) Provided, that save where other express provision is made by this Law in relation to any particular instrument:—

- (a) Any unstamped, or insufficiently stamped instrument, which has been first executed at any place out of this Colony, may be stamped at any time within thirty days after it has been first received in the Island, on payment of the unpaid duty only.
- (b) The Revenue Commissioner, may if he think fit at any time after the first execution of any instrument, mitigate, or remit any penalty payable on stamping.

(5) The expressions “executed” and “execution” with reference to instruments not under seal, mean signed and signature.

35—For the purposes of this Law, the expression “bill of exchange” includes draft, order, cheque, and letter of credit and any document or writing (except a bank note) entitling

Definition of  
Bill of Exchange

or purporting to entitle any person, whether named therein or not, to payment by any other person of, or to draw upon any other person for, any sum of money; and the expression "bill of exchange payable on demand" includes

- (a) Bills of exchange payable at sight or on presentment.
- (b) An order for the payment of any sum of money by a bill of exchange or promissory note, or for the delivery of any bill of exchange or promissory note in satisfaction of any sum of money, or for the payment of any sum of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen.

**Exemptions.**

36—Foreign Bills of Exchange and Foreign Promissory Notes drawn in this Island, payable on demand, shall be exempt from Stamp duty.

Bills of Exchange, Promissory Notes or Foreign Bill of Lading not to be stamped after 7 days.

37—The Stamp Commissioner shall not stamp any inland or foreign bill of exchange, or promissory note, or foreign bill of lading, after the lapse of seven days from the execution thereof, or any coastwise receipt, or inland bill of lading after the execution thereof.

Unstamped documents not to be admitted in evidence.

38—No instrument, not duly stamped according to law, shall be admitted in evidence as valid or effectual in any court or proceeding for the enforcement thereof.

If consideration expressed on any instrument less than actually paid instrument void.

39—If with intent to evade this Law a consideration or sum of money shall be expressed to be paid in any instrument less than the amount actually paid, or agreed to be paid, every such instrument shall be null and void.

Instruments made out of this Island to be stamped before given in evidence.

40—Any instrument made, executed, taken, or acknowledged out of this Island, and liable to duty shall not be received or admitted in any court, or be entered on record in any office within this Island, until the same shall have been first duly stamped.

Foreign Bills of Exchange drawn in sets.

41—When any foreign bill of exchange, or foreign bill of lading is drawn in this Island in a set according to the

custom of merchants, and one of the set is duly stamped, the other or others of the set shall, unless issued, or in some manner negotiated apart from the stamped bill, be exempt from duty; and upon proof of the loss or destruction of a duly stamped bill forming one of a set, any other bill of the set which has not been issued, or in any manner negotiated apart from the lost or destroyed bill may, although unstamped, be admitted in evidence to prove the contents of the lost or destroyed bill.

42—A letter, whether sent through the post or otherwise, acknowledging the payment or receipt of money, shall not be received by any court as evidence of such payment or receipt, unless stamped as a receipt.

Letter acknowledging payment of money to be stamped as receipt.

43—Every instrument liable to stamp duty under this Law, or any other law heretofore in force imposing stamps, shall be admitted in evidence in any criminal proceeding, although it may not have the stamp required by law impressed thereon, or affixed thereto.

Unstamped instrument evidence in criminal proceedings.

44—In the examination of any accounts, it shall be lawful for the Auditor General, in cases where it shall appear to him to be reasonable, and expedient for the Public Service, to admit and allow vouchers, for the receipt or payment of money, although such vouchers be not stamped according to law.

Auditor General may admit unstamped vouchers in certain cases.

45—Upon the tender in evidence of any instrument, other than inland and foreign bills of exchange and promissory notes, coastwise receipts, and bills of lading, it shall be the duty of the officer of the court, before reading such instrument, to call the attention of the judge to any omission or insufficiency of the stamp; and the instrument if unstamped, or insufficiently stamped, shall not be received in evidence until the whole, or (as the case may be) the deficiency of the stamp duty, to be determined by the judge, and the penalty required by this Law, together with an additional penalty of one pound, shall have been paid.

Officer of Court to call attention of Judge to omission or insufficiency of stamps, and not to be received in evidence until duties and penalties under this Law paid.

46—Such officer of the court shall, upon payment to him of the duty payable upon such instrument, and of the penalties imposed by this Law, endorse on the instrument a memorandum of the payment of such duty and

Officer on payment to endorse memorandum thereof on instrument, and pay over moneys to Stamp Commissioner.

penalties, stating the amounts thereof respectively, with the date of such payment, and the name of the cause and court in which paid; and thereupon such instrument shall be admissible in evidence, saving all just exceptions on other grounds; and an entry of the fact of such payment, and of the amount thereof shall be made in a book kept by such officer, who shall at the end of each sitting make a return of, and pay over the moneys so received to the Stamp Commissioner, or otherwise, as may be by law directed, and make return thereof to that officer, distinguishing the amounts respectively paid for duty and penalties, and stating the name of the cause, and of the parties paying the same, and the date, if any, and description of the instrument, for the purpose of identifying the same; and in case of neglect in either of the respects aforesaid, the offending officer shall be subject to an attachment, out of the Supreme Court, to enforce the payment of such moneys, together with the costs of all proceedings, upon application to be made for that purpose to any judge of the court, by or on behalf of the Stamp Commissioner.

Stamp Commissioner on production of such document with memorandum, to stamp same.

47—The Stamp Commissioner shall, upon production of the document with such memorandum thereon, impress on such instrument the proper stamp or stamps, in conformity with such receipt.

Return of Stamp duties and penalties in Circuit and Resident Magistrates' Courts.

48—The stamps and penalties so received in the Circuit and Resident Magistrates' Courts, shall be noted under a separate head in the return of forfeited recognizances and fines; and those in the Petty Sessions' Court shall be noted in the monthly return of fines under a separate head; and the amounts received shall be paid by the respective officers in the manner and at the respective times directed by any Law in force for the payment over of moneys received by them.

Deputy Keeper of Records to give stamped receipts for instruments to be recorded.

49—The Deputy Keeper of Records is hereby required to give a separate receipt for each instrument to be recorded in his office, and he shall not enter or record any instrument without delivering a receipt stamped, as by this Law required under the penalty of thirty pounds for each offence.

50—Any public officer who shall wilfully or fraudulently enter or record any instrument chargeable with duty under this or any former law, and which shall not have been duly stamped shall, for every such offence, forfeit and pay a sum not exceeding fifty pounds: and if he shall issue any office copy, or any copy of any instrument without the stamps imposed by this Law, or if he shall commit or connive at any fraud or practice whereby the duties to arise by this Law shall be lessened, impaired, or lost, he shall upon conviction for every such offence, forfeit and pay a sum not exceeding fifty pounds, and such officer shall, over and above such penalty, forfeit his office; and if any attorney, solicitor, or proctor shall be guilty of, or of participating in any fraud or practice in any of the respects aforesaid, and be convicted thereof, he shall be disqualified from practising in any of the courts within this island.

Penalty on Public Officer for recording instrument not duly stamped, or issuing copies without stamps, &c.

51—Every person, who with intent to evade this Law, shall give or accept any receipt or acquittance, in which a less sum shall be expressed than the sum actually paid and received, shall for every such offence, forfeit the sum of ten pounds.

Penalty for giving receipt expressed for less sum than received.

52—Every person who issues, endorses, transfers, negotiates, presents for payment, or pays any bill of exchange, or promissory note liable to duty, and not being duly stamped, shall incur a fine or penalty not exceeding ten pounds and the person who takes or receives from any other person such bill or note, either in payment, or as security, or by purchase, or otherwise, shall not be entitled to recover thereon, or to make the same available for any purpose whatever, except that the same may be used for the purposes of evidence on payment of the stamp duty payable thereon, together with a penalty equal to the stamp duty payable thereon, which penalty shall be in lieu of the penalty imposed by section 34 hereof.

Penalty for issuing, &c., unstamped Bill of Exchange or Promissory Note

Provided, that if any bill of exchange payable on demand, or at sight, or on presentation, is presented for payment unstamped, the person to whom it is presented may affix thereto an adhesive stamp of one penny and cancel the same, as if he had been the drawer of the bill, and may

thereupon pay the sum in the bill mentioned, and charge the duty on account against the person by whom the bill was drawn, or deduct the duty from the said sum, and the bill is, so far as respects the duty, to be deemed valid and available; but the foregoing provision is not to relieve any person from any fine or penalty incurred by him in relation to such bill.

**Insurance**

53—(1) If any person

- (a) becomes an assurer upon any insurance, of any class or description or enters into any contract for any such insurance, or directly or indirectly receives, or contracts, or takes credit in account for any premium or consideration for any such insurance, or knowingly takes upon himself any risk, or renders himself liable to pay, or pays any sum of money upon any loss peril or contingency relative to such insurance, unless the insurance is expressed in a policy duly stamped, or
- (b) makes or effects, or knowingly procures to be made, or effected, any such insurance as aforesaid, or directly or indirectly gives, or pays, or renders himself liable to pay any premium or consideration for any such insurance, or enters into any contract for such insurance, unless the insurance is expressed in a policy of insurance duly stamped, or
- (c) is concerned in any fraudulent contrivance, or device, or is party to any wilful act, neglect, or omission with intent to evade the duty payable on policies of Insurance, or whereby the duties may be evaded

he shall for every such offence incur a fine or penalty of one hundred pounds.

(2) Every broker, agent, or other person negotiating or transacting any Insurance contrary to the true intent and meaning of this Law, or writing any policy of Insurance upon material not duly stamped, shall for such offence incur a fine or penalty of one hundred pounds and shall not have any legal claim to any charge for



brokerage, commission or agency, or for any money expended or paid by him with reference to the insurance, and any money paid to him in respect of any such charge shall be deemed to be paid without consideration and shall remain the property of his employer.

(3) If any person makes, or issues, or causes to be made or issued any document purporting to be a copy of a policy of Insurance, and there is not at the time of the making or issue in existence a policy duly stamped, whereof the said document is a copy, he shall for such offence, in addition to any other fine or penalty to which he may be liable, incur a penalty of one hundred pounds.

54—If any person—

Receipts.

- (1) gives a receipt liable to duty and not duly stamped, or
- (2) In any case when a receipt would be liable to duty refuses, or without reasonable excuse fails to give a receipt duly stamped, or
- (3) Upon a payment to the amount of £2 and upwards gives a receipt for a sum not amounting to £2, or separates, or divides the amount paid with intent to evade the duty,

he shall incur a fine or penalty not exceeding ten pounds.

55—Every person who makes or executes any Bill of Lading of or for any goods, wares, merchandise, or effects to be exported from the Island, or any receipt for goods, wares, merchandise, or effects to be carried coastwise, not duly stamped, shall bear a fine or penalty of fifty pounds.

Bills of Lading.

56—Every person who executes, grants, issues, or delivers out any document chargeable with duty as a letter of allotment, letter of renunciation, or share certificate, scrip or share before the same is duly stamped, shall incur a fine of ten pounds.

Letters of allotment, scrip, &c.

57—In the case of neglect to deliver such a statement as is required by sections 21 and 22 to be delivered, the Corporation or Company shall be liable to pay to the Stamp Commissioner a sum equal to ten pounds per centum

Penalty for neglect to deliver statement required by Sections 21 and 22.

upon the amount of duty payable, and a like penalty for every month after the first month during which the neglect shall continue.

Penalty for giving, &c., unstamped instrument.

58—Save where other express provision is made, every person who shall give, receive, or negotiate any instrument whatever charged with a duty under this Law or any law amending the same, not impressed with, or not otherwise having the proper amount of the stamps prescribed by law, shall for every such offence, forfeit and pay a sum not exceeding ten pounds, and also by way of further penalty where the unpaid duty exceeds ten pounds, interest on such duty at the rate of five pounds per centum per annum from the day upon which the instrument was first executed up to the time when the amount of interest is equal to the unpaid duty.

Recovery of penalties.

59—(1) All penalties imposed by this Law shall be recovered in a summary manner before a Resident Magistrate, or any two justices of the peace of the parish where the offence shall be committed, with such costs as such Resident Magistrate or justices shall think fit; and such last mentioned penalties and costs shall, unless forthwith paid, be levied by distress and sale of the offender's goods and chattels, or, in default, the offender shall be committed by such Resident Magistrate or justices to the nearest prison for a space not exceeding three months.

(2) Summary proceedings for the recovery of penalties may be taken and information laid by direction of the Attorney General at any time within six months of the subject matter of such information coming to the knowledge of the Stamp Commissioner.

Application of penalties.

60—All penalties recovered under this Law shall be applied, one moiety for and towards the support of the government of this island, and the other moiety to the person who shall have sued or prosecuted for the same.

Exchange of spoiled stamps.

61—(1) The Stamp Commissioner may exchange for others all stamped instruments which shall have been inadvertently or undesignedly spoiled, obliterated, or

otherwise rendered unfit for use before the execution thereof upon production to him of the entire sheet or piece of paper, or instrument upon which such stamp is impressed, and of an affidavit, taken before a justice of the peace, or the said commissioner, to the effect following:—

“I do swear, that the several sheets, or pieces of paper, or instrument hereto annexed, and hereunder specified, were inadvertently or undesignedly spoiled, and that no consideration has been received for the same by any person, viz. (here set forth a description of the document or documents).”

And, if satisfied that such sheet, or piece of paper, or instrument has not been executed by the parties thereto the Stamp Commissioner shall exchange such spoiled stamp for a stamp or stamps of equal value, free of any charge, to be impressed upon such paper, or instrument, as the party requiring the same shall produce but if the Stamp Commissioner shall be of opinion that such stamp, so brought to be exchanged, is not really and *bona fide* a spoiled stamp, according to the true intent and meaning of this Law, he may refuse to exchange the same; and all such spoiled stamps must be tendered to the Stamp Commissioner, within the period of six months from the time when the same shall have been respectively spoiled and rendered useless.

(2) The affidavit referred to in this section and any oath required by section 62 of this Law may be taken before, or administered by, as the case may be, the Stamp Commissioner or the Deputy Stamp Commissioner.

62—It shall be lawful for the Stamp Commissioner to allow as spoiled, and to cancel and give other stamps in lieu of all stamps as shall have been used—

The following shall be allowed as spoiled stamps

For or upon any instrument, which shall have been signed by any party or parties, but which, by reason of any error or mistake therein, shall be afterwards found unfit for the purpose originally intended: Or which, by reason of the death of any person whose signature shall be necessary

thereto, without having signed the same, or by reason of the refusal of any such person to sign the same, cannot be completed so as to effect the transaction in the form proposed: Or which, for want of the signature of some material and necessary party shall in fact be incomplete and insufficient for the purpose intended: Or which, by reason of the refusal of any person to act under the same, or by the refusal or non-acceptance of any office thereby granted, shall fail of its intended purpose: Or which, for want of enrolment or registration within the time required by law, shall become null and void: Or which shall become useless in consequence of the transaction therein mentioned being effected by some other instrument or instruments duly stamped, so that the instruments for which an allowance of stamps shall be claimed in the several cases last aforesaid shall be delivered up to the said commissioner of stamps to be cancelled: And provided, that the application for the relief shall be made within six calendar months after the passing of this Law, or within six calendar months after the date of the instrument in question, except where the same shall become void for want of enrolment within six or any other number of calendar months from the date, in those cases, within six or such other number of calendar months as aforesaid, next, after the same shall so become void; and, except where the same shall have been sent abroad, in that case, within six calendar months after the same shall be received back; and provided no action shall have been brought, or suit commenced, in which such instrument could or would have been given or offered in evidence; and provided all the facts upon which the Stamp Commissioner is hereby authorized to give relief, shall be fully proved by oath to his satisfaction.

63—All spoiled stamps shall be destroyed in the Stamp Office, in the presence of the Stamp Commissioner or his clerks.

Spoiled stamps  
to be destroyed.

64—If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited any adhesive or other stamp, or any die, or any part of any stamp, or any die which shall have been provided, made, issued, or used in pursuance of this Law, or any former law relating to any stamp duty or duties, or shall forge, counterfeit, or imitate, or cause or procure to be forged, counterfeited, or imitated the impression or any part of the impression of any such stamp or die as aforesaid, upon any vellum, parchment, or paper or shall stamp or mark, or cause or procure to be stamped or marked any vellum, parchment, or paper with any such forged or counterfeited stamp or die, or part of any stamp or die as aforesaid, with intent to defraud the revenue of this island of any of the duties hereby granted, or any part thereof: Or if any person shall alter or sell, or expose to sale any vellum, parchment, or paper, having thereon the impression of any such forged or counterfeited stamp or die or part of any stamp or die, or any such forged, counterfeited, or imitated impression, or part of impression as aforesaid knowing the same respectively to be forged, counterfeited, or imitated: Or if any person shall surreptitiously, or privately and secretly use any stamp or die which shall have been so provided, made, or used as aforesaid, or shall, by any false pretence, or crafty or subtle deceit, device, or means, obtain, or procure to be impressed upon, or affixed to any vellum, parchment, or paper, any such stamp or die, or the resemblance of any such stamp or die, or any part thereof, with intent to defraud the revenue of this island of any of the said duties, or any part thereof: Or if any person shall fraudulently take out or tear off, or cause or procure to be taken out or torn off the impression of any stamp or die, which shall have been proved, made, used, or issued in pursuance of this or any former law for expressing or denoting any duty or duties, or any part of such duty or duties, from any vellum, parchment, or paper whatsoever, with intent to use the same for or upon any other vellum, parchment or

Forgery of  
stamps, &c.

paper or any instrument charged or chargeable with any of the duties hereby granted, then, and in every such case, every person so offending, and every person or persons knowingly, and wilfully aiding, abetting, or assisting any person or persons in committing any such offence as aforesaid, shall be guilty of felony; and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding four teen years, nor less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Prosecutions to  
be in the name  
of His Majesty  
or Attorney  
General.

65—In any suit, prosecution, or proceeding to be brought against any person for the taking or retaining, or for the losing, damaging, or destroying of any adhesive stamp, or of any vellum, parchment, or paper upon which any stamp or stamped mark, denoting any duty imposed by law, hath been impressed or put, or for any other cause of action or proceeding relating to the same respectively, such suit, prosecution, or proceeding shall and may be commenced, instituted, and proceeded with in the name of His Majesty, his heirs and successors, or in the name of the Attorney General of this Island for the time being, for and on behalf, of His Majesty, his heirs and successors; and in all such suits, prosecutions, or proceedings, the property in all such adhesive stamps, or in such vellum, parchment, or paper so stamped, marked, and impressed as aforesaid, shall be described to be, and shall be deemed and taken to be in His Majesty, his heirs and successors; and the value of the same respectively shall be deemed and taken to be the amount of the value denoted by such adhesive stamps, and of the vellum, parchment, and paper, and of the stamp duty denoted by such stamp, so impressed and put upon the same respectively and further in any prosecution against any person for embezzling or stealing such adhesive stamps, vellum, parchment or paper so stamped, marked, and impressed as aforesaid, or for any other offence for or relating to the same respectively, it shall be sufficient, in the indictment or information, to state and describe the property in the same to be in His Majesty, his heirs and successors.

66—If any person shall do or practise, or be concerned in any fraudulent act, contrivance, or device whatever, not specially provided for by this Law, with intent to defraud His Majesty, his heirs and successors, or the government of this island, of any duty by this Law imposed, he shall forfeit for every offence a sum not exceeding twenty pounds.

Penalty for fraudulent act, &c., with intent to defraud His Majesty.

67—It shall be lawful for the Revenue Commissioner, whenever he shall be satisfied that any mistake has been made in the imposition or payment of duties, to direct the restoration of any overpaid duties, or otherwise to rectify any mistake, and to allow to the Stamp Commissioner any deduction to which he may consider him fairly entitled on his account for stamps.

Restoration of overpaid duties.

68—Any agreement for or relating to the supply of goods on hire, whereby the goods in consideration of periodical payments will or may become the property of the person to whom they are supplied, shall be charged with stamp duty as an agreement, or, if under seal as a Deed, as the case requires, and the second exemption under the heading "Memorandum, Letter or Agreement," in Schedule B (which exempts agreements for the sale of goods) shall not apply in the case of any such instrument.

Stamp duty on hire purchase agreements

69—Law 16 of 1879, and all laws amending the same shall, so far as is not inconsistent with the tenor thereof, be read as one with this Law.

Incorporation of Laws.

70—When by any law now in force and not repealed by this Law, Stamp Duty is imposed upon any instrument, and such instrument is not mentioned in this Law, such instrument shall be stamped in accordance with the provisions of that law.

Stamp duties under other Laws.

71—Any instrument that at the time of its execution was liable to Stamp Duty under any law hereby repealed shall continue to be liable to such Stamp Duty notwithstanding such repeal together with such forfeitures sums and further penalties as may be payable on any such instrument in respect of unpaid duty.

Instruments liable to Stamp Duty.

Power of Stamp  
Commissioner to  
require evidence.

72—The Stamp Commissioner may require to be furnished with all documents and with such other evidence as he may deem necessary in order to satisfy himself as to whether all the facts and circumstances affecting the liability of the instrument to duty or the amount of duty chargeable thereon are fully and truly set forth in an instrument intended to be stamped.

Any person who refuses or wilfully fails to comply with any requirement under this section shall be liable to a fine not exceeding fifty pounds.

Bills of Exchange  
accepted or  
payable outside  
Jamaica and not  
stamped valid  
and receivable  
in evidence on  
payment of duty  
and penalty.

73—Notwithstanding the provisions of section 50 of this Law a bill of exchange which is presented for acceptance or accepted or a bill of exchange or a promissory note which is payable elsewhere than in Jamaica shall not be invalid by reason only that it is not stamped in accordance with the Law for the time being in force relating to Stamp Duties, and any such bill of exchange or promissory note which is unstamped or not properly stamped, may be received in evidence on payment of the proper duty and penalty as provided by section 52 of this Law.

Interpretation.  
Clause.

74—The word “instrument,” as used in this Law, and in Schedule B hereto, shall include every printed or written document.

Repeal and  
Savings

75—The Laws mentioned in Schedule A to this Law are hereby repealed. Provided that all rules made in virtue of the said Laws or any Law thereby repealed and in force at the date of the commencement of this Law shall remain in operation so far as they are not inconsistent with the provisions of this Law until they have been rescinded or replaced by rules made under this Law. Provided further, that all offices, appointments, documents, proceedings and generally all acts of authority, which originated under any of the said Laws or any Law thereby repealed and are subsisting and in force at the commencement of this Law, shall enure for the purposes of this Law as fully and effectually as if they had originated under the provisions of this Law.

Commencement.

76—This Law shall come into operation on such day as the Governor shall appoint in that behalf by Proclamation.



## SCHEDULE A.

No. and Date of Law.	Title.
40 of 1903—	The Stamp Duty Law 1903.
17 of 1910—	The Stamp Duty Amendment Law 1910.
29 of 1911—	The Stamp Duty Amendment Law 1911.
3 of 1914—	The Stamp Duty Amendment Law 1914.
7 of 1916—	The Stamp Duty (Increase of) Law 1916.
10 of 1919—	The Stamp Duty Amendment Law 1919.
13 of 1920—	The Stamp Duty Amendment Law 1920.
18 of 1928—	The Stamp Duty Further Amendment Law 1928.
12 of 1929—	The Stamp Duty Further Amendment Law 1929.

## SCHEDULE B.

## AGREEMENT—

On every agreement, or any minute or memorandum of an agreement under hand only (and not otherwise charged in this schedule, or expressly exempted from all stamp duty) .. .. .	£0 0 6
But where divers letters shall be offered in evidence to prove any agreement between the parties who shall have written such letters, it shall be sufficient if any one of such letters shall be stamped with the duty aforesaid; and such letter may be stamped at any time before it is given in evidence.	
Annual agreements of tenancy between landlord and tenant when the rent reserved does not exceed twenty shillings per annum .. .. .	0 0 1
Agreement for the rent of land when the annual value does not exceed five pounds .. .. .	0 0 6
An agreement for a lease or with respect to the letting of any lands, tenements or heritable subjects shall be charged with the same duty as if it were an actual lease made for the term and consideration mentioned in the agreement.	
Agreement or memorandum relating to the letting of land whereunder a co-partnership is created and where the annual value of the land does not exceed in value five pounds .. .. .	0 0 6

## EXEMPTIONS FROM THE PRECEDING AND ALL OTHER STAMP DUTIES.

Memorandum or agreement for the hire of any labourer, artificer, tradesman, manufacturer, or menial servant.  
 Memorandum, letter, or agreement made for, or relating to the sale of any goods, wares, and merchandise.  
 But any memorandum, or agreement, intended as preparatory to a more formal instrument, and so stated on the face of it, may be stamped with the duty hereby imposed, if made within this island at any time within ninety days after the date thereof, and if made or signed by any of the parties thereto out of the island, within six months after the date thereof.

ALLOTMENT—[See Letter.]

ANNUITY, Re-Purchase of—

Any release, or assignment of an annuity, or rent charge made subject in and by the original grant thereof to be redeemed or repurchased shall, on the re-purchase thereof, be exempted from the duty hereby imposed on a conveyance or transfer of land, and shall be charged only with the duty hereby imposed upon a deed not otherwise charged.

APPOINTMENTS—

On every appointment in execution of a power over land, or other property, real or personal, or of any use or interest therein, where made by any writing, not being a deed or will .. .. .

£0 15 0

ARTICLES OF CLERKSHIP—

On every article of clerkship or contract, whereby any person shall first become bound to serve as a clerk, in order to his admission as a solicitor, attorney, and proctor in the courts of this island .. .. .

50 0 0

On every article of clerkship or contract, whereby any person shall become bound to serve as a clerk, in order to any such admission as aforesaid, for the residue of the term for which he was originally bound, in consequence of the death of his former master, or of the contract between them being vacated by consent, or by rule of court, or in any other event .. .. .

0 15 0

ASSIGNMENT—[See Conveyance, Mortgage Shares.]

AWARD—

On every award .. .. .

0 15 0

BILLS OF EXCHANGE AND PROMISSORY NOTES (INLAND).

Bills of exchange payable on demand .. .. .

0 0 1

Draft, order, acceptance, or promissory note for the payment to the bearer, or to order, at any time otherwise than on demand of any sum of money—

Not exceeding five pounds .. .. .

0 0 2

Exceeding five pounds and under ten pounds .. .. .

0 0 4

Of or above ten pounds, and not exceeding twenty pounds .. .. .

0 0 6

Above twenty pounds, and not exceeding thirty pounds .. .. .

0 1 0

Above thirty pounds, and not exceeding fifty pounds .. .. .

0 1 6

Above fifty pounds, and not exceeding one hundred pounds .. .. .

0 2 0

And for every additional one hundred pounds, or fractional part of one hundred pounds .. .. .

0 2 0

Draft, order, acceptance, or promissory note for the payment of any sum of money weekly, monthly, or any other stated period, if made payable to the bearer, or to order, or if delivered to the payee, or some person on his or her behalf, when the total amount of money thereby made payable shall be specified therein, or can be ascertained therefrom

The same duty as on a bill payable to bearer, or order, at any time otherwise than on demand, for a sum equal to such total amount.

The duties hereby imposed on Bills of Exchange and Promissory Notes (Inland) shall apply to all Bills of Exchange and Promissory Notes drawn abroad and expressed to be paid or actually paid or endorsed or in any manner negotiated in this Island and shall be payable by adhesive stamps on such bills or notes being so paid or endorsed or negotiated.

EXEMPTIONS FROM THE PRECEDING AND ALL OTHER STAMP DUTIES.

All drafts, or orders, drawn on the Treasurer of this island, but such drafts or orders shall, notwithstanding, be liable at the time of payment, to the duty imposed by this Law on receipts.

BILLS OF EXCHANGE AND PROMISSORY NOTES (FOREIGN) DRAWN IN THIS ISLAND

When the amount or value of the money for which the bill or note is drawn or made does not exceed five pounds .. .. .	£0 0 6
Exceeds five pounds, and does not exceed ten pounds ..	0 1 0
Exceeds ten pounds, and does not exceed fifty pounds ..	0 1 6
Exceeds fifty pounds, and does not exceed one hundred pounds .. .. .	0 3 0
For every additional one hundred pounds, or part of one hundred pounds .. .. .	0 3 0
And all foreign bills of exchange drawn in this island, shall be stamped at and after the rates hereinbefore mentioned, notwithstanding that the sums for which such bills shall be drawn shall be expressed in dollars, francs, or any description of money of account	

BILLS OF LADING—

Of or for any goods, wares, merchandize, or effects to be exported from this island .. .. .	0 1 6
On each receipt for goods, wares, merchandize, or effects to be carried coastwise or to be exported from this island .. .. .	0 0 3

BILLS OF SIGHT—

On every Bill of Sight under the Customs Consolidation Law, 1877 (Law 18 of 1877)	
Where the value of the goods exceeds five pounds	0 10 0
The duty imposed under this heading may be paid either by adhesive stamps or impressed stamps.	

EXEMPTION FROM THE PRECEDING DUTY ON BILLS OF SIGHT.

Bills of Sight in respect of parcels transmitted to Jamaica through the Post Office.

BONDS—

Bond given as a security for the payment of any definite and certain sum of money, amounting to above thirty pounds, and not exceeding fifty pounds ..	0 2 0
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Above fifty pounds, and not exceeding one hundred pounds .. .. .	£0 4 0
Above one hundred pounds, and not exceeding two hundred pounds .. .. .	0 8 0
Above two hundred pounds, and not exceeding three hundred pounds .. .. .	0 12 0
Above three hundred pounds, and not exceeding five hundred pounds .. .. .	0 15 0
Above five hundred pounds, and not exceeding one thousand pounds .. .. .	1 0 0
And for every additional sum of, or fractional part of one thousand pounds .. .. .	0 10 0

When the money is secured, or to be ultimately recoverable thereon shall be limited, not to exceed a given sum, the same duty as on a bond for such limited sum.

And when the total amount of the money secured, or to be ultimately recoverable thereon shall be uncertain, and without any limit, the same duty as on a bond for a sum equal to the amount of the penalty of such bond.

And where there shall be no penalty of the bond in such last mentioned case, such bond shall be available for such an amount only as the *ad valorem* duty denoted by any stamp or stamps thereon shall extend to cover.

Bond given as a security for the payment of any sum of money which shall be in part secured by a mortgage, or other instrument, or writing, hereinafter charged with the same duty as on a mortgage bearing even date with such bond, or for the performance of covenants contained in such mortgage, or other instrument in writing, or for both those purposes. 0 15 0

Bond given as a collateral or auxiliary security for the payment of any annuity, upon the original creation and sale thereof, where the same shall be granted, or conveyed, or secured by any other deed or instrument liable to, and charged with the *ad valorem* duty hereinafter imposed on conveyances upon the sale of any property .. .. . 0 15 0

Bond given as a security for the payment of any annuity (except upon the original creation and sale thereof), or of any sum or sums of money, at stated periods (not being interest for any principal sum, nor rent reserved, or payable upon any lease), for any definite and certain term so that the total amount of the money to be paid can be previously ascertained, the same duty as on a bond of the like nature for the payment of a sum of money equal to such total amount.

Bond given as a security for the payment of any annuity (except as aforesaid), or of any sum or sums of money at stated periods (not being interest for any principal sum, nor rent reserved, or payable upon any lease), for the term of life, or any other indefinite period, so that the whole money to be paid cannot be previously ascertained.

Where the annuity, or sum secured, shall not exceed ten pounds <i>per annum</i> .. .. .	£0 5 0
Above ten pounds, and not exceeding fifty pounds <i>per annum</i> .. .. .	0 10 0
Above fifty pounds, and not exceeding one hundred pounds <i>per annum</i> .. .. .	0 15 0
Above one hundred pounds, and not exceeding two hundred pounds <i>per annum</i> .. .. .	1 0 0
And for every additional one hundred pounds, or fractional part of one hundred pounds .. .. .	0 5 0
Bond, commonly called counter bond, for indemnifying any person who shall have become bound or engaged as surety for the payment of any sum of money, or annuity .. .. .	0 15 0
Bond otherwise than to the crown for the due execution of an office and to account for money received by virtue thereof .. .. .	0 15 0
Bond of any kind whatever, not otherwise charged in this schedule, nor expressly exempted from all stamp duty .. .. .	0 15 0

BONDS, TRANSFER OR ASSIGNMENT OF.

Any transfer or assignment of any such bond as aforesaid, and which shall have paid the proper *ad valorem* duty on bonds.

Where the principal money secured by the bond shall not exceed five hundred pounds, the same duty as on a bond for the total amount of such principal money.

And in every other case, such transfer or assignment shall be chargeable with the duty of .. .. . 0 15 0

EXEMPTIONS FROM THE PRECEDING AND ALL OTHER STAMP DUTIES.

Will bonds and administration bonds.

All bonds and all instruments of suretyship given by public officers for the due execution of their offices, or as security for the faithful and honest performance of the duties of their offices.

Such bonds to His Majesty, his heirs and successors as the Governor in Privy Council may notify in the Jamaica Gazette.

Bail bonds and replevin bonds.

All bonds and all instruments of suretyship given by officers in the employment of a Parochial Board, or by Revenue Bailiffs appointed by a Collector of Taxes as security for the faithful and honest performance of the duties of their offices.

All bonds given as a security for the payment of any definite and certain sum of money, amounting to thirty pounds or under.

## CERTIFICATES—[See also Shares.]

On every certificate of the admission of a Barrister to practise in the Courts of this island . . . . . £15 0 0

And on every certificate of the admission of a Solicitor, Attorney, Conveyancer, or Proctor, to practise in the Courts of this island . . . . . 100 0 0

Provided that the total sum charged to a United Kingdom Solicitor for the stamp on his admission to practise in the Courts of this island shall not in any case be larger than the total sum payable by a Jamaica Solicitor before being admitted to practise as such in that part of the United Kingdom in which the said United Kingdom Solicitor shall have been admitted to practise.

But no one person is to be obliged to take out more than one certificate, although he may act in more than one of the capacities aforesaid, or in several of the Courts aforesaid.

On every certificate of an officer of any Court of Judicature or public officer in this island or from any Clerk of the Courts in this island. . . . . 0 2 0

## CHARTER PARTY—

On every charter party . . . . . 0 10 0

## COMPANY—[See also Letter, Shares, Voting.]

Every statement under sections 21 and 22 of this Law. For every one hundred pounds and any fraction of one hundred pounds over any multiple of one hundred pounds of the amount of such capital or increase of capital . . . . . 0 5 0

## CONVEYANCES—[See also Assignment, Mortgage, Shares.]

Conveyance, whether grant, bargain and sale, assignment, transfer, release, or any other kind or description whatever, or order or decree of the high court of chancery of England, or this island, or other competent jurisdiction or authority, operating as a conveyance upon the sale of any land, tenements, rents, annuities, or other property, real or personal, or of any right, title, interest, or claim into, out of, or upon any lands, tenements, rents, annuities, or other property; that is to say, for or in respect of the principal, or only deed, instrument, order, decree, or writing, whereby the lands, or other things, sold shall be granted, or otherwise, conveyed to, or vested in, the purchaser or purchasers, or any other person or persons by his or their direction.

And where there shall be duplicates of any deed, order, decree, or instrument, chargeable with the said *ad valorem* duty, exceeding two pounds, one of them only shall be charged therewith, and the other or others shall be charged with the ordinary duty on deeds, orders, decrees, or instruments of the same kind, not upon a sale. And where any deed, order, decree, or instrument, operating as a conveyance on the sale of any property, shall operate also as a conveyance of any

other than the property sold by way of settlement, or for any other purpose, or shall also contain any other matter or thing besides what shall be incident to the sale and conveyance of the property sold, or relate to the title thereto, every such deed, order, decree, or instrument, shall be charged, in addition to the duty to which it shall be liable, as a conveyance on the sale of property, with such further stamp duty as any separate deed, order, or decree, containing the other matter, would have been chargeable with.

Where the purchase or consideration money does not exceed five pounds	£0 1 0
Exceeds five pounds, and does not exceed ten pounds	0 2 0
Exceeds ten pounds, and does not exceed fifteen pounds	0 3 0
Exceeds fifteen pounds, and does not exceed twenty pounds	0 4 0
Exceeds twenty pounds, and does not exceed twenty-five pounds	0 5 0
Exceeds twenty-five pounds, and does not exceed fifty pounds	0 10 6
Exceeds fifty pounds, and does not exceed seventy-five pounds	0 15 0
Exceeds seventy-five pounds, and does not exceed one hundred pounds	1 0 0
And for every additional fifty pounds, and for every fractional part of fifty pounds	0 7 6

NOTE.—The purchase or consideration money is to be truly expressed and set forth in words at length, in or upon every such principal, or only deed, order, decree, or instrument of conveyance.

And where any lands, or other property, held under different titles, contracted to be sold at one entire price for the whole, shall be conveyed to the purchaser in separate parts or parcels by different deeds, orders, decrees, or instruments, the purchase, or consideration money shall be divided and apportioned in such manner as the parties shall think fit, so that a distinct price or consideration for each separate part or parcel may be set forth in or upon the principal or only deed, order, decree, or instrument of conveyance relating thereto, which shall be charged with the said *ad valorem* duty in respect of the price or consideration money therein set forth.

And where any lands, or other property, contracted to be purchased by two or more persons jointly, or by any person for himself and others, or wholly for others, at one entire price for the whole, shall be conveyed in parts or parcels by separate deeds, orders, decrees, or instruments, to the persons for whom the same shall be purchased for distinct parts or shares of the purchase money, the principal or only deed, order, decree, or instrument of conveyance of each separate part or parcel shall be charged with the said *ad valorem* duty, in respect of the sum of money therein specified as the consideration for the same.

But if separate parts or parcels of such land, or other property, shall be conveyed to, or to the use of, or in

trust for, different persons, in and by one and the same deed, order, decree, or instrument, then such deed, order, decree, or instrument, shall be charged with the said *ad valorem* duty, in respect of the aggregate amount of the purchase or consideration moneys therein mentioned to be paid, or agreed to be paid for the lands or property thereby conveyed.

And where any person, having contracted for the purchase of any lands or other property, but not having obtained a conveyance thereof, shall contract to sell to any other person, and the same shall, in consequence, be conveyed immediately to the sub-purchaser, the principal or only deed, order, decree, or instrument of conveyance shall be charged with the said *ad valorem* duty in respect of the purchase or consideration money therein mentioned to be paid, or agreed to be paid by the sub-purchaser.

And where any person, having contracted for the purchase of any lands, or other property, but not having obtained a conveyance thereof, shall contract to sell the whole, or any part or parts thereof, to any other person or persons, and the same shall in consequence, be conveyed by the original seller to different persons in parts or parcels, the principal or only deed, order, decree, or instrument of conveyance of each part or parcel thereof shall be charged with the said *ad valorem* duty, in respect only of the purchase or consideration money, which shall be therein mentioned to be paid, or agreed to be paid for the same by the person or persons to whom, or to whose use, or in trust for whom the conveyance shall be made, without regard to the amount of the original purchase money.

But where any sub-purchaser shall take an actual conveyance of the interest of the person immediately selling to him, which shall be chargeable with the said *ad valorem* duty, in respect of the purchase or consideration money paid, or agreed to be paid by him, and shall be duly stamped accordingly, any deed, order, decree, or instrument of conveyance to be afterwards made to him of the property in question, by the original seller, shall be exempted from the said *ad valorem* duty, and be charged only with the ordinary duty on deeds, orders, decrees, or instruments of the same kind, not upon a sale.

And where any lands, or other property, separately contracted to be purchased of different persons, at separate and distinct prices, shall be conveyed to the purchaser, or as he shall direct, in and by one and the same deed, order, decree or instrument, such deed, order, decree, or instrument shall be charged with the said *ad valorem* duty, in respect of the aggregate amount of the purchase or consideration moneys therein mentioned to be paid, or agreed to be paid for the same.

And where any lands or other property shall be sold and conveyed in consideration wholly, or in part, of any sum of money charged thereon, by way of mortgage,



or otherwise, and then due and owing to the purchaser, or shall be sold and conveyed, subject to any mortgage, bond, or other debt, or to any gross or entire sum of money, to be afterwards paid by the purchaser, such sums of money, or debt, shall be deemed the purchase or consideration money, or part of the purchase or consideration money, as the case may be, in respect whereof the said *ad valorem* duty is to be paid: Provided, where the mortgagee, or other person in the situation of mortgagee shall become the purchaser of the equity of redemption the duty shall be charged upon the true and real value of the property, as if the same stood unmortgaged, such value to be calculated and ascertained as is hereinafter directed in this schedule, under the head of settlement.

And where upon the sale of any annuity or other right not before in existence, the same shall not be created by actual grant or conveyance, but shall only be secured by bond, warrant of attorney, covenant, contract, or otherwise, the bond, or other instrument by which the same shall be secured, or some one of such instruments, if there be more than one, shall be deemed and taken to be liable to the same duty as an actual grant or conveyance.

And where there shall be several deeds, orders, decrees, instruments, or writings for completing the title to the property sold, such of them as are not liable to the *ad valorem* duty, to which the same may be liable, and which shall, upon the face thereof, refer to the principal deed, order, decree, or instrument bearing the *ad valorem* stamp, shall be charged with the duty to which the same may be liable, under any general or particular description of such deeds, orders, decrees, instruments, or writings, contained in this schedule. Provided, that when any deed, order, decree, instrument, or writing, not liable to such *ad valorem* stamp, shall be tendered to the Deputy Keeper of Records for the purpose of being recorded, the principal deed, order, decree or instrument, bearing the said *ad valorem* stamp, shall also be produced, and the fact of such production, and the amount of such *ad valorem* stamp, shall be certified by the Deputy Keeper of Records on such other deed, order, decree, or instrument, and such certificate shall be deemed sufficient evidence of the said *ad valorem* duty having been impressed on the principal deed, order, decree, or instrument, without its being necessary to produce the same in evidence.

And where in any case not hereby expressly provided for, of several deeds, orders, decrees, instruments, or writings, a doubt shall arise which is the principal, it shall be lawful for the parties to determine for themselves which shall be so deemed, and to pay the said *ad valorem* duty thereon accordingly: and the other deeds, orders, decrees, instruments, or writings on which the doubt shall have arisen, shall, upon the face of each of them, refer to the principal deed as bearing the *ad valorem* duty.

And where the consideration, or any part of the consideration, for a conveyance consists of any stock or marketable security, the conveyance is to be charged with *ad valorem* duty in respect of the value of the stock or security.

And where the consideration, or any part of the consideration, for a conveyance consists of any security not being a marketable security, the conveyance is to be charged with *ad valorem* duty in respect of the amount due on the day of the date thereof for principal and interest upon the security.

And where the consideration, or any part of the consideration, for a conveyance consists of money payable periodically for a definite period not exceeding twenty years, so that the total amount to be paid can be previously ascertained, the conveyance is to be charged in respect of that consideration with *ad valorem* duty on such total amount.

And where the consideration, or any part of the consideration for a conveyance consists of money payable periodically for a definite period exceeding twenty years or in perpetuity, or for any indefinite period not terminable with life, the conveyance is to be charged in respect of that consideration with *ad valorem* duty on the total amount which will or may, according to the terms of sale, be payable during the period of twenty years next after the day of the date of the instrument.

And where the consideration, or any part of the consideration for a conveyance consists of money payable periodically during any life or lives, the conveyance is to be charged in respect of that consideration with *ad valorem* duty on the amount which will or may, according to the terms of sale, be payable during the period of twelve years next after the day of the date of the instrument.

Provided that no conveyance chargeable with *ad valorem* duty in respect of any periodical payments, and containing also provision for securing the payments, is to be charged with any duty in respect of such provision, and no separate instrument made in that case for securing the payments is to be charged with any higher duty than ten shillings.

#### EXEMPTION FROM ANY STAMP DUTY UNDER THE PRECEDING HEAD "CONVEYANCE."

Any deed, order, decree, or instrument, whereby any policy of assurance on the life of any person, or for the insurance of any property, shall be assigned or transferred by the insurer to any person, the original policy having been duly stamped.

Assignments and transfers of shares in any duly registered company in this Island.

EXEMPTIONS FROM ALL STAMP DUTIES WHATSOEVER.

- Conveyance of land as a site for any church or chapel of any religious denomination.
- Conveyances made in pursuance of the provisions of the Law for the relief of the Poor, 1886 (Law 6 of 1886).

CO-PARTNERSHIP—

- On all articles of Co-partnership, or other agreement to that effect other than an agreement or memorandum relating to the letting of land whereunder a Co-partnership is created and where the annual value of the land does not exceed in value five pounds .. £1 10 0

CUSTOMS WARRANTS.—ADHESIVE STAMPS MAY BE USED.

- On customs warrants, inwards and outwards, per set 0 0 3

DEEDS—

On every deed, order, decree, or other instrument executed wholly out of this island, and not bearing the British *ad valorem* stamp, the same duty as is hereby imposed on deeds or instruments of a like nature executed in this island.

On every deed, order, decree, or instrument executed partly out of this island and partly in this island, and on which the British *ad valorem* duty shall have been impressed, one half the duty imposed on deeds or instruments of a like nature, executed wholly in the island.

And on every deed, order, decree, or instrument, wholly executed out of this island, and bearing the British *ad valorem* stamp, the like *ad valorem* duty as on deeds executed in this island, or in the option of the parties, a duty of .. 3 10 0

Duplicate, or counterpart of any deed, order, decree, or instrument whatsoever, chargeable with any stamp duty or duties under this schedule, where the stamp duty or duties chargeable as aforesaid shall not amount to the sum of fifteen shillings the same duty or duties as shall be chargeable upon the original deed, order, decree, or instrument.

And when the stamp duty or duties shall amount to the sum of fifteen shillings and upwards .. 0 15 0

On every deed of any kind whatever, not charged in this schedule, nor expressly exempted from all stamp duty .. 0 15 0

EXCHANGE—

On every deed, order, decree, or instrument, whereby lands or other hereditaments are conveyed in exchange, if no sum, or a sum under two hundred pounds be paid for equality of exchange .. 2 0 0

If above two hundred *ad valorem* duty as on a sale on the sum to be paid.

## KETTUBAH—

On every Kettubah or Jewish Contract of Marriage which includes a settlement of property the same duty as on settlements.

## LEASE—

Lease of any lands or hereditaments, granted in consideration of a sum of money, by way of fine, premium, or other gross sum paid for the same without any yearly rent, or with any yearly rent of or under twenty pounds.

The same duty as for the conveyance on the sale of lands for a sum of money of the same amount.

Lease of any lands or hereditaments at a yearly rent, without any sum of money, by way of fine, premium, or other gross sum paid for the same.

When the yearly rent shall be above one pound and not exceeding five pounds . . . . .

£0 0 6

When the yearly rent shall be above five pounds and not exceeding ten pounds . . . . .

0 5 0

When the yearly rent shall be above ten pounds and not exceeding fifteen pounds . . . . .

0 7 6

When the yearly rent shall be above fifteen pounds and not exceeding twenty pounds . . . . .

0 10 0

When the yearly rent shall be above twenty pounds and not exceeding thirty pounds . . . . .

0 12 6

When the yearly rent shall be above thirty pounds and not exceeding fifty pounds . . . . .

0 15 0

When the yearly rent shall be above fifty pounds and shall not exceed one hundred pounds . . . . .

1 0 0

Above one hundred pounds and not exceeding two hundred pounds . . . . .

1 10 0

And for every additional one hundred pounds or fractional part of one hundred pounds . . . . .

0 10 0

And where such rent shall progressively increase, then the amount of duty payable on the highest rent reserved.

Lease of any lands or hereditaments, granted in consideration of a sum of money, by way of fine, premium, or other gross sum, and also of a yearly rent amounting to twenty pounds or upwards.

Both the ad-valorem duties payable for a Lease in consideration of a fine only and for a lease according to the amount of rent reserved thereon

Lease not otherwise charged in this Schedule . . . . .

£0 10 0

Counterpart or duplicate of any lease whatsoever

The same duty as on the original but in no case to exceed five shillings.

And where any lease shall be granted for consideration, by way of fine, premium, or other gross sum, payable in produce, or the yearly rent shall be so payable, then, and in every such case, such produce shall be estimated for the purpose of reducing the same to a pecuniary value, at and after the rates following:—

For each hogshead of sugar . . . . . £12 0 0

For each puncheon of rum . . . . . 10 0 0

For each tierce of coffee . . . . . 12 0 0

And the duty shall be charged on the amount arising on such estimate, as if the fine, premium, other gross sum, or yearly rent had been expressed in money.

A lease made subsequently to and in conformity with an agreement for such lease duly stamped .. £0 0 6

EXEMPTION FROM ANY STAMP DUTY UNDER THE PRECEDING HEAD "LEASE."

Leases of waste or uncultivated land to any person, for any term not exceeding three lives, or ninety-nine years, where the fine shall not exceed five shillings nor the reserved rent one pound one shilling per annum, and the counterparts or duplicates of all such leases.

LETTERS—

On every letter, or power of attorney, and every decree or order of the court of chancery of England, or of this island, or other competent jurisdiction or authority, operating as a power for the recovery of debts in this island, or for the sale of property .. 0 10 0

On every letter, or power of attorney, and every decree or order of the court of chancery of England, or of this island, or other competent jurisdiction or authority, operating as a power for managing any pen, plantation, or sugar estate or estates, and whether the same shall or shall not include a power for the recovery of debts, or other purposes .. 4 0 0

On every letter, or power of attorney, and every decree or order of the court of chancery in England, or of this island, or other competent jurisdiction or authority, operating as a power for managing premises mentioned in any such power, which consist of only a place of residence, habitation, or woodlands, not opened, or common pasture, and whether the same shall or shall not include a power for the sale of such property, or for the recovery of debts .. 1 10 0

On every letter, or power of attorney, and every decree, or order of the court of chancery of England, or of this island, or other competent jurisdiction or authority, authorising any party or parties to acknowledge payment and satisfaction of mortgage demands on behalf of the party or parties giving such authority .. 0 5 0

On every other letter, or power of attorney, or decree, or order as aforesaid, not herein charged with a stamp duty or exempted from all stamp duty and upon every substitution under a letter, or power of attorney, or any decree, or order, as aforesaid .. 1 10 0

But, in case any letter, or power of attorney, or decree, or order, shall not disclose what particular real estate is to be managed, it shall be lawful for the Deputy Keeper of Records, or the person officiating for him, to require the production of a declaration, to be taken before a justice of the peace, stating the nature of the real estate, in order that the said officer may be satisfied that the proper stamp is impressed on such letter, power, or decree, or order.

On every letter or power of attorney for the purpose of appointing a proxy to vote at a particular meeting of the shareholders, or members, or contributors to the funds of any company, society, or institution .. 0 0 1

On every letter or power of attorney for the purpose of appointing a proxy generally to vote at all meetings of such shareholders, members, or contributors, as aforesaid .. .. .	£0 1 0
On every letter of allotment and letter of renunciation or other document having the effect of a letter of allotment	
(a) Of any share of any company or proposed company	
(b) In respect of any loan raised or proposed to be raised by any company or proposed company when the nominal amount which is allotted or to which the letter of renunciation relates is less than five pounds .. .. .	0 0 1
When the nominal amount which is allotted or to which the letter of renunciation relates is Five Pounds or upwards .. .. .	0 0 6
A separate duty shall be chargeable in respect of letters of allotment and letters of renunciation although they may be contained in the same document.	
The stamp duties chargeable on such letters may be denoted by adhesive stamps to be cancelled by the person executing the document.	

#### EXEMPTION FROM ANY STAMP DUTY UNDER THE PRECEDING HEAD "LETTERS."

Every letter to a Banker or the Island Treasurer authorising another party to sign cheques, drafts or orders on the writer's behalf.

Every letter to a Banker or the Island Treasurer authorising or requesting him to honour, on the writer's behalf, cheques, drafts or orders signed by some person named in such letter.

#### LICENSES—

On every annual license to retail fire-arms .. .. .	4 0 0
On every annual license to sell gunpowder .. .. .	4 0 0
On every license to be taken out yearly by any banker or bankers, banking company, or corporation, or other person or persons who shall issue any promissory notes for money, payable to bearer on demand, and allowed to be re-issued .. .. .	150 0 0
On every marriage license .. .. .	5 0 0
On every license to an insurance or assurance company to transact its business in this island .. .. .	25 0 0
Provided that on a License to transact Insurance business in this Island limited to insurance of growing crops from loss of any kind and to insurance of any property, not being a Ship or boat in respect of loss by hurricane or earthquake, there shall be paid a stamp duty of £1, and on every Policy of Assurance or Insurance issued under such a License there shall be paid a stamp duty equal to that payable on a Policy of Insurance from loss or damage by fire for a like amount.	

Provided also that in a License to transact insurance business in the Island limited to insurance of passengers' baggage during transfer, there shall be paid a Stamp Duty of £1.

**MORTGAGE—**

Mortgage further charge or security on, or affecting, any lands, estate or property, real or personal whatsoever.

Debenture including a debenture which either creates a debt or acknowledges it although no charge or security on the real or personal property is thereby created.

Also any conveyance, order, decree, or instrument disposing of any lands, estate, or property whatsoever, in trust to be sold, or otherwise converted into money, which shall be intended only as a security, and shall be redeemable before the sale or other disposal thereof, either by express stipulation or otherwise, except where such conveyance, order, decree, or instrument shall be made for the benefit of creditors generally, or for the benefit of creditors specified, who shall accept the provision made for payment of their debts, or who shall exceed five in number.

Also any defeasance, declaration, or other deed, order, or decree of the court of chancery of England, or of this island, or writing for defeating, or making redeemable, or explaining, or qualifying any conveyance of any lands, estate, or property whatsoever, which shall be apparently absolute, but intended only as security.

Also any agreement, contract, or bond, accompanied with a deposit of title deeds for making a mortgage, or such other security, or conveyance, or instrument as aforesaid, of any lands, estate, or property, comprised in such title deeds, or for pledging or charging the same as security.

When the same respectively shall be made as a security for the payment of any definite and certain sum of money advanced or lent at the time, or previously due and owing or forborne to be paid, being payable:

Not exceeding twenty-five pounds	.. ..	£0 1 6
Not exceeding fifty pounds	.. ..	0 2 6
Not exceeding one hundred pounds	.. ..	0 5 0
And for every additional one hundred pounds, or fractional part of one hundred pounds	.. ..	0 5 0

And where the same respectively shall be made as a security for the repayment of money, to be thereafter lent, advanced, or due, or which may become due on an account current, together with any sum already advanced, or without, as the case may be, other than and except any sum or sums of money, to be advanced for the insurance of any property comprised in such mortgage or security against damage by fire, or to be advanced for the insurance of any life or lives pursuant to any agreement in any deed, whereby any annuity shall be granted or secured for such life or lives, if the total amount of the money secured or to be ultimately recoverable thereupon shall be limited not to exceed a given sum the same duty as on a mortgage for such limited sums.

And if the total amount of the money secured, or to be ultimately recoverable thereon, shall be uncertain, and without any limit, then the same shall be available as a security or charge for such amount only of money or stock intended to be thereby secured as the *ad valorem* duty denoted by any stamp or stamps thereon will extend to cover.

A collateral, or auxiliary, or additional, or substituted security or by way of further assurance for the purpose of securing the payment or repayment of money, when the principal or primary security is duly stamped with the mortgage duty as aforesaid, for every £100 and also for any fractional part of £100 of the amount secured .. .. . £0 2 6

Transfer, assignment, disposition, or assignation of any mortgage of any such security as aforesaid, or of the benefit thereof, or of any money or stock secured thereby or by any instrument or judgment.

For every £100 and also for any fractional part of £100 of the amount transferred, assigned, or disposed 0 2 6

And also where any further money is added to the money already secured, the same duty as a principal security for such further money.

Reconveyance, release, discharge, surrender, re-surrender, warrant to vacate, or renunciation, of any such mortgage or security, as aforesaid or of the benefit thereof, or of the money thereby secured.

For every £100 and also for any fractional part of £100 of the total amount or value of the money at any time secured .. .. . 0 1 0

Provided always that any reconveyance, release, discharge, surrender, resurrender, warrant to vacate or renunciation of any mortgage, or security executed and stamped under the provisions of Law 27 of 1896, prior to the 8th June, 1901, shall bear a stamp of 6d. for every £100 and also for any fractional part of £100 of the total amount or value of the money at any time secured.

Where several distinct deeds, orders, decrees, or instruments falling within the description of any of the instruments, hereby charged with the said *ad valorem* duty on mortgages, shall be made at the same time for securing the payment or transfer of one and the same sum of money, the said *ad valorem* duty, if exceeding two pounds shall be charged only on one of such deeds, orders, decrees, or instruments, and all the rest shall be charged with the duty to which the same may be liable under any more general description of the same, contained in this schedule.



**EXEMPTION FROM THE SAID AD VALOREM DUTY ON MORTGAGES, ET CETERA, BUT NOT FROM ANY OTHER DUTY TO WHICH THE SAME MAY BE LIABLE.**

All transfers, assignments, dispositions and assignments of mortgages of any money or stock secured by any instrument or mortgage or by any judgment made by an executor or trustee for the purpose of vesting the legal estate or interest therein in any beneficiary or person entitled thereto.

**EXEMPTION FROM ALL STAMP DUTY.**

All mortgages granted to a Building or Benefit Building Society or the Trustees thereof for any sum not exceeding five hundred pounds.

NATURALIZATION Certificate of	..	..	£2	0	0
PASSPORTS	..	..	0	5	0

**PATENTS—**

On any power of attorney confined to applying for and obtaining letters patent	..	..	0	5	0
On the specification	..	..	0	10	0
On the letters patent	..	..	2	0	0
On certificate or warrant of Attorney-General, disclaimer or memorandum of alteration	..	..	0	1	6
On assignment of letters patent	..	..	0	10	0

**EXEMPTION FROM ALL STAMP DUTY.**

Patents of pardon.

**POLICIES—**

On every policy of assurance or insurance or other instrument, by whatsoever name the same shall be called, (not otherwise charged under this Schedule) whereby any assurance shall be made to cover loss of profit or whereby any assurance shall be made of or upon any building, plantation, goods, wares, merchandise or other property whatsoever, (other than growing crops, motor vehicles or animal drawn vehicles, or passengers' baggage during transfer) from loss or damage by fire, whether alone or in conjunction with any other perils.

Where the sum insured shall not exceed twenty pounds	0	0	6
And for every additional twenty pounds or fractional part thereof up to five hundred pounds	0	0	6
And where it shall exceed five hundred pounds and shall not exceed three thousand pounds, for every additional one hundred pounds, or part thereof	0	2	6
And where it shall exceed three thousand pounds	4	0	0

But any insurances effected for periods less than twelve months, shall be charged as follows:—

For any period not exceeding one month, one fourth part of the annual rate.

Above one month, and not exceeding three months, one half thereof.

Above three months, and not exceeding six months,  
three-fourths parts thereof.

Above six months, the full duty above-mentioned.

On every policy of assurance or insurance, or other instrument, by whatever name the same shall be called, whereby any assurance shall be made upon any ship or vessel, or upon the machinery, tackle or furniture of any ship or vessel, or upon any goods, merchandize, or other property on board of any ship or vessel, or upon the freight of any ship or vessel, or upon any other interest in or relating to any ship or vessel which may lawfully be insured:

(1) Where the premium or consideration does not exceed the rate of 2/6d. per centum of the sum insured .. .. . £0 0 1

(2) In any other case—

(a) For or upon any voyage—

In respect of every full sum of £100, and also any fractional part of £100 thereby insured .. .. . 0 0 3

(b) For time—

In respect of every full sum of £100, and also any fractional part of £100 thereby insured—  
Where the insurance shall be made for any time not exceeding six months .. .. . 0 0 3

Where the insurance shall be made for any time exceeding six months and not exceeding twelve months .. .. . 0 0 6

On every policy of assurance, or insurance, or other instrument by whatever name the same shall be called, whereby any insurance shall be made upon any life or lives, of any person or persons resident in this Island or upon any event or contingency relating to, or depending upon, any such life or lives: except for the payment of money upon the death of any person only from accident or violence or otherwise than from natural causes.

When the sum insured does not exceed £25 .. .. . 0 0 6

When the sum insured does not exceed £50 .. .. . 0 0 9

When the sum insured does not exceed £100 .. .. . 0 1 3

And upon every additional one hundred pounds, or fractional part thereof .. .. . 0 1 3

For any payment agreed to be made upon the death of any person, only from accident or violence, or other than from natural cause, or as compensation for personal injury, or by way of indemnity against loss or damage of any property not otherwise provided for .. .. . 0 0 6

The duties hereby imposed on policies shall be payable on every policy of assurance or insurance or other instrument, by whatsoever name the same shall be called, covering any property in Jamaica, real or personal, whether the said policy or instrument shall be effected made written or issued in Jamaica or elsewhere.

## PRIVATE BILL—

On each private bill introduced into the Legislative Council to be paid before the second reading thereof	50	0	0
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## PROMISSORY NOTE FOR THE PAYMENT TO THE BEARER ON DEMAND OF ANY SUM OF MONEY :

Not exceeding one pound	£0	0	3
Exceeding one pound, and not exceeding two pounds	0	0	6
Exceeding two pounds, and not exceeding five pounds	0	1	6
Exceeding five pounds, and not exceeding ten pounds	0	2	0
Exceeding ten pounds, and not exceeding twenty pounds	0	3	0
Exceeding twenty pounds, and not exceeding thirty pounds	0	4	0
Exceeding thirty pounds, and not exceeding fifty pounds	0	5	0
Exceeding fifty pounds, and not exceeding one hundred pounds	0	10	0
Which said notes may be re-issued after payment thereof, as often as shall be thought fit.			

## PROTESTS—

On every protest, or other notarial act, under the hand of a notary public, done in this island	0	4	0
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## RECEIPT, or discharge given for or upon the payment of money, (the duties whereon shall be paid by the party receiving the money) adhesive stamps may be used—

Of or above two pounds.	0	0	1
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And where any sum of money shall be therein expressed or acknowledged to be received in full of all demands	0	1	6
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And any note, memorandum, or writing whatsoever, given to any person for or upon the payment of money, whereby any sum of money, debt, or demand, or any part of any debt or demand therein expressed shall be expressed or acknowledged to have been paid, settled, balanced, or otherwise, discharged, or satisfied, or which shall import or signify any such acknowledgment; and whether the same shall or shall not be signed with the name of any person, shall be deemed and taken to be a receipt for a sum of money of equal amount with the sum, debt, or demand so expressed, or acknowledged to have been paid, settled, balanced or otherwise discharged and satisfied, within the intent and meaning of this schedule, and shall be charged with a duty accordingly.

And any receipt, or discharge, note, memorandum, or writing whatsoever, given to any person for or upon the payment of money which shall contain, import, or signify and general acknowledgment of any debt, account, claim, or demand, debts, accounts, claims, or demands, whereof the amount shall not be therein specified, having been paid, balanced, settled, or otherwise discharged or satisfied, or whereby any sum of

money therein mentioned shall be acknowledged to be received in full, or in discharge, or satisfaction of any such debt, claim, account, or demand, debts, accounts, claims, or demands, and whether the same shall or shall not be signed with the name of any person, shall be deemed and taken to be a receipt in full, within the intent and meaning of this schedule, and shall be charged with the duty of one shilling and sixpence accordingly.

Provided that any letter, or one of divers letters, importing or signifying any receipt or acknowledgment, within the meaning of this schedule, may be stamped at any time before being tendered in evidence; and, where there are divers such letters, it shall suffice to stamp one of such letters, in relation to one transaction or claim.

And all receipts, discharges, and acknowledgments of the description aforesaid, which shall be given for, or upon payment made by or with any bills of exchange, drafts, promissory notes, or other securities for money, shall be deemed and taken to be receipts given upon the payment of money within the intent and meaning of this schedule.

And all receipts or discharges which shall be given or granted to the Treasurer of this island, for or in respect of any moneys payable by him out of the public treasury (except moneys payable as drafts on island certificates and exchequer bills), other than as hereinafter excepted, shall be chargeable after the like scale of duty, and such last mentioned receipts may be made by adhesive stamps.

On every receipt granted by the Deputy Keeper of the Records for deeds or papers recorded in his office . .	£0 2 0
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On every receipt granted by the Deputy Keeper of the Records for recording annual returns of attorneys or trustees, commonly called "Crop Accounts" . .	0 4 0
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#### EXEMPTIONS FROM THE PRECEDING DUTIES ON RECEIPTS.

Receipts, or discharges written upon promissory notes, bills of exchange, drafts, or orders for the payment of money duly stamped, according to the laws in force at the date thereof.

Letters by the general post, acknowledging the safe arrival of any bills of exchange, promissory notes, or other securities for money.

Receipts for any moneys paid into any savings bank of this island.

Any entry in the Pass Book or Pass Books kept between a Building Society and a member thereof having the effect of a receipt or discharge and any receipt given for money so entered in such Pass Books.

Receipts or discharges endorsed, or otherwise written upon or contained in any bond, mortgage, or other security, or any conveyance, deed, or instrument, whatever, duly stamped, according to the laws in force

at the date hereof acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal money, interest, or annuity thereby secured.

Release or discharge for money by deed duly stamped, according to the laws in force at the date thereof.

Receipts or discharges for the return of any duties of customs upon certificate of over entry.

Receipts given or granted by the Treasurer of this island, or by any Collector of Taxes, or officer of internal revenue, for or in respect of any taxes or duties.

Receipts or acknowledgments, on the records of the office of the Deputy Keeper of the Records, of the payment of a mortgage debt.

Receipt given for money deposited in any bank, or with any banker, to be accounted for and expressed to be received of the person to whom the same is to be accounted for.

Acknowledgment by any banker of the receipt of any bill of exchange or promissory note for the purpose of being presented for acceptance or payment.

Receipts given to any officer of the Government in respect of any refund of monies deposited with an officer of the Government.

Receipt given for or on account of any salary, pay or wages, or for or on account of any other like payment made or to or for the account or benefit of any person, being the holder of an office or an employee in respect of his office or employment, or for or on account of money paid in respect of any pension, superannuation allowance, compassionate allowance or other like allowance

RENUNCIATION—[See Letter.]

SETTLEMENTS—

Any deed or any order, or decree, of the court of chancery of England, or of this island, or other jurisdiction or authority, or instrument whatever, whether voluntary or gratuitous, or upon any good or valuable consideration other than a *bona fide* pecuniary consideration, whereby any certain and definite sum or sums of money (whether charged or chargeable on lands or other hereditaments or not or to be laid out in the purchase of lands or other hereditaments or not and if charged or chargeable on lands or other hereditaments, whether to be raised at all events or not) or whereby any lands, tenements, rents, annuities, or other property, real or personal, or any right, title, interest, or claim into, out of, or upon, any lands, tenements, rents, annuities, or other property, shall be settled, or agreed to be settled upon, or for the benefit of any person or persons, either in possession or reversion, either absolutely or conditionally, or contingently, or for life, or other partial interest, or in any other manner whatsoever.

For every one hundred pounds and also for any fractional part of one hundred pounds of the amount or value of the property settled or agreed to be settled

£0 10

Note—The value of such property shall be ascertained by a declaration of the true and real value of the same.

#### EXEMPTIONS FROM STAMP DUTIES UNDER THE PRECEDING HEAD "SETTLEMENTS."

- (a) Bonds, mortgages, and other securities operating as settlements, if chargeable with the *ad valorem* duties on bonds and mortgages hereinbefore granted.
- (b) Deeds, or instruments of appointment, apportionments, in execution of powers given by any previous settlement, deed or will to, or in favour of, persons, specially named or described as the object of such powers.
- (c) Deeds, or instruments merely declaring the trusts of any money, pursuant to any previous settlement (in respect of which *ad valorem* settlement duty has been paid) deed or will, or for securing any gifts or dispositions made by any previous settlement, (in respect of which *ad valorem* settlement duty has been paid) deed or will.
- (d) Wills, testaments, and testamentary instruments, and dispositions *mortis causa*, of every description.
- (e) Where several instruments are executed for effecting the settlement of the same property, and the *ad valorem* duty chargeable in respect of the settlement of the property exceeds ten shillings, one only of the instruments is to be charged with the *ad valorem* duties.
- (f) Where a settlement is made in pursuance of a previous agreement, upon which *ad valorem* settlement duty exceeding ten shillings has been paid in respect of any property the settlement is not to be charged with *ad valorem* duty in respect of the same duty.

But in each of the two cases (e) and (f) above mentioned, the instruments not chargeable with *ad valorem* duty, are to be charged with the duty of fifteen shillings.

#### SCHEDULE—

Inventory, or catalogue of any lands or hereditaments, or of any furniture, fixtures, or other goods or effects, or containing the terms and conditions of any proposed sale or lease, or the conditions and regulations for the cultivation and management of any estate, plantation, pen, or other property leased, or agreed to be leased, or containing any other matter or matters of contract or stipulation whatsoever, which shall be referred to, in, or by, and be intended to be used or given in evidence as part of, or as material to, any agreement, lease, bond, deed, order, decree, or other instrument charged with any duty, but which shall be separate and distinct from, and not endorsed on, or annexed to, such agreement, lease, bond, deed, order, decree, or other instrument.

Where any such inventory, schedule or catalogue shall be so referred to, in or by any such agreement, lease, bond, deed, order, decree, or such other instrument as aforesaid, chargeable with any stamp duty, not exceeding fifteen shillings, the same duty as shall be so chargeable on such agreement, lease, bond, deed, order, decree, or other instrument.

And where any such schedule, inventory or catalogue shall be referred to, in, or by any lease, bond, deed, order, decree, or such other instrument as aforesaid, chargeable with a stamp duty exceeding fifteen shillings, then for every additional pound of the amount of the last mentioned duty, a further progressive duty of

£0 1 6

SHARES—

On every share, scrip or stock certificate of any duly registered company in Jamaica where the nominal value of the share, scrip or stock to which the instrument relates is less than fifty pounds

0 0 1

Where the nominal value of the share or stock is fifty pounds and upwards

0 1 0

The stamp duty chargeable on such share, scrip or stock certificate may be denoted by an adhesive stamp to be cancelled by the person delivering such share or stock certificate.

On the assignment and transfer of any share, scrip or stock in any duly registered company in Jamaica

(1) On sale—

where the amount or value of the consideration for the sale does not exceed £10

0 0 6

exceeds £10, for every £10, or fractional part thereof over the first £10

0 0 6

(2) by way of security; the same rate of duty as on a mortgage;

(3) by way of gift; the same rate of duty as on a settlement;

(4) in any other case not hereinbefore described

0 2 6

SUMMONS—

On every original summons, issued by justices of the peace, on the private prosecution of any party, or on the information to ground same, at the option of the party

0 1 6

On each warrant issued by justices of the peace, on the private prosecution of any party, or on the information to ground same, at the option of the party

0 1 6

VOTING—

On every instrument for the purpose of voting by any person entitled to vote at any meeting of the shareholders or members or contributors to the funds of any company, society or institution

0 0 1

WARRANTS—

On every warrant and appointment of interpreter of foreign languages

2 0 0

## GENERAL EXEMPTIONS FROM ALL STAMP DUTIES.

All acts of the Legislative Council, proclamations, acts of state, minutes, or matters printed by order of the Legislative Council, or any Municipal Board of the island, inquisitions, and other proceedings taken before any coroner or magistrate.

All probates, or acknowledgments of any deed, or instrument in writing, written on any part thereof, or annexed thereto.

All accounts of produce, commonly called crop accounts.

All bonds, and other official documents, whatsoever, relating to the service of His Majesty's customs in this island, His Majesty's commissariat or ordnance department; or any military or naval board in this island, or relating to the public service of this island.

All Bills of Sale transferring ships or a share therein and any mortgage of a registered ship or a share therein.

Agreements, Bills of Exchange, Promissory Notes, Bonds or Mortgages made or entered into by or with an Agricultural Loan Society controlled by any Agricultural Loan Societies Board and duly registered under The Industrial and Provident Societies Law 1902 (Law 33 of 1902) or any Law amending or substituted for the same and any receipt given by or to any such Society.

Any receipt given by or to a Liquidator of a Society registered under the Industrial and Provident Societies Law 1902 (Law 33 of 1902) or any Law amending or substituted for the same.

Any receipt given by or to a Receiver appointed under the Industrial and Provident Societies Law amendment Law 1933 (Law 11 of 1933).

## PAPER STAMPS—

All exemplifications of wills, and every other exemplification, all proceedings, and copies sent to this island to be recorded, used or given in evidence in any court, which are not charged with any specific duty under this Law, shall be subject to, and be impressed with the paper stamps hereinafter respectively specified.

All accounts of guardians, trustees, mortgagees in possession, required to be recorded in the island record office; inventories; and all office copies authenticated by the Deputy Keeper of the Records, shall be written, transcribed, engrossed, or printed upon imperial and royal paper, or any paper, vellum, or parchment of the same size; and such paper, vellum, or parchment, and each sheet thereof shall be stamped with the duties herein-



after mentioned, according to the number of words and figures (each figure being reckoned as a word) contained in any sheet or sheets of paper, vellum or parchment when the same shall be under or amount to six hundred words .. .. .

£0 1 6

And the like sum for every number of six hundred words and for every fractional part of such number of words.



No. 37----1937.

I assent,

[L.S.]

EDWARD DENHAM,  
*Governor.*

29th November, 1937.

A LAW for the Better Administration of Justice.

[2nd December, 1937.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows :—

1—This Law may be cited as the Administration of Short Title. Justice Law 1937.

2—(1) At every Circuit Court to be holden for the parishes of Kingston and St. Andrew for the trial of criminal causes two Judges of the High Court may hold separate Courts.

Circuit Court  
of Kingston and  
St. Andrew may  
sit in two  
Courts.

(2) Whenever at the commencement of, or during any such Circuit, it is intended to hold separate Courts under this Section the panel of jurors struck and made by the Registrar for that Circuit shall be divided by the Registrar into two equal parts; such division of the panel shall be made before the sitting of the second Court and shall be carried out by the Registrar drawing from the box

containing the names of all the jurors appearing on the panel, one by one, half of the names in the said box, or as nearly as may be, and, subject to the provisions of this Section, such half so drawn shall constitute the panel for the first Court and the remaining names shall constitute the panel for the second Court : Provided that on any day when both Courts are not sitting all the jurors shall attend the Court which is sitting : Provided further that where both Courts are sitting and there is for any reason a shortage of jurors in one Court, it shall be lawful for the Judge of that Court to utilise the available jurors from the other Court.

Amendment of  
Jury Law 1898.

3—The Jury Law 1898 (Law 13 of 1898) is hereby amended as follows :—

(1) Section 14. The Section is hereby amended by the deletion of the words in brackets which occur in the tenth and eleventh lines of the Section and by the substitution therefor of the following words :—

“In each of the parishes of Kingston and St. Andrew one hundred and fifty in number and in each of the other parishes of the Island not more than one hundred in number.”

(2) Section 19. The Section, as amended by the Jury Law 1928 (Law 20 of 1928), is hereby further amended by substituting for the word “fifty” which occurs in the third line of the Section the word “eighty.”

(3) Section 20. The Section is hereby amended by inserting after the word “nevertheless” and before the word “that” which occur in the fifth line of the Section the words following :—

“That any juror who has been excused from serving on a panel at any Circuit Court may be placed on the panel for the next or any succeeding Circuit Court in lieu of the panel in respect of which he has been excused : Provided further”

(4) There shall be inserted immediately after Section thirty three and before Section thirty four the following Section and numbered “33A” :—

“33A. In criminal causes all jurors residing further than five miles from the place to which they are summoned shall be entitled to be paid, in respect of their travelling to and from the place to which they are

summoned, such sum as the Governor in Privy Council may, by Regulations published in the Gazette, prescribe, and such Regulations may prescribe the payment of, or provision for a free pass for, any railway fare going or returning."

(5) Schedule No. 2. To the Schedule and at the end thereof the following exemptions shall be added :—

"Consuls of foreign countries although natural born subjects of His Majesty."

"Officers, non-commissioned Officers and men of the Local Forces."

"Superintendents of Roads and Works."

"Inspectors of Poor."

"City Engineer."

4—The Court of Appeal Law 1932 (Law 9 of 1932) is hereby amended by the addition, after Section fourteen in Part IV of the Law, of the following Section and numbered "14A" :—

Amendment of  
Court of Appeal  
Law 1932.

"14A—On appeals under this part of this Law the Court of Appeal shall have and may exercise the powers and authorities conferred on the Court of Appeal by Section sixteen sub-section three of this Law, and the provisions of Section thirty of this Law shall apply to an appellant under this part of this Law in like manner as they apply to an appellant convicted on indictment in the Supreme Court."

5—The third paragraph of Section three hundred of the Resident Magistrates' Law 1927 (Law 39 of 1927) is hereby repealed.

Repeal.



No. 38----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

22nd December, 1937.

A LAW Relating to Shop Assistants.

[22nd December, 1937.]

BE it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Shop Assistants' Law 1937. Short Title.

2—In this Law unless the context otherwise requires the following expressions shall have the following meanings:— Definitions.

“Closed” used in relation to a shop means that the doors and windows of the premises in which the shop is conducted and all other means of ingress or egress to or from the premises shall be closed.

“Employed” used in relation to a shop assistant means engaged in work of any description in a shop and includes detention in a shop, whether engaged in work or not, after the closing hour fixed by this Law or Order thereunder.

“Employer” means the proprietor of a shop, and in his absence from the Island his attorney, agent or manager.

“Shop” means any place where any person conducts, manages or carries on any dry goods, hardware, jewellery, book-selling or stationery business, by retail or wholesale, whether or not such business is conducted, managed or carried on to the exclusion of or in addition to any other business and includes any place used for storage of, receipt of orders for, or the despatch or delivery of, any goods dealt with in any such business.

“Shop Assistant” means any person employed in a shop in any capacity, whether for reward or otherwise, other than the person licensed under the Third Schedule of Law 7 of 1908.

“Urban or Suburban Districts” mean respectively the urban and suburban districts of the Corporate Area as defined in the Second Schedule of the Kingston and St. Andrew Corporation Law, 1931 (Law 12 of 1931).

Hours on working days during which shop assistants may engage in work.

3—(1) No shop assistant shall be employed in a shop within the parish of Kingston or the urban or suburban districts before the hour of eight of the clock in the forenoon and after the hour of four of the clock in the afternoon on any working day of the week other than Saturday and on Saturday before the hour of eight of the clock in the forenoon and after the hour of six of the clock in the afternoon.

(2) On at least one day in each week (in this Law referred to as the “weekly half holiday”) a shop assistant shall not be employed after the hour of two of the clock in the afternoon.

(3) The Governor may by Order in Privy Council published in the Gazette fix the day of the weekly half holiday and any such Order may either fix the same day for all shop assistants or may fix different days for different classes of shop assistants.

(4) Any Order made and published under this section may be revoked or amended by any subsequent Order similarly made and published.



(5) Unless and until such Order is made the weekly half holiday shall be on Wednesday of each week.

4—(1) Subject to the provisions of this section every shop within the said parish and districts shall be closed not later than the hour of four of the clock in the afternoon of each working day of the week except Saturday when the closing hour shall be the hour of six of the clock in the afternoon, and every shop shall, on the day of the weekly half holiday, whether fixed by this Law or any Order thereunder, be closed not later than the hour of two of the clock in the afternoon of that day.

Shop closing hours.

(2) Whenever any tourist ship arrives at any port in this Island, in which this Law or any Order thereunder is in force, within twelve hours of the closing hour on the weekly half holiday, the closing hour on the weekly half holiday in such port shall be changed to the first working day of the week after the departure of such ship : Provided that a shop kept open under the provisions of this subsection on the weekly half holiday shall be closed not later than the hour of four of the clock in the afternoon of that day.

(3) The operation of Section 3, or any Order made thereunder, and of sub-sections (1) and (2) of this section shall in every year be suspended from the seventh day of December to the twenty-fourth day of December, both days inclusive. During the days of such suspension no shop shall be open before the hour of eight of the clock in the forenoon and every shop shall be closed not later than the hour of seven of the clock in the evening of each working day of the week except Saturday when the opening and closing hours shall be the hour of eight of the clock in the forenoon and the hour of eight of the clock in the evening, respectively : Provided nevertheless that on the working day immediately preceding Christmas Day the closing hour shall be the hour of midnight of such day.

(4) Without prejudice to the hour fixed by this section as the closing hour on Saturday and notwithstanding anything in this Law contained, whenever, during a period reckoned from the twenty-seventh day of December in each year to the thirtieth day of April in the immediately succeeding year, both days inclusive, a tourist ship arrives at any port in this Island, in which this Law

or any Order thereunder is in force, on any working day of the week a shop in that port may be kept open until the hour of five of the clock in the afternoon of that day, and it shall be lawful for a shop assistant to be kept employed in such shop during such extended period: Provided that the employer shall pay to a shop assistant so kept employed for the additional hour, or part thereof, extra wages to be calculated at the rate per hour of twice the amount of his actual wages or the sum of two shillings and sixpence, whichever shall be the greater amount.

(5) Notwithstanding anything contained in the Public General Holiday Law 1895 (Law 11 of 1895) or any Law amending or substituted for the same, whenever a tourist ship arrives at any port in this Island, in which this Law or any Order thereunder is in force, on a public general holiday within the meaning of the said Law or any Law amending or substituted for the same, a shop in that port may be kept open during the hours from the hour of ten of the clock in the forenoon until the hour of two of the clock in the afternoon of that day, and it shall be lawful for a shop assistant to be employed in such shop within those hours: Provided that the employer shall pay to the shop assistant so employed for each hour, or part thereof, of such period extra wages to be calculated at the rate per hour of twice the amount of his actual wages or the sum of ten shillings, whichever shall be the greater amount.

(6) Every employer shall make a quarterly return to the Collector General containing the name and address of each shop assistant employed as mentioned in sub-section (4) or sub-section (5) of this section, the days on which, and the time during which, he was so employed and the amount paid to him in respect of such employment.

(7) For the purposes of this section "tourist ship" means any vessel declared to be a tourist ship in a notice published, at least four days prior to the arrival of the ship at this Island, in a daily newspaper circulating in the Island, by an Inspector of Police nominated by the Governor.

Applicable to  
certain  
retailers.

5—Nothing in this Law contained shall prevent any retailer as defined by Law 7 of 1908, who pays a trade licence on any place of business or class of business calculated on a

gross value of the premises not exceeding Four Hundred Pounds, from keeping his shop open or conducting or managing or carrying on his business, with or without assistants, up to the hour of eight of the clock in the evening on Saturdays when not contrary to any other Law: Provided that a retailer who employs a shop assistant in a shop in respect of which a trade licence calculated on a greater gross value is paid shall not, after the closing hour fixed by this Law or Order thereunder for that shop, employ that assistant in any other shop or business.

6—Nothing in this Law contained shall render any person liable to any penalty for serving, or causing to be served, within half an hour after the closing hour any customer who was in a shop before the closing hour or if he proves that the article supplied to the customer was so supplied on the certificate of a duly registered medical practitioner, or on the certificate of the master of a ship about to proceed to sea for ships stores, or were required in a case of illness or death, and, in the case of a motor car or cycle supplies or accessories, that such customer was a *bona fide* traveller.

When penalty under this Law not to be invoked.

7—The employer shall provide proper seating accommodation behind the counters or in such other position that may be suitable for the use of all assistants when not actually engaged in selling and such seats shall be in the proportion of not less than two seats to every three assistants.

Seating accommodation.

8—Every employer shall, on each working day other than on a day mentioned in sub-section (5) of Section 4 of this Law, allow, at any time between midday and the hour of two of the clock in the afternoon, to each shop assistant employed by him an interval from work of at least three quarters of an hour.

Luncheon interval.

9—It shall be lawful for the Governor in Privy Council from time to time by Proclamation to be published in the Gazette to extend to, and when extended, to withdraw from any parish, district, village or town in this Island to be named in such Proclamation the provisions of this Law or of any Section or Sections thereof: Provided that

Governor in Privy Council by Proclamation to be published in the Gazette may extend or withdraw provisions in respect of any parish, village, etc.

the Governor in Privy Council may in any such Proclamation fix such hours for opening and closing under Section 4 of this Law as shall in the opinion of the Governor in Privy Council be best suited to the circumstances and conditions of any such parish, district, village or town: Provided further that the Governor in Privy Council may in any such Proclamation extending the provisions of this Law or any Section or Sections thereof to any parish, district, village or town in this Island substitute any day of the week other than the weekly half holiday fixed by this Law or Order thereunder as the closing day for any shop at the hour of two of the clock in the afternoon.

Hours of employment for persons under fifteen years of age.

10—No person under the age of fifteen years shall be employed in or about any shop for a longer period than forty-two hours (including the interval provided for in Section 8 of this Law) in any week.

Copy of Law to be exhibited.

11—Every employer shall exhibit and keep exhibited in a conspicuous place in his shop a copy of this Law and of every Order made thereunder, and any employer who fails to comply with the provisions of this Section shall be guilty of an offence and shall be liable on summary conviction thereof before a Resident Magistrate to a penalty not exceeding Five Pounds and in the case of a continuing offence to a penalty not exceeding Ten Pounds in respect of each day on which the offence continues after conviction.

Entry by Police.

12—It shall be lawful for any member of the Police Force, either alone or with such other Constables or persons as he may call to his assistance, to enter at any time, either by day or by night, into any shop for the purpose of preventing or detecting the breach of any of the provisions of this Law. Every employer who by himself, or by any person in his employment or acting by his directions or with his consent, refuses or on being called upon fails to admit such member of the Police Force, either alone or with such other Constables or persons as he may call to his assistance, shall be guilty of an offence and shall be liable on summary conviction thereof before a Resident Magistrate to a penalty not exceeding Fifty

Pounds and in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding four months.

13—If an employer—

(1) Shall neglect to provide seating accommodation as in Section 7 provided he shall be guilty of an offence and shall, on summary conviction thereof before a Resident Magistrate, be liable for the first offence to a penalty not exceeding Five Pounds, for a second offence to a penalty not exceeding Ten Pounds, and for a third or any subsequent offence to a penalty not exceeding Twenty Pounds.

Punishment for persons acting in contravention of this Law.

(2) Shall employ or cause to be employed, or shall refuse or fail to pay, any shop assistant, or shall fail to make a return or shall permit, cause or allow a shop to be open, in contravention of this Law or any Order thereunder, he shall be guilty of an offence and shall, on summary conviction thereof before a Resident Magistrate, be liable for a first offence to a penalty not exceeding Fifty Pounds and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding four months, for a second offence to a penalty not exceeding One Hundred Pounds and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding six months and for a third or subsequent offence to a penalty not exceeding Three Hundred Pounds and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding twelve months.

14—Any agreement between an employer and a shop assistant whereby the shop assistant purports to contract himself out of the provisions of this Law shall be of no effect.

No contracting out.

15—Section 29 of Law 7 of 1908 is hereby repealed and in lieu of the words "retailers employing salaried assistants" which occur in Section 2 of the Public General Holidays Law 1895 (Law 11 of 1895) there shall be substituted the words following :—

Amendment of section 2 of Law 11 of 1895.

“Retailers who pay a trade licence on any place of business or class of business calculated on a gross value of the premises in which the business is carried on exceeding, in the Parish of Kingston and the Urban and Suburban Districts of the Corporate Area as defined in the Second Schedule of Law 12 of 1931, Two Hundred and Fifty Pounds, or exceeding, in any other Parish or Area, One Hundred Pounds.”

Repeal.

16—The Shop Assistants' Law, 1935, (Law 13 of 1935), is hereby repealed: Provided that until Proclamations are made and published under this Law all Proclamations made and published under the said Law or any Law thereby repealed and which are in force at the commencement of this Law shall enure for the purposes of this Law as if they had been made and published under the provisions of this Law.

No. 39----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

28th December, 1937.

A LAW to Provide for the Payment of Compensation to Workmen for Injuries suffered in the course of their Employment.

[ The date of any Proclamation issued by the Governor bringing the Law into operation. ]

BE it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as the Workmen's Short Title. Compensation Law 1937.

PART I.—PRELIMINARY.

2—(1) In this Law, unless the context otherwise Interpretation. requires—

“Adult” and “Minor” mean respectively a person who is not and a person who is under the age of seventeen years;

“Agriculture” includes horticulture and the cultivation of the ground for any purpose, sowing seeds, planting, removing crops, animal husbandry and forestry.

“Dependents” means such of the members of a workman’s family as were wholly or in part dependent upon the wages of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent, and where the workman, being the parent or grandparent of an illegitimate child, leaves such a child so dependent upon his wages or, being an illegitimate child, leaves a parent or grandparent so dependent upon his wages, shall include such an illegitimate child and parent or grandparent respectively: Provided that a person shall not be deemed to be a partial dependent of another person unless he was dependent partially on contributions from that other person for the provision of the ordinary necessities of life suitable for persons in his class and position;

“Employer” includes His Majesty in His Government of this Island and any person or body of persons corporate or unincorporate and the heirs of a deceased employer, and where the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, the latter shall for the purposes of this Law, save as is provided in sub-section 1 of Section 18, be deemed to continue to be the employer of the workman whilst he is working for that other person. In relation to a person, employed for the purposes of any game or recreation and engaged or paid by a Club, the Manager or members of the Managing Committee of the Club shall, for the purposes of this Law, be deemed to be the employer;

“Medical Practitioner” means a person registered under the Medical Law 1908 or any Law thereby repealed;

“Member of the family” means wife or husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister;

“Partial incapacity” means, where the incapacity is of a temporary nature, such incapacity as reduces the



earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in incapacity, and, where the incapacity is of a permanent nature, such incapacity as reduces his earning capacity in every employment which he was capable of undertaking at that time: Provided that every injury specified in the Schedule to this Law shall be deemed to result in permanent partial incapacity;

“Total incapacity” means such incapacity whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such incapacity: Provided that permanent total incapacity shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in the Schedule to this Law where the aggregate percentage of the loss of earning capacity, as specified in the said Schedule against those injuries amounts to one hundred per centum;

“Wages” includes any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or a contribution paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment, or remuneration for overtime not habitually performed or remunerated at a special rate;

“Workman” means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, or otherwise, whether the contract is express or implied, is oral or in writing, and whether the remuneration is calculated by time or by work done: Provided that the following persons shall not be regarded for the purposes of this Law as workmen:—

- (a) persons whose remuneration exceeds three hundred pounds a year; or
- (b) persons employed to perform work of a casual nature not connected with the employer's trade

or business not being persons employed for the purposes of any game or recreation and engaged and paid by a Club; or \*

- (c) outworkers, that is to say, persons to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired or adapted for sale in their own homes or on other premises not under the control or management of the person who gave out the articles or materials; or
- (d) a member of the employer's family dwelling in his house; or
- (e) persons employed in agriculture, unless such employment be in connection with any engine driven or machine worked by mechanical power; or
- (f) domestic servants; or
- (g) persons employed as clerical workers or shop assistants or both; or
- (h) persons who contract or sub-contract for the carrying out of work and themselves engage other persons, independently of the employer, to perform such work; or
- (i) persons engaged in driving motor vehicles or other mechanically propelled vehicles on roads; or
- (j) persons in the civil employment of His Majesty otherwise than in His Government of this Island; or
- (k) persons in the naval or military or air service of the Crown.

(2) Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representative or to his dependent or other person to whom or for whose benefit compensation is payable.

(3) If on any proceedings for the recovery of compensation under this Law it appears to the Court by which the claim for compensation is to be settled that the contract of service or apprenticeship under which the injured person was working at the time when the accident causing the injury happened, was illegal, the Court may, if having regard to all the circumstances of the case it thinks proper so to do, deal with the matter as if the injured person had at the time aforesaid been a person working under a valid contract of service or apprenticeship.

## PART II.—COMPENSATION.

3—If in any employment a workman suffers personal injury by accident arising out of and in the course of such employment his employer shall be liable to pay compensation in accordance with the provisions of this Law: Provided that the employer shall not be so liable (under this Law) for such compensation should—

Employers' liability for compensation.

- (a) the injury incapacitate the workman whether totally or partially for a period of less than ten consecutive calendar days;
- (ii) the accident be proved to be attributable to the workman's own serious and wilful misconduct which shall include:—
  - (i) his being in any degree under the influence of drugs or intoxicating drink; or
  - (ii) a contravention of any Law, regulation or order, whether statutory or otherwise, expressly made for the purpose of ensuring the safety or health of workmen, or of preventing accidents to workmen, if the contravention was committed deliberately or with a reckless disregard of the terms of such Law, regulation or order; or
  - (iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen; or

- (iv) any other act or omission which the Court may, having regard to all the circumstances of an accident, declare to be serious and wilful misconduct;
- (c) it be proved that the accident would not have occurred or in so far as the incapacity or death would not have been caused, but for a pre-existing diseased condition of the workman;
- (d) death or incapacity result from personal injury if the workman has at any time represented to the employer that he was not suffering or had not previously suffered from that or a similar injury, knowing that the representation was false;
- (e) any workman who has met with an accident, as the result of which there is materially increased risk of a further accident happening to him or of an aggravation of an injury caused by such accident and has thereby become permanently incapacitated from work and received compensation in respect thereof, subsequently resume work similar to that at which he was employed at the time of such accident, whether with the same or another employer, and meet with a further accident which is any way attributable to the said permanent incapacity, even although such further accident is caused by a subsequent happening.

To whom compensation payable.

4—(1) The compensation shall be payable to or for the benefit of the workman, or, where death results from the injury, to or for the benefit of his dependents, as provided by this Law.

(2) Where there are both total and partial dependents nothing in this Law shall be construed as preventing the compensation being allotted partly to the total and partly to the partial dependents.

Amount of compensation.

5—(1) Subject to the provisions of this Law, the amount of compensation shall be as follows, namely:—

(a) where death results from the injury and—

(i) the workman leaves a dependent or dependents wholly dependent upon his

earnings, a sum equal to thirty months wages or two hundred and fifty pounds, whichever is less;

- (ii) the workman does not leave a dependent or dependents wholly dependent upon his earnings, but leaves a dependent or dependents in part so dependent, such sum not exceeding the amount of compensation payable under the preceding subparagraph as may be agreed upon, or in default of agreement as may be awarded by the Court to be reasonable and proportionate to the injury to the said dependent or dependents.

(b) where permanent total incapacity results from the injury— Permanent total incapacity.

- (i) in the case of an adult, a sum equal to forty-two months wages or three hundred and fifty pounds, whichever is less; and,

- (ii) in the case of a minor, a sum equal to eighty-four months wages or three hundred and fifty pounds, whichever is less;

(c) where permanent partial incapacity results from the injury— Permanent partial incapacity.

- (i) in the case of an injury specified in the Schedule to this Law, such percentage of the compensation which would have been payable in the case of permanent total incapacity as is specified therein as being the percentage of the loss of earning capacity caused by that injury; and

- (ii) in the case of an injury not specified in the Schedule to this Law, such percentage of the compensation payable in the case of permanent total incapacity as is proportionate to the loss of earning capacity permanently caused by the injury;

where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated, but not

so in any case as to exceed the amount which would have been payable if permanent total incapacity had resulted from the injuries;

Temporary in  
capacity.

- (d) where temporary incapacity, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day from the date of the incapacity, and thereafter half-monthly during the incapacity or during the period of five years, whichever period is shorter—
- (i) in the case of an adult of a sum equal to one-fourth of his monthly wages;
  - (ii) in the case of a minor of a sum equal to one-third of his monthly wages or, after he has attained the age of seventeen years, to one-half of his monthly wages.

(2) In fixing the amount of any compensation the Court shall have regard to any payment, allowance or benefit which the workman may have received from the employer after the date of the accident, and no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages as he is earning or is able to earn in some suitable employment or business after the accident.

(3) On the ceasing of the incapacity before the date on which any half-monthly payment falls due, there shall be payable in respect of that half month a sum proportionate to the duration of the incapacity in that half month.

Method of cal-  
culating wages.

6—(1) For the purposes of Section 5 the monthly wages of a workman shall be calculated as follows :—

- (a) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period;

- (b) in other cases, the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period:

Provided that if the amount of the monthly wages arrived at by a calculation under paragraph (a) or paragraph (b) is more than twelve pounds ten shillings such monthly wages shall be assumed to be twelve pounds ten shillings.

(2) A period of service shall, for the purposes of this Section, be deemed to be continuous which has not been interrupted by a period of absence from work exceeding fourteen days.

7—(1) Any half-monthly payment payable under this Law either under an agreement between the parties or under an order of a Court, may be reviewed by a Court on the application either of the employer or of the workman accompanied by the certificate of a medical practitioner that there has been a change in the condition of the workman or, subject to regulations made under this Law, on application made without such certificate.

Review of half monthly payment.

(2) Any half-monthly payment may, on review under this Section, subject to the provisions of this Law, be continued, increased, decreased or ended, or, if the accident is found to have resulted in permanent incapacity, be converted to the lump sum to which the workman is entitled less any amount which he has already received by way of half-monthly payments.

8—Any liability for half-monthly payments may, by agreement between the parties or, if the parties cannot agree and the payments have been continued for not less than twelve months, on the application of either party to the Court, be redeemed by the payment of a lump sum of such amount as may be agreed to by the parties or determined by the Court, as the case may be: Provided that a half-monthly payment may by agreement be redeemed by a lump sum at any time.

Payment of lump sum in lieu of half-monthly payment.

Cases in which employer may alter half-monthly payment.

9—An employer shall not be entitled otherwise than in pursuance of an agreement or a judgment of the Court to end or diminish a half-monthly payment except in the following cases :—

- (a) where the workman, to the prejudice and without the knowledge and consent of the employer, absents himself in such a manner that any notice under this Law cannot be served on him; or
- (b) where the workman resumes work at the rate of wages which he was earning before the accident; or
- (c) where a workman in receipt of a half-monthly payment in respect of total incapacity has actually returned to work; or
- (d) where the monthly wages of a workman in receipt of a half-monthly payment in respect of partial incapacity have actually been increased; or
- (e) where the workman dies.

Distribution of compensation on death.

10—(1) Compensation payable where the death of a workman has resulted from an injury shall be paid into Court, and any sum so paid in shall be apportioned among the dependents of the deceased workman or any of them in such proportion as the Court thinks fit, or may, in the discretion of the Court, be allotted to any one such dependent, and the sum so allotted to any dependent shall be paid to him or be invested, applied or otherwise dealt with for his benefit in such manner as the Court thinks fit.

Lump sums.

(2) Compensation payable where permanent incapacity has resulted from an injury and lump sums payable under the provisions of Section 8 where temporary incapacity has resulted from an injury shall be paid into Court, and any sum so paid shall be paid to the person entitled thereto or be invested, applied or otherwise dealt with for his benefit and in such manner as the Court thinks fit.

Other cases.

(3) Any other compensation payable under this Law may be paid into Court and, when so paid in, shall be paid by the Court to the person entitled thereto.

Receipt.

(4) The receipt of the Clerk of the Courts shall be a sufficient discharge in respect of any amount paid in under the provisions of this Law.



(5) On the payment in of any money under subsection 1 the Court may deduct therefrom the actual cost of the workman's funeral expenses, to an amount not exceeding eight pounds, and pay the same to the person by whom such expenses were incurred, and shall, if it thinks necessary, cause notice to be published or to be served on each dependent in such manner as it thinks fit calling upon the dependents to appear before it on such date as it may fix for determining the distribution of the compensation. If the Court is satisfied, after any enquiry which it may deem necessary, that no dependent exists, the Court shall repay the balance of the money to the employer by whom it was paid. The Court shall, on application by the employer furnish a statement showing in detail all disbursements made.

Notice to dependents.

(6) Where a half-monthly payment is payable under this Law to a workman under any legal disability, the Court may, of its own motion or on application made to it in this behalf, order that the half-monthly payment be paid during the disability to any dependent of the workman or to any other person whom it thinks best fitted to provide for the welfare of the workman.

Workman under disability.

(7) Where, on application made to the Court in this behalf or otherwise, the Court is satisfied that, on account of neglect of children on the part of the parent, or on account of the variation of the circumstances of any dependent, or for any other sufficient cause, an order of the Court as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependent is to be invested, applied or otherwise dealt with, ought to be varied, the Court may make such order for the variation of a former order as it thinks just in the circumstances of the case: Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by the dependent of any sum already paid to him.

Variation of Order.

(8) The solicitor or agent of a person claiming compensation under this Law shall not be entitled to recover from him any costs in respect of such claim or to claim a

Deductions for Costs.

lien in respect of such costs on, or deduct such costs from, the sum awarded or agreed as compensation, except such sum as may be awarded by a Court, subject to regulations made under this Law, on an application made either by the person claiming compensation, or by his solicitor or agent, to determine the amount of the costs to be paid to the solicitor or agent.

Compensation not to be assigned, attached or charged.

11—Save as provided by this Law no lump sum or half-monthly payment payable under this Law shall be capable of being assigned, charged or attached or shall pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

### PART III.—CONDITIONS OF COMPENSATION.

Requirements as to notice of accidents and claim for compensation.

12—(1) Proceedings for the recovery under this Law of compensation for an injury shall not be maintainable unless—

- (a) written or oral notice of the accident has been given as soon as practicable after the happening thereof;
- (b) written or oral notice of the accident has been given before the workman has voluntarily left the employment in which he was injured;
- (c) the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury;
- (d) in the case of death the claim for compensation has been made within six months after the date of death or within six months after the date of the accident;
- (e) in the case of death occurring more than six months after the accident causing injury, a claim for compensation has been made by the workman within six months of the accident :

Provided that—

- (i) any defect or inaccuracy in such notice shall not be a bar to the maintenance of such proceedings if it is found in the proceeding for settling the claim that the employer is not, or would not, if an amended notice

were then given and the hearing postponed, be prejudiced in his defence by the defect or inaccuracy or that such defect or inaccuracy was occasioned by mistake, absence from the Island or other reasonable cause;

- (ii) the failure to make a claim within the period specified shall not be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by absence from the Island or other reasonable cause;
- (iii) the failure to give such notice or make a claim within the period specified shall not be a bar to the maintenance of such proceedings if there be an acknowledgment in writing, signed by the employer or his authorised agent, that he waives compliance with the provisions of this Section and the said provisions shall be deemed to be waived to the extent set out in such acknowledgment;
- (iv) if the employer or his authorised agent admit liability to pay compensation, it shall not be necessary for the workman to give any such notice, and the claim for compensation may be made within three months after the date of the admission of liability.

(2) Notice in respect of an injury under this Law may be given to the employer (or if there is more than one employer to one of such employers) or to any foreman or other official under whose supervision the workman is employed, or to any person designated for the purpose by the employer, and shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which the accident happened.

(3) The notice, if in writing, may be given by delivering the same at or sending it by post in a registered letter addressed to the residence or place of business of the person to whom it is to be given.

(4) Where the employer is a body of persons, corporate or unincorporate, a notice, if in writing, may also be given by delivering it or by sending it by post in a registered letter addressed to the employer, at the office, or, if there be more than one office any one of the offices, of such body.

(5) The workman shall, if required by his employer, supply to him such further particulars of the accident and of the injury as the employer may reasonably require.

Half-monthly payments to cease on workman ceasing to reside in Island.

13—(1) If a workman receiving a half-monthly payment ceases to reside in this Island, he shall thereupon cease to be entitled to receive any half-monthly payment, unless the medical referee certifies that the incapacity resulting from the injury is likely to be of a permanent nature.

(2) If the medical referee so certifies, and the injury is likely to result in a diminished earning capacity then the half-monthly payments shall be redeemed by a lump sum which shall be subject to the provisions of this Law and which, in default of agreement shall be settled by the Court.

Medical examination after notice of accident.

14—(1) Where a workman has given notice of an accident or where an accident has occurred in respect of which the necessity of giving notice under this Law is dispensed with, he shall if so required by the employer submit himself for examination by a medical practitioner provided and paid by the employer.

(2) The workman shall, when required, attend upon that medical practitioner at the time and place notified to the workman by the employer, provided such time and place is reasonable.

(3) In the event of the workman being, in the opinion of any medical practitioner whomsoever, unable or not in a fit state to attend on the medical practitioner named by the employer, that fact shall be notified to the employer and the medical practitioner so named shall fix a time and place for a personal examination of the workman and shall send him notice accordingly.

(4) If the workman refuses or wilfully neglects to submit himself to such examination, or in any way wilfully obstructs or unnecessarily delays such examination, his right to compensation and to take or prosecute any proceed-

ings under this Law in relation to compensation, shall be suspended until such examination has taken place.

(5) The workman shall be entitled to have his own medical practitioner present at such examination, but at his own expense.

(6) Where the workman is not attended by a medical practitioner he shall, if so required by the employer, submit himself for medical treatment by a medical practitioner without expense to the workman.

(7) If the workman has refused to submit himself for treatment by a medical practitioner when so required under the provision of sub-section 6 of this Section, or having submitted himself for such treatment has disregarded the instructions of the medical practitioner, then if it is thereafter proved that the refusal or disregard was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting incapacity shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had submitted himself for treatment by, and duly carried out the instructions of the medical practitioner, and compensation, if any, shall be payable accordingly.

(8) Where a claim for compensation is made in respect of the death of the workman, and if the workman had refused or wilfully neglected to submit himself to examination by a medical practitioner when so required under the provisions of this Section, or had wilfully obstructed or unnecessarily delayed the examination or had refused to submit himself for treatment by a medical practitioner when so required under the provisions of this Section or having submitted himself for treatment had disregarded the instructions of the medical practitioner, and if it is thereafter proved that the refusal, neglect, obstruction, delay or disregard was unreasonable in the circumstances of the case and that the death of the workman was caused thereby, the death shall not be deemed to have resulted from the injury and no compensation shall be payable.

15—Any workman receiving half-monthly payments under this Law shall, if so required by the employer, from time to time but at reasonable intervals, submit himself for

Medical examination of workmen receiving payments.

examination by a medical practitioner provided and paid by the employer and the provisions of Section 14 shall apply to any such examination.

No compensation payable for period of suspension of right.

16—Where under this Law a right to compensation is suspended no compensation shall be payable in respect of the period of suspension.

Agreements for payment of compensation.

17—(1) The employer and the workman may, after the injury in respect of which the claim to compensation has arisen, agree in writing as to the amount to be paid by the employer as compensation in respect of the permanent partial incapacity or permanent total incapacity of the workman resulting from the injury.

(2) Where any amount of compensation has been agreed under sub-section 1 of this Section, or where the amounts of any half-monthly payment have been agreed or have been varied, suspended, or ended, or where any other matter under this Law has been determined by agreement, the Court, may, if application be made by any person interested within three months after the date of the agreement, cancel it and may make such order (including an order as to any sum already paid under the agreement) as in the circumstances may be thought just, if it is proved :—

- (a) that the sum paid or to be paid was or is grossly inadequate or excessive; or
- (b) that the agreement was obtained by such fraud, undue influence, misrepresentation or other improper means, as would in law be sufficient ground for avoiding the agreement; or
- (c) that the agreement was entered into in ignorance of or under a mistake as to the true nature of the injury.

(3) Any such agreement may on application to the Court be made a judgment of the Court under this Law.

(4) Where it is desired to have an agreement made a judgment of the Court, the memorandum thereof shall be sent by any interested party to the Clerk of the Courts who shall, subject to the provisions hereinafter contained, on being satisfied as to its genuineness, record such memorandum in a special register, and thereupon the memorandum shall for all purposes be enforceable as a judgment of the Court :

Provided that—

- (a) no such memorandum shall be recorded before fourteen days after the despatch, by registered post, by the Clerk of notice to the parties interested; and
- (b) where a workman seeks to record a memorandum of agreement between his employer and himself for a payment of compensation under this Law and the employer proves by affidavit that the workman has in fact returned to work and is earning wages as he did before the accident, and objects to the recording of such memorandum, the memorandum shall only be recorded if at all, on such terms as the Resident Magistrate under the circumstances may think just.

18—(1) Where any person (in this Section referred to as the principal) in the course of or for the purposes of his trade or business, contracts with any other person (in this Section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work undertaken by the principal, the principal shall, provided the notice of the accident required under Section 12 is given to him, be liable to pay to any workman employed in the execution of the work any compensation under this Law which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal, then in the application of this Law references to the principal shall be substituted for references to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed: Provided that, where the contract relates to threshing, shelling, ploughing, or other agricultural work and the contractor provides and uses machinery driven by mechanical power for the purposes of such work, he and he alone shall be liable under this Law to pay compensation to any workman employed by him on such work.

Sub-contracting.

(2) Where the principal is liable to pay compensation under this Section he shall be entitled to be indemnified

by any person who would have been liable to pay compensation to the workman independently of this Section.

(3) Nothing in this Section shall be construed as preventing a workman recovering compensation under this Law from the contractor instead of the principal.

(4) This Section shall not apply in any case where the accident occurred elsewhere than on, or in or about premises on which the principal has undertaken to execute the work or which are otherwise under his control or management.

#### PART IV.—ALTERNATIVE REMEDIES.

Election by workman of remedy against employer.

19—(1) When the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible, nothing in this Law shall affect any civil liability of the employer, but in that case the workman may at his option claim compensation under this Law, or take proceedings independently of this Law, but the employer shall not be liable to pay compensation under this Law and damages.

(2) The workman may elect whether he will institute proceedings for damages against his employer or will institute proceedings for compensation under this Law, and if he institute proceedings for damages he shall be debarred from instituting proceedings under this Law in respect of the same accident or if he institute proceedings under this Law he shall be debarred from instituting proceedings for damages against his employer in respect of the same accident. Any written application lodged by the workman with the Clerk of Courts in pursuance of Section 28 shall be deemed to be an institution of proceedings under this Law, and if the workman and the employer agree in writing as to the amount of compensation to be paid under this Law, he shall be deemed to have elected to take proceedings and to recover compensation under this Law, and the workman and his dependents shall be bound by the election.

Remedies against employer and stranger.

20—Where the injury for which compensation is payable under this Law was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof—

(a) the workman may take proceedings both against that person to recover damages and against any



person liable to pay compensation under this Law but shall not be entitled to recover both damages and compensation; and

- (b) if the workman has recovered compensation under this Law, the person by whom the compensation is paid, and any person who has been called on to pay an indemnity under Section 18 (relating to liability in case of workmen employed by contractors), shall be entitled to be indemnified by the person so liable to pay damages as aforesaid, and all questions as to the right to and amount of any such indemnity shall, in default of agreement be settled by the Court.

#### PART V.—INSOLVENCY OR BANKRUPTCY OF EMPLOYER.

21—(1) Where the employer has entered into a contract with any insurers in respect of any liability under this Law to any workman, then, in the event of the employer becoming insolvent or bankrupt, or making a composition or arrangement with his creditors, or, if the employer is a company, in the event of the company having commenced to be wound up or a receiver or manager of the company's business or undertaking having been duly appointed, or possession having been taken by or on behalf of the holders of debentures secured by a floating charge, of any property comprised in or subject to the charge, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in the enactments relating to insolvency or bankruptcy and the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so however that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

Provisions as to cases of insolvency or bankruptcy of employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the insolvency or bankruptcy or liquidation, or, as the case may be, he may recover the balance from the receiver or manager.

(3) The amount due in respect of any compensation or liability for compensation under this Law shall—

- (i) be deemed a preferential debt within the meaning of Section 122 of the Bankruptcy Law 1879, (Law 33 of 1879);
- (ii) in the winding up of a company, whether voluntary, or subject to the supervision of the Court, or by the Court, and notwithstanding the provisions of sub-section 1 of Section 6 of Law 35 of 1906, be deemed a preferential debt within the meaning of Section 122 of the Bankruptcy Law 1879 and Section 39 of the Judicature Law 1879, (Law 24 of 1879);
- (iii) where either a receiver is appointed on behalf of the holders of any debentures of a company secured by a floating charge, or possession is taken by or on behalf of those debenture holders of any property comprised in or subject to the charge, then, if the company is not at the time in course of being wound up, be paid in priority to any claim for principal or interest in respect of the debentures;

Provided that such amount due accrued before the following date, that is to say—

- (a) in case (i) the date of the receiving order;
- (b) in case (ii) the date of the commencement of the winding up of the company;
- (c) in case (iii) the date of the appointment of the receiver or of possession being taken as mentioned.

Lump sum in lieu of half-monthly payments.

Where the compensation is a half-monthly payment the amount due in respect thereof shall, for the purposes of this provision, be taken to be the amount of the lump sum to which the half-monthly payment could, if redeemable, be redeemed if the employer made an application for that purpose under this Law, and a certificate of the Court as to the amount of such sum shall be conclusive proof thereof.

No priority of insured.

(4) The provisions of this Section with respect to preferences and priorities shall not apply where the insolvent or bankrupt or the company has entered into such a contract with the insurers as aforesaid.

(5) This Section shall not apply where a Company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

Voluntary liquidation.

22—(1) If the employer becomes insolvent and is ordered to pay compensation under this Law, he shall, if requested disclose whether he is insured against personal injury to or death of the workman employed by him and, if so insured, the name and address of the insurer and the amount for which he is insured.

Employer liable for compensation to disclose insurer.

(2) When the insurer indemnifies an employer against liability to pay compensation and has used or uses that employer's name or has acted on his behalf in any proceedings under this Law, that insurer shall be bound by the decision given upon those proceedings in the same manner and to the same extent as the employer and the insurer shall indemnify the employer accordingly: Provided that the liability of the insurer shall be limited by the terms and conditions of the policy of insurance subsisting between him and the employer.

#### PART VI.—APPLICATION TO SPECIAL CLASSES OF PERSONS.

23—This Law shall not apply in the case of a workman in the service of this Island where, in consequence of injury received by any such workman in the discharge of his duties, a pension or gratuity which would not be payable if such injury were received otherwise, is paid to him or, in the case of his death, to any of his dependents as defined in this Law, under any Law or regulation providing for the grant of such pension or gratuity.

Law not to apply to workman appointed to the service of the Island before the commencement of this Law.

24—(1) In the application of this Law to workmen in the employment of a local authority, the exercise and performance by it of its powers and duties conferred and imposed by Law, or by by-law or rule or regulation, shall be regarded as the trade business or undertaking of that authority.

Application to workmen in the employment of a local authority.

(2) The provisions of the last preceding Section shall, *mutatis mutandis*, apply in respect of a workman in the employment of any local authority where provision

exists by law or by by-law, rule or regulation for the grant of a pension or gratuity to such workman in the case of an injury received by him in the discharge of his duties, or to any other person in the event of the workman's death resulting from that injury.

Application to persons employed on ships.

25—(1) This Law shall apply to masters, seamen, and apprentices to the sea service, provided that such persons are workmen within the meaning of this Law, and are members of the crew of any ship registered in this Island, or of any other British ship or vessel of which the owner, or (if there is more than one owner) the managing owner, or manager resides or has his principal place of business in this Island, subject to the following modifications:—

- (a) the notice of accident and the claim for compensation may, except where the person injured is the master, be given to the master of the ship as if he were the employer, but where the accident happened and the incapacity commenced on board the ship it shall not be necessary to give any notice of the accident;
- (b) in the case of the death of the master, seaman or apprentice, the application for compensation shall be made within three months after news of the death has been received by the claimant;
- (c) where the injured master, seaman or apprentice is discharged or left behind in a British possession or in a foreign country, depositions respecting the circumstances and nature of the injury may be taken by any judge or magistrate in the British possession, and by any British Consular Officer in the foreign country, and if so taken shall be transmitted by the person by whom they were taken to the Governor, and such depositions or certified copies thereof shall in any proceedings for enforcing the claim be admissible in evidence as provided in Sections 691 and 695 of the Merchant Shipping Act 1894 and those Sections shall apply accordingly;
- (d) in case of the death of a master, seaman or apprentice leaving no dependents, no compensa-

tion shall be payable, if the owner of the ship is under the Merchant Shipping Act 1894 liable to pay expenses of burial;

- (e) the half-monthly payment shall not be payable in respect of the period during which the owner of the ship is, under any Law in force for the time being in this Island relating to merchant shipping, liable to defray the expenses of maintenance of the injured master or seaman or apprentice;
- (f) any sum payable by way of compensation by the owner of the ship under this Law shall be paid in full notwithstanding anything in Section 503 of the Merchant Shipping Act 1894 (which relates to the limitation of shipowner's liability in certain cases of loss of life, injury or damage), but the limitation of the owner's liability imposed by that Section shall apply to the amount recoverable by way of indemnity under Section 20 (relating to remedies both against employer and stranger) as if the indemnity were damages for loss of life or personal injury;
- (g) Sub-sections 2 and 3 of Section 174 of the Merchant Shipping Act 1894 (which relate to the recovery of wages of seamen lost with their ship), shall apply as respects proceedings for the recovery of compensation by dependents of masters, seamen and apprentices lost with their ship as they apply with respect to proceedings for the recovery of wages due to seamen and apprentices; and proceedings for the recovery of compensation shall in such a case be maintainable if the application is made within six months of the date at which the ship is deemed to have been lost with all hands.

(2) This Law shall also apply to any person not being a master, seaman or apprentice to the sea service, employed on board any such ship as is mentioned in this Section, if he is so employed for the purposes of the ship or of any passengers or cargo or mails carried by the ship, and if he is otherwise a workman within the meaning of this Law.

(3) In this Law unless the context otherwise requires—

“Ship” “vessel” “seaman” and “port” shall have the same meaning as in the Merchant Shipping Act 1894.

“Manager” in relation to a ship means the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner.

#### PART VII.—PROCEDURE.

Workman's right to apply for compensation if no amount agreed in four weeks.

26—If an employer on whom notice of the accident has been served as aforesaid do not within four weeks after the receipt of the notice agree in writing with the workman as to the amount of compensation to be paid, the workman may make such application as in this Law is provided for enforcing his claim to compensation.

All claims to be determined by Resident Magistrate.

27—All claims for compensation under this Law and any matter arising out of proceedings thereunder shall be determined by the Resident Magistrate's Court for the parish in which there occurred the accident in respect of which the claim for compensation arose irrespective of amount. All such questions shall be determined upon application made to such Resident Magistrate in manner provided by this Law.

Application for compensation to be lodged with the Clerk of the Courts accompanied by particulars.

28—(1) A workman or an employer (hereinafter called the applicant) who desires the determination of any question arising out of an accident in which compensation is or might be claimed shall lodge with the Clerk of the Courts of the Resident Magistrate's Court having jurisdiction, a written application in the prescribed form accompanied by particulars containing :—

- (a) a concise statement of the circumstances under which the application is made and the relief or order which the applicant claims, or the question which he desires to have determined;
- (b) the full name and address of the applicant and of his attorney or agent and the name and address of the respondent.

(2) If the application be made by an employer it shall be accompanied by a statement whether he admits his

liability to pay compensation. or denies such liability and whether the admission or denial is total or partial, and if he admit or deny liability partially, a statement of the extent to which he admits or denies liability. In the case of denial of liability the grounds shall be stated.

(3) If the Clerk of the Courts be satisfied that the applicant is, owing to illiteracy, blindness or any other physical cause, unable to furnish the information required, he shall himself fill in the application and particulars on the prescribed form.

29—(1) As soon as an application, together with the accompanying particulars and statement herein prescribed has been lodged the Clerk of the Courts shall forthwith cause a copy thereof to be served upon the respondent in manner prescribed by regulation, together with a notice requiring the respondent to lodge with the Clerk of the Courts such answer as is prescribed in sub-section 2 within the period therein prescribed and that in default of his complying with that or of his appearing at a time and place fixed in the notice, such order may be made under this Law as the Resident Magistrate thinks just and expedient. Except with the written consent of the respondent communicated to the Clerk of the Courts, not less than fourteen clear days shall elapse between the date of the service of the notice upon the respondent and the date fixed for hearing the application.

Copy of application and particulars to be served on respondent.

(2) If the respondent intends to oppose an application he shall, within seven days after service of notice or within such extended period as the Magistrate may upon special request allow, lodge with the Clerk a written answer containing a concise statement of the extent and grounds of his opposition.

(3) The Resident Magistrate may, at any time before the determination of the question in dispute and upon such terms as to adjournment or as to costs as he deems just, allow an application, or any particular or statement accompanying the same, or any answer thereto, to be amended. Any such amendment shall be lodged with the Clerk of the Courts who shall forthwith cause it to be served upon the opposite party in manner prescribed by regulation.

Resident Magistrate to have power and jurisdiction of Resident Magistrate's Court.

30—Save as is specially provided in this Law a Resident Magistrate's Court shall, upon or in connection with any question to be determined thereunder, have all the powers and jurisdictions exercisable and be subject to all the duties and obligations to be performed by a Resident Magistrate's Court for the parish in, or in connection with, civil actions in such Court and the Law, rules and practice in such civil action shall *mutatis mutandis* apply; and any order made by a Resident Magistrate under this Law may be enforced as if it were a judgment or order of such Court.

Resident Magistrate may adjourn hearing for twelve months where there is doubt as to degree of incapacity.

31—(1) If the workman at a hearing of an application be incapacitated by reason of the injury in respect of which the application is made and if further it be uncertain whether the incapacity is temporary or permanent, or if permanent, whether it is partial or total, the Resident Magistrate may, if he is satisfied that the workman is entitled to compensation in the event of the incapacity being permanent, adjourn the hearing for a period or periods not exceeding twelve months in all, reckoned from the date of the accident causing the injury and may make an interim order that the employer shall, in the meantime, pay such compensation to the workman as is provided by the Schedule to this Law in case of temporary incapacity for work or permanent partial incapacity for work, as the case may be.

(2) If the workman at a hearing of an application be not incapacitated but there is reason to believe that the injury sustained by him may ultimately result in his permanent or total incapacity for work or in his death, the Resident Magistrate may adjourn the hearing for a period or periods not exceeding twelve months in all, reckoned from the date of the accident causing the injury, so that the workman may retain his right to recover compensation in the case of permanent incapacity, partial or total, resulting ultimately from the injury, or the dependents retain their right to recover compensation in the event of the workman's death.

Power of Resident Magistrate to submit questions of Law.

32—(1) A Resident Magistrate may, if he thinks fit, in such manner as may be prescribed by rules of Court, submit any question of Law for the decision of a Judge of the Court



of Appeal sitting in Chambers and, if he does so shall decide the question in conformity with such decision.

(2) For the purposes of this Section the expression "rules of Court" means rules of Court made by the Judges of the Court of Appeal under the Court of Appeal Law 1932, (Law 9 of 1932).

33—(1) Subject to rules of Court made under the Court of Appeal Law 1932, an appeal shall lie to the Court of Appeal from any order of a Resident Magistrate where a question of Law is involved in the appeal : Appeals to the Court of Appeal.

Provided that from the following orders of a Resident Magistrate, namely :—

- (a) An order awarding as compensation a lump sum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lump sum,
- (b) an order providing for the distribution of compensation among the dependents of the deceased workman, or disallowing any claim of a person alleging himself to be such a dependent,
- (c) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section 2 of Section 18, or,
- (d) an order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions,

no appeal shall lie against any such order unless the amount in dispute in the appeal is more than fifty pounds.

(2) Notwithstanding anything herein contained, no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Resident Magistrate, or in which the order of the Resident Magistrate gives effect to an agreement come to by the parties.

#### PART VIII—MISCELLANEOUS.

34—Notwithstanding anything to the contrary in this Law contained a person in respect of whom a medical practitioner has certified that, by reason of old age or serious physical infirmity or any previous injury he is specially liable to meet with an accident or to sustain a A person physically infirm may agree with employer to accept less than the prescribed compensation.

serious injury if employed as a workman at any work may, in entering into a contract of employment with an employer lawfully agree with the employer that the employer shall pay less than the amount payable under this Law in respect of the injury or death of that person: But no such agreement shall be valid and effectual, unless the amount agreed to be paid in respect of the injury or death is at least one-half the amount that would otherwise be payable as compensation under this Law.

No right to  
contract out  
of  
law.

35—Save as is specially provided in Section 34 in respect of agreements, any provision in a contract of employment existing at the commencement of this Law, or thereafter entered into, whereby a workman or his dependents relinquish any right to compensation under this Law or to damages independently of this Law, whether for the workman or for any dependent, shall be null and void.

Medical  
referees.

36—(1) The Governor may appoint such medical practitioners to be medical referees for the purposes of this Law as he may determine.

(2) Where a medical referee has been employed as a medical practitioner in connection with any case by or on behalf of an employer or workman or by any insurers interested, he shall not act as a medical referee in that case.

Employers to  
make returns  
of  
injuries.

37—Every employer in every industry to which the Governor may direct that this Section shall apply shall, on or before such day in every year as the Governor may direct, send to the Colonial Secretary a correct return specifying the number of injuries in respect of which compensation has been paid by him under this Law during the previous year, and the amount of such compensation together with such other particulars as to the compensation as the Governor may direct, and in default of complying with this Section shall be liable on summary conviction thereof before a Resident Magistrate to a penalty not exceeding ten pounds.

Regulations.

38—(1) The Governor in Privy Council may make regulations for—

(a) prescribing the procedure and forms in respect of matters to be done under this Law.

(b) matters which are specifically mentioned in this Law as being matters which may be prescribed by regulation; and

(c) generally for carrying out the objects and provisions of this Law.

(2) All such regulations shall be laid before the Legislative Council within ten days after the making thereof if the Council is then sitting, or if not then sitting, then within ten days from the then next assembly of the Council.

39—This Law shall come into operation on such day as the Governor shall appoint in that behalf by Proclamation. Commencement.

SCHEDULE.

List of injuries deemed to result in a permanent partial incapacity.

Injury.	Percentage of loss of earning capacity.
Loss of either arm above or at the elbow ...	70
Loss of either arm below the elbow ...	60
Loss of leg at or above the knee ...	60
Loss of leg below the knee ...	50
Permanent total loss of hearing ...	50
Loss of one eye ...	30
Loss of thumb ...	25
Loss of all toes of one foot ...	20
Loss of one phalanx of thumb ...	10
Loss of index finger ...	10
Loss of great toe ...	10
Loss of any finger other than index finger ...	5

Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.



No. 40----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

28th December, 1937.

A LAW Relating to Moneylending.

[The date of any Proclamation issued by  
the Governor bringing this Law into operation.]

BE it enacted by the Governor and Legislative Council  
of Jamaica as follows:—

1—(1) This Law may be cited as the Moneylending Law, Short Title and  
1937. Interpretation.

(2) In this Law—

“interest” does not include any sum lawfully charged  
in accordance with the provisions of this Law by a  
lender of money for or on account of costs, charges  
or expenses, but save as aforesaid includes any  
amount, by whatsoever name called, in excess of the  
principal, paid or payable to a lender in  
consideration of or otherwise in respect of the loan;

“principal” means in relation to a loan the amount  
actually lent to the borrower,

Re-opening of  
moneylending  
transactions and  
relief.

2—(1) Where proceedings are taken in any Court by any person for the recovery of any money lent after the commencement of this Law, or the enforcement of any agreement or security made or taken after the commencement of this Law, in respect of money lent either before or after the commencement of this Law, and there is evidence which satisfies the Court that the interest charged in respect of the sum actually lent is excessive, or that the amounts charged for expenses, enquiries, fines, bonuses, premiums, renewals or any other charges, are excessive, or that, in any case, the transaction is harsh or unconscionable, the Court may re-open the transaction, and take an account between the parties, and shall, notwithstanding any statement or settlement of account, or any note, security or agreement purporting to close previous dealings and create a new obligation, re-open any account already taken between them, and relieve the person sued from payment of any sum in excess of the sum adjudged by the Court to be fairly chargeable and due in respect of such principal, interest and charges, as the Court, having regard to the risk and all the circumstances, may adjudge to be reasonable; and if any such excess has been paid, or allowed in account, by the debtor, may order the creditor to repay it; and shall set aside, either wholly or in part, or revise, or alter any security given, or agreement made in respect of money lent, and if the lender has parted with the security, may order him to indemnify the borrower or other person who gave such security.

(2) Any Court in which proceedings might be taken for the recovery of money lent, shall have, and may at the instance of the borrower, or surety, or other person liable, exercise the like powers as may be exercised under this Section where proceedings are taken for the recovery of money lent, and the Court shall have power, notwithstanding any provision or agreement to the contrary, to entertain any application under this Law by the borrower, or surety, or other person liable, notwithstanding that the time for the re-payment of the loan, or any instalments thereof, may not have arrived: Provided that in the event of the bankruptcy of the borrower the powers of a Court under this

sub-section may be exercised at the instance of the Trustee in Bankruptcy notwithstanding that he may not be a person liable in respect of the transaction.

(3) On any application relating to the admission or amount of a proof in any bankruptcy proceedings in respect of any loan, the Court may exercise the like powers as may be exercised under this Section when proceedings are taken for the recovery of money.

(4) The foregoing provisions of this Section shall apply to any transaction which, whatever its form may be, is substantially one of moneylending.

(5) Nothing in this Section shall be construed as derogating from the existing powers or jurisdiction of any Court.

3—Where, in any proceedings in respect of any money lent after the commencement of this Law or in respect of any agreement or security made or taken after the commencement of this Law in respect of money lent either before or after the commencement of this Law, it is found that the interest charged exceeds the rate of twenty per centum per annum, the Court shall, unless the contrary is proved, presume for the purposes of Section 2 of this Law that the interest charged is excessive and that the transaction is harsh and unconscionable, but this provision shall be without prejudice to the powers of the Court under that Section where the Court is satisfied that the interest charged, although not exceeding twenty per centum per annum, is excessive.

Presumption where interest charged exceeds 20% per annum.

4—Notwithstanding anything in any agreement to the contrary, so soon as the aggregate amount of interest paid and payable, or either, in respect of any money lent, shall equal in amount the sum originally and actually lent, no further interest shall be payable or recoverable in respect of such money lent or of arrears of interest, at any rate exceeding £6 per centum per annum on the money lent and arrears aforesaid.

Interest not to exceed 6% after aggregate interest equals principal.

Proceeding at  
the instance of  
borrowers.

5—(1) Any person who may have borrowed any money in respect of which he shall have paid interest amounting in the aggregate to the principal sum originally and actually lent, may bring an action to be relieved of the transaction and for an account. Such action may be brought in a Resident Magistrate's Court, if the amount of the money originally lent does not exceed £100.

(2) The cost of all proceedings under this Section shall be in the discretion of the Court.

(3) The Court, in dealing with any proceedings under this Section, shall have and exercise all the powers, rights and discretions, and may grant any relief mentioned in Section 2 of this Law.

(4) Every judgment under this Section shall, without prejudice to the right of appeal by either party, be final and binding between the parties, and shall operate as a merger of every contract in respect of the loan and all interest thereon, and all the costs, charges and expenses attendant thereon; but shall not revert in the borrower, or release, or discharge any real or personal security given or pledged for such loan, until the amount of such judgment and the interest thereon, after the rate of £6 per centum per annum, or such higher rate, if any, as the Court shall have adjudged and ordered to be calculated thereon, shall have been fully paid and satisfied.

Penalties for  
false statements  
and representa-  
tions.

6—Whosoever shall by any false, misleading, or deceptive statement, representation, or promise, or by any dishonest concealment of material facts, fraudulently induce, or attempt to induce any person to borrow money, or to agree to the terms on which money is, or is to be borrowed, shall be guilty of a misdemeanour, and shall be liable on indictment to imprisonment, with or without hard labour, for a term not exceeding two years, or to a fine not exceeding £500, or to both such imprisonment and fine.

Moneylending  
advertisements.

7—(1) Where any document issued or published by or on behalf of a lender of money purports to indicate the terms of interest upon which he is willing to make loans or any



particular loan, the document shall express the interest proposed to be charged in terms of a rate per centum per annum.

(2) Any person acting in contravention of the provisions of this Section shall be guilty of a misdemeanour and shall in respect of each offence be liable, on summary conviction before a Resident Magistrate, to imprisonment for a term not exceeding one month or to a fine not exceeding £20, or to both such imprisonment and fine.

(3) Where it is shown that a moneylending transaction was brought about by a contravention of the provisions of this Section, the transaction shall be illegal, unless the lender proves that the contravention occurred without his consent or connivance.

8—(1) No contract for the re-payment by a borrower of money lent to him or to an agent on his behalf after the commencement of this Law or for the payment by him of interest on money so lent and no security given by the borrower or by any such agent as aforesaid in respect of any such contract shall be enforceable, unless a note or memorandum in writing of the contract containing the particulars required by this Section be made and signed personally by the borrower, and unless a copy thereof be delivered or sent to the borrower within seven days of the making of the contract; and no such contract or security shall be enforceable if it is proved that the note or memorandum aforesaid was not signed by the borrower before the money was lent or before the security was given as the case may be.

Form of money  
lending con-  
tracts.

(2) The note or memorandum aforesaid shall contain all the terms of the contract, and in particular shall show the date on which the loan is made, the amount of the principal of the loan, and the interest charged on the loan expressed in terms of a rate per centum per annum.

9—Subject as hereinafter provided, any contract made after the commencement of this Law for the loan of money shall be illegal in so far as it provides directly or indirectly

Prohibition of  
compound in-  
terest and pro-  
vision as to  
defaults.

for the payment of compound interest or for the rate or amount of interest being increased by reason of any default in the payment of sums due under the contract: Provided that provision may be made by any such contract that if default is made in the payment upon the due date of any sum payable to the lender under the contract, whether in respect of principal or interest, the lender shall be entitled to charge simple interest on that sum from the date of the default until the sum is paid, at a rate not exceeding the rate payable in respect of the principal apart from any default and any interest so charged shall not be reckoned for the purposes of this Law as part of the interest charged in respect of the loan: Provided further that any such provision for the payment of simple interest in the circumstances aforesaid shall be in writing and signed personally by the borrower.

Obligation of lender to supply information as to state of loan and copies of documents relating thereto.

10—(1) In respect of every contract for the repayment of money lent whether before or after the commencement of this Law, the lender shall, on any reasonable demand in writing being made by the borrower at any time during the continuance of the contract and on tender by the borrower of the sum of one shilling for expenses, supply to the borrower or, if the borrower so requires, to any person specified in that behalf in the demand, a statement signed by the lender or his agent showing—

- (a) the date on which the loan was made, the amount of the principal of the loan and the rate per centum per annum of interest charged; and
- (b) the amount of any payment already received by the lender in respect of the loan and the date on which it was made; and
- (c) the amount of every sum due to the lender, but unpaid, and the date upon which it became due, and the amount of interest accrued due and unpaid in respect of every such sum; and
- (d) the amount of every sum not yet due which remains outstanding, and the date upon which it will become due.

(2) A lender of money shall, on any reasonable demand in writing by the borrower, and on tender of a reasonable sum for expenses, supply a copy of any docu-

ment relating to a loan made by him or any security therefor to the borrower, or if the borrower so requires, to any person specified in that behalf in the demand.

(3) If a lender to whom a demand has been made under this Section fails without reasonable excuse to comply therewith within one month after the demand has been made, he shall not, so long as the default continues, be entitled to sue for or recover any sum due under the contract on account either of principal or interest, and interest shall not be chargeable in respect of the period of the default.

11—(1) Where a debt due to a lender in respect of a loan of money made by him after the commencement of this Law includes interest, that interest shall, for the purposes of the provisions of the Bankruptcy Laws 1871 to 1936 relating to the presentation of a bankruptcy petition, voting at meetings, compositions and schemes of arrangement, and dividend, be calculated at a rate not exceeding six per centum per annum but nothing in the foregoing provision shall prejudice the right of the creditor to receive out of the estate, after all the debts proved in the estate have been paid in full, any higher rate of interest to which he may be entitled.

Provisions as to  
bankruptcy pro-  
ceedings for  
lenders' loans.

The provisions of this sub-section shall, in relation to such a debt as aforesaid, have effect in substitution for the provisions of sub-section 1 of Section 4 of the Bankruptcy (Amendment) Law 1931, (Law 29 of 1931).

(2) No proof of a debt due to a lender in respect of a loan of money made by him shall be admitted for any of the purposes of the Bankruptcy Laws 1871 to 1936 unless the affidavit verifying the debt is accompanied by a statement showing in detail—

- (a) the amount of the sums actually lent to the debtor and the dates on which they were lent, and the amount of every payment already received by the lender in respect of the loan and the date on which every such payment was made; and
- (b) the amount of the balance which remains unpaid distinguishing the amount of the principal from the amount of interest included therein; and

- (c) where the amount of interest included in the unpaid balance represents a rate per centum per annum exceeding six per centum, the amount of interest which would be so included if it were calculated at the rate of six per centum per annum.

(3) General rules may be made under the Judicature Law 1879 (Law 24 of 1879) for the purpose of carrying into effect the objects of this Section.

Prohibition of charge for expenses on loans.

12—Any agreement between a lender or intending lender of money and a borrower or intending borrower for the payment by the borrower or intending borrower to the lender or intending lender of any sum on account of costs, charges or expenses incidental to or relating to the negotiations for or the granting of the loan or proposed loan shall be illegal, and if any sum is paid to a lender or intending lender by a borrower or intending borrower as for or on account of any such costs, charges or expenses, that sum shall be recoverable as a debt due to the borrower or intending borrower, or, in the event of the loan being completed, shall, if not so recovered, be set off against the amount actually lent and that amount shall be deemed to be reduced accordingly.

Exemptions.

13—(1) This Law shall not apply to—

- (a) Any Friendly Society, or to any Building Society or Benefit Building Society, registered under the Incorporated Companies and Societies Law 1886, (Law 23 of 1886), or any Law amending or substituted for the same, or to any loans made by any such Society; or
- (b) any Society registered under the Industrial and Provident Societies Law 1902, (Law 33 of 1902), or any Law amending or substituted for the same, or to any loans made by any such Society; or
- (c) any body corporate, incorporated or empowered by a Law of the Legislature of this Island to lend money in accordance with such Law; or
- (d) any Banker, or person *bona fide* carrying on the business of insurance, in the course of whose business and for the purposes whereof he lends money.

(2) For the purposes of this Section the expression "Banker" means a company incorporated by charter, or under the authority of an Act of Parliament or a Colonial Statue, or a Law of this Island, carrying on the business of banking.

14—The Usury Law 1905 is hereby repealed.

Repeal.

15—This Law shall come into operation on such day as the Governor shall appoint in that behalf by Proclamation.

Commencement.



No. 41----1937.

I assent,

[L.S.]

C. C. WOOLLEY,  
*Acting Governor.*

29th December, 1937.

A LAW to Regulate Road Traffic.

[ The date of any Proclamation issued by  
the Governor bringing the Law into operation. ]

**B**L it is enacted by the Governor and Legislative Council of  
Jamaica as follows :—

PART I.—PRELIMINARY.

1—This Law may be cited as the Road Traffic Law, 1937. **Short Title.**

2—(1) In this Law unless the context otherwise requires **Interpretation**  
the following expressions have the meanings hereby  
respectively assigned to them :—

“Area” means the area from time to time prescribed as  
a traffic, or as a licensing, area, and the expressions  
“traffic area” and “licensing area” shall be construed  
accordingly.

“Chauffeur” means a person who drives a motor  
vehicle and receives compensation therefor.

“Driver” where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and the expression “drive” shall be construed accordingly.

“Fares” includes sums payable in respect of a contract ticket or a season ticket.

“Licensing Authority” means the person or persons appointed by the Governor to be the Licensing Authority for any licensing area of the Island.

“Motor Vehicle” means any mechanically propelled vehicle intended or adapted for use on roads.

“Owner” means the person for the time being in whose name any motor vehicle or trailer is registered.

“Prescribed” means prescribed by regulations.

“Road Authority” in relation to any road means the authority (being the Director of Public Works or the Council of the Kingston and St. Andrew Corporation or a Superintendent of Parochial Roads and Works) responsible for the maintenance of the road.

“Road” means any main or parochial road and includes bridges over which a road passes, and any roadway to which the public are granted access.

“Tram-car” means any car or carriage used on any road by virtue of a licence granted under the Tramways Law 1895 (Law 27 of 1895) or any Law amending or substituted for the same.

“Trolley Vehicle” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source.

(2) Every motor vehicle shall be deemed for any purpose, to be a carriage within the meaning of any Act or Law of this Island and of any Rules, Regulations or Bye-laws made under any Act or Law of this Island, and if used as a carriage of any particular class shall be deemed to be a carriage of that class, and the Law relating to carriages of that class shall apply accordingly.

(3) Any person who drives or is otherwise employed on a motor vehicle for reward shall be deemed a servant for all the purposes of the Masters and Servants Laws for the time being in force.



3—(1) There shall be established at Kingston a Road Traffic Control Authority (in this Law referred to as the "Island Traffic Authority").

Establishment of  
Road Traffic  
Control  
Authority and  
Branches thereof.

(2) The Island Traffic Authority shall be the Director of Public Works, the Inspector General of Police and one other member appointed by the Governor, two to form a quorum, and there shall be attached to the Authority such officers and servants as the Governor shall from time to time appoint.

(3) The Island Traffic Authority shall have the general control of road traffic in the Island and shall be also the Traffic Area Authority for the Traffic Area in which is included the Corporate Area as defined by the Kingston and Saint Andrew Corporation Law 1931.

(4) A person appointed an officer or servant by virtue of sub-section (2) of this section shall receive such salary as the Governor, with the sanction of the Legislative Council, shall appoint and shall perform such duties as the Island Traffic Authority shall assign.

(5) There shall be established, in such Traffic areas of the Island as may be prescribed, a branch of the Island Traffic Authority (in this Law referred to as the "Traffic Area Authority") under a Superintendent of Public Works, an Inspector or Sub-Inspector of Police and one other member appointed by the Governor, two to form a quorum, and there shall be attached to the Traffic Area Authority such officers and servants as the Governor shall from time to time appoint.

(6) A Traffic Area Authority shall in relation to Road Traffic Control within its area be subject to the general or special directions of the Island Traffic Authority, and a person appointed an officer or servant by virtue of sub-section (5) of this section shall receive such salary as the Governor, with the sanction of the Legislative Council, shall appoint and shall perform such duties as the Island Traffic Authority shall assign.

(7) The Governor may revoke the appointment of any person, officer or servant appointed by him under this Section, and appoint another in his stead.

Duties of Island  
Traffic and  
Traffic Area,  
Authorities.

4—It shall be the duty of the Island Traffic Authority and, subject to the provisions of sub-section (6) of section 3 of this Law, of a Traffic Area Authority, in accordance with the provisions of this Law—

- (a) to regulate and control traffic on roads;
- (b) to inspect from time to time all motor vehicles;
- (c) to test applicants for drivers' licences as to their competence to drive and, in the case of chauffeurs, as to their mechanical knowledge and to grant the necessary certificates of competence.
- (d) to grant certificates of fitness referred to in section 7 of this Law;
- (e) to keep records of endorsements on drivers' licences;
- (f) to keep records of all accidents on roads;
- (g) to furnish annually to the Colonial Secretary a report of all accidents on roads which result in death or injury to persons, and as far as practicable the causes attributed to such accidents;
- (h) to keep a Drivers Offences Book;
- (i) to enforce the provisions of this Law and of regulations made thereunder.

Appointment of  
Licensing  
Authority.

5—The Governor may appoint any person or persons to be the Licensing Authority for any Licensing Area of the Island.

## PART II.—REGULATION OF MOTOR VEHICLES.

Application of  
this part of this  
Law.

6—This part of this Law shall apply to all motor vehicles and to vehicles (in this Law referred to as "Trailers") drawn by motor vehicles: Provided that—

- (a) The provisions of this part of this Law shall not apply to tram-cars the use of which is authorised or regulated by the Tramways Law 1895 or any Law amending or substituted for the same;
- (b) the provisions of this part of this Law, other than sections twelve to twenty, both inclusive, and sections twenty-two, twenty-three, twenty-five and thirty shall not apply to trolley vehicles, use of which is authorised or regulated by a special Law, unless the special Law so provides.

7—(1) A motor vehicle shall not be used on a road unless there has been issued in respect of the vehicle, and prior to the licensing of the vehicle, by a Traffic Area Authority, a certificate (in this Law referred to as a "certificate of fitness") that the prescribed conditions as to fitness are fulfilled in respect of the vehicle and such certificate is in force in respect of the vehicle. Provided that no fee shall be payable for a certificate of fitness.

Certificate of fitness.

(2) A motor vehicle licence of any class shall not be refused on the ground that the construction or fixed equipment of the vehicle is not suitable if a certificate of fitness as a vehicle of that class has been issued and is in force in respect of the vehicle :

(3) A Traffic Area Authority may at any time revoke a certificate of fitness issued by the Authority, and if on the inspection of a motor vehicle it appears to any such Authority that the vehicle does not comply with the prescribed conditions as to fitness that Authority may revoke the certificate of fitness, and where by reason of the revocation of a certificate of fitness or otherwise a vehicle ceases to be a vehicle in respect of which a certificate of fitness is in force any licence granted in respect of that vehicle shall cease to have effect unless and until a new certificate of fitness is obtained.

(4) Any person driving or using a motor vehicle in contravention of the provisions of this section shall be guilty of an offence.

8—(1) Motor vehicles shall, for the purposes of this Law and Regulations made thereunder be divided into the following classes :—

Classification of Motor Vehicles.

(a) Motor Tractors; that is to say, motor vehicles which are not constructed themselves to carry any load other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment.

(b) Trucks; that is to say, motor vehicles (not being classified under this section as motor cars) which are constructed themselves to carry a load or passengers or both.

- (c) Motor Cars; that is to say, motor vehicles (not being classified under this section as motor cycles or invalid carriages) which are :—
- (1) constructed solely for the carriage of passengers and their effects; and
  - (2) adapted to carry not more than seven passengers exclusive of the driver.
- (d) Private motor cars; that is to say, motor vehicles whether “trucks” or “motor cars,” within the meaning of this section, (not being vehicles classified as “commercial motor cars”) constructed solely for the carriage of passengers and their effects and used exclusively for personal purposes;
- (e) Motor Cycles; that is to say, motor vehicles (not being classified under this section as “invalid carriages”) with less than four wheels and the unladen weight of which does not exceed eight hundredweight;
- (f) Invalid Carriages; that is to say, motor vehicles, the weight of which unladen does not exceed five hundredweight and which are specially designed and constructed, and not merely adapted, for the use of persons suffering from some physical defect or disability and are solely used by such persons;
- (g) Trailers; that is to say, vehicles without motive power designed or used for carrying goods or freight or persons wholly on their own structure and for being drawn by a motor vehicle.
- (2) For the purposes of this part of this Law—
- (a) in any case in which a motor vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load;  
**and**
  - (b) in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus, which is a permanent or essentially

permanent fixture, the appliance or apparatus shall not be deemed to constitute a load but shall be deemed to form part of the vehicle; and

- (c) a Side-Car attached to a motor cycle shall be regarded as forming part of the vehicle to which it is attached and not as being a trailer.

#### LICENSING AND REGISTRATION OF MOTOR VEHICLES.

9—(1) On the commencement of this Law, and thereafter on the first day of April in each year there shall be charged, levied and paid to the Licensing Authority of the Area in which any motor vehicle or trailer is kept for use on a road, licence duties at the rates specified in the Second Schedule to this Law. Such duties shall be payable in like manner and by such instalments and be collectable, recoverable and enforceable under the provisions of any Law for the time being in force regulating the payment, collection, recovery and enforcement of taxes or duties: Provided that a licence to use a motor vehicle shall not be granted unless the applicant for the licence produces to the Licensing Authority a certificate of fitness in respect of the vehicle. Provided further that in the case of motor vehicles brought into Jamaica by persons making only a temporary stay in Jamaica or by dealers in motor vehicles, the regulations made under this Law may provide for the issue of licences and registration plates and for the kind of licences and registration plates to be issued to such persons, and as to the conditions under which such licences and registration plates shall be issued and the duty payable.

Licence duties  
on Motor  
Vehicles.

(2) The duties charged under this section shall be paid upon a licence to be taken out by the owner or person in charge of the motor vehicle or trailer and which shall be issued and be subject to such conditions and regulations as may be prescribed.

(3) Every person applying for the first licence in respect of any motor vehicle or trailer under this section shall make application to the Licensing Authority of the Area in which the motor vehicle or trailer is kept for use on a road, and shall make a declaration and furnish such particulars with

respect to the motor vehicle, or trailer for which the licence is to be taken out, as may be prescribed. On the expiration of the period covered by the first or any subsequent licence a fresh licence shall be issued by the Licensing Authority in the name of the owner for the time being upon application, production of a certificate of fitness and payment of the duty.

(4) Every licence issued under this section shall be issued in respect of the vehicle specified in the application for the first or original licence or in the new licence granted under sub-section (3) of this section, shall specify the number of persons which the vehicle is licenced to carry and shall not entitle the person to whom it is issued to use any other motor vehicle or trailer and in case an application for a licence for a motor vehicle or trailer purports to be the first application for a licence in respect of the motor vehicle or trailer, that the motor vehicle or trailer has not previously been licenced.

(5) When any motor vehicle or trailer in respect of which any licence has been issued is used or altered and used after the licence has been issued in such manner as to cause the vehicle to become a vehicle in respect of which a licence at a higher rate of duty is required, the licence shall become void, but the holder of the licence shall, on surrendering the same and furnishing the prescribed particulars, be entitled to receive a new licence in respect of the motor vehicle, to have effect for the period for which the surrendered licence would, if it had not been surrendered, have remained in force, on payment of such amount, if any, as represents the difference between the amount payable on the new licence and the amount paid on the surrendered licence.

(6) No duty shall be payable under this section in respect of fire engines, ambulances and road rollers nor upon tractors used exclusively within the limits of the estate or pen to which they belong or upon any public road running through such estate or pen and within the limits of the same.

(7) Regulations made under this part of this Law may provide for the total or partial exemption for a limited period from the duty payable under this section on any motor vehicle brought into Jamaica by persons making only

a temporary stay in Jamaica, and for refunds of duty or partial exemption from duty in respect of vehicles no longer in use on a road.

(8) Any licence issued under this section may be transferred in the prescribed manner.

(9) If any person knowingly makes a false statement in any declaration required to be made under this Law such person shall be liable on conviction to a penalty of Fifty Pounds and in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding three months.

(10) The owner or person in charge of any motor vehicle or trailer shall immediately on the issue of the licence and licensing plate under this Law remove or cause to be removed from such motor vehicle or trailer any plate or mark showing the registration letter and number issued under any Law repealed by this Law. Any person using any motor vehicle or trailer on any road with the registration letter and number issued under any of the said repealed Laws in contravention of the provisions of this sub-section shall be guilty of an offence.

10—(1) Every motor vehicle or trailer kept for use on a road shall be registered in a book to be called the "Motor Vehicles Register" and shall carry registration plates in the prescribed manner and such registration shall be effective for the whole period during which such motor vehicle or trailer is so used, subject to such alterations through loss of registration plates or otherwise, as may be effected in accordance with regulations made under this Law.

Motor Vehicles Register.

(2) The Motor Vehicles Register shall be kept by the Licensing Authority of the Area in which the licence for the motor vehicle or trailer is issued, and in such Register shall be entered the letter and number of the registration plate, the name and address of the person for the time being in whose name the vehicle is registered, the number of any licence issued and the cause of discontinuance of the issue of the licence.

(3) If a motor vehicle or trailer is used on a road without being registered or licensed, or in contravention of the terms of the licence or if any registration plate or licence to be affixed and kept affixed in accordance with

regulations made under this Law is not so affixed and kept affixed or if being so affixed is in any way obscured or rendered or allowed to become not easily distinguishable, the person driving or using the motor vehicle or trailer shall be guilty of an offence and the motor vehicle or trailer shall be liable to be seized and kept in the possession of the Police until the requirements of this Law and Regulations thereunder have been complied with.

(4) A person shall not be convicted of an offence under this section if he proves that he has had no reasonable opportunity of registering or licensing the motor vehicle or trailer and that the vehicle is being driven or drawn on the road for the purpose of being registered or licensed.

Licence duties to be credited to the Parochial Road Fund Account.

11—The licence duties payable under this Law on a motor vehicle or a trailer and set forth in items (a) to (k) inclusive of paragraph (1) of the Second Schedule to this Law shall be carried by the Treasurer of the Island to the credit of the Parochial Road Fund Account of the parish in which the vehicle or trailer is kept for use on a road: Provided that the licence duties paid in the Corporate Area shall be paid over to the Town Clerk of the Council of the Kingston and St. Andrew Corporation for the purposes of the Corporation: Provided further that the Treasurer shall carry to the credit of the Water Commission (Corporate Area), in respect of any motor vehicle kept and used in the parish of Kingston, such portion of the sum of One Pound and seven shillings otherwise payable to the said Town Clerk out of any such duty as the Governor shall from time to time direct. All other licence duties and fees payable under this Law or regulations thereunder shall be paid into General Revenue.

#### LICENCES OF DRIVERS.

Drivers' licences required.

12—(1) A person shall not drive a motor vehicle on a road unless he is the holder of a licence for the purpose (in this Law referred to as a "driver's licence") and a person shall not employ any person to drive a motor vehicle on a road unless that person so employed is the holder of a driver's licence. If any person acts in contravention of the provisions of this sub-section he shall be guilty of an offence, and the burden of proving that such person holds a driver's licence shall be upon the person charged: Provided that



this sub-section shall not apply to a person who is being taught to drive (in this Law referred to as a Learner) by the holder of a driver's licence who is directing the Learner or who is in responsible control: Provided further that such vehicle shall have displayed at the front and back thereof such distinguishing mark as may be prescribed and provided also that the Learner is the holder of a provisional licence issued under this Section.

(2) A driver's licence issued under this Law shall, subject to the provisions of this Law, continue in force from the date thereof until the then next succeeding 31st day of March and the licence duty in respect thereof shall be paid in full at the time of the issue of the licence: Provided that every driver's licence issued under the provisions of this Law immediately preceding the 1st day of April in any year shall bear date 1st day of April then next ensuing.

(3) Application for a driver's licence shall be made to the Licensing Authority of the Area in which the applicant resides.

(4) Drivers' licences shall be of three classes, that is to say—

- (a) "A Private Driver's Licence," which shall entitle the holder thereof to drive, not for reward, "trucks," "motor cars," (not being public passenger vehicles or commercial motor cars) and "invalid carriages."
- (b) "A General Driver's Licence," which shall entitle the holder thereof to drive, whether for reward or otherwise, such class or classes of motor vehicles as may be specified in the licence and which his examination test or tests prove him competent to drive.
- (c) "A Motor Cycle Driver's Licence," which shall entitle the holder thereof to drive a motor cycle.

(5) Drivers' licences shall be in the prescribed form and where under the provisions of this part of this Law the applicant is subject to any restriction with respect to the driving of any class of motor vehicle the extent of the restriction shall be specified in the prescribed manner on the licence.

(6) The Licensing Authority on application by a person of at least seventeen years of age desiring to learn to drive a motor vehicle with a view to passing a driver's test under Section 14 of this Law, may grant to such person a provisional licence to be in force for a period of three months which licence shall be in the prescribed form and granted subject to the prescribed conditions. If any person to whom such a provisional licence is granted fails to comply with any of the conditions subject to which it is granted he shall be guilty of an offence.

Licensing of Drivers.

13—(1) A Licensing Authority shall, subject to the provisions of this part of this Law, grant a driver's licence of the appropriate class to any person resident in the Area of the Licensing Authority who applies for it in the prescribed manner and produces to the Licensing Authority a certificate of competence mentioned in the next succeeding section.

(2) A Licensing Authority shall enter in a book to be called the "Drivers' Licences Book" the particulars of all drivers' licences granted by the Authority including the name, address and description of the person licensed and the date of such licence.

(3) In the event of any licence issued as aforesaid being lost the Licensing Authority who issued the lost licence may issue a new licence in place of the licence so lost on payment of a fee of two shillings.

Prerequisites to the grant of a Driver's Licence.

14—(1) A Licensing Authority shall not grant a driver's licence unless the applicant for the licence pays to the Licensing Authority a fee of ten shillings and unless the applicant produces to the Authority a certificate (in this Law referred to as a "certificate of competence") in the prescribed form, from the Traffic Area Authority in whose Traffic Area is situate the Licensing Area, certifying that the applicant—

- (i) is able to read and write in English;
- (ii) has complied with the provisions of this Law and the regulations made thereunder and paid the fees prescribed for a driver's test and, has passed or has been exempted from, such test and, where the applicant is a chauffeur has passed, or has been exempted from, a test of his mechanical knowledge;

- (iii) is at least seventeen years of age, or in the case of an applicant for a motor cycle driver's licence that he is at least of that age;
- (iv) in the case of an applicant for a general driver's licence to drive a public passenger vehicle, has attained the age prescribed for the holding of such a licence;
- (v) has produced to the Traffic Area Authority, a certificate from a Justice of the Peace or an Inspector or Sub-Inspector of Police in the area in which the applicant resides, in the prescribed form certifying that he is a fit and proper person to be the holder of a driver's licence;
- (vi) in the case of an applicant for a private driver's licence, or for a motor cycle driver's licence, has made a declaration in the prescribed form that he is not suffering from any such disease or physical disability as may be specified in the form, or any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being a vehicle of such class or description as he would be authorised by the licence to drive, to be a source of danger to the public;
- (vii) in the case of an applicant for a general driver's licence has produced to the Traffic Area Authority a medical certificate from a registered medical practitioner, in the prescribed form certifying that he is not suffering from any such disease or physical disability as may be specified in the form, or any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being of such class or description as he would be authorised by the licence to drive, to be a source of danger to the public.

Provided that the provisions of this sub-section (other than the provision for the payment of the licensing fee) shall not apply to a person making only a temporary stay in Jamaica if he produces to the Traffic Area Authority a driver's licence issued to him not longer than twelve months before by the competent Authority in the country from which he

comes : Provided further that the licensing Authority may in any case require the holder of such a licence to comply with all or any of the provisions of this sub-section.

(2) If any person for the purpose of obtaining the grant of any licence to himself or any other person, or for the purpose of obtaining a certificate of competence, knowingly makes any false statement or withholds any material information, he shall be guilty of an offence and shall be liable to a penalty not exceeding Twenty-five Pounds, and in default of payment thereof to imprisonment, with or without hard labour, for any period, not exceeding three months, or, in the discretion of the Court, to imprisonment, with or without hard labour, for any period not exceeding three months.

Disqualifications  
for obtaining a  
License.

15—(1) A person shall be disqualified for obtaining a driver's licence—

- (a) while another licence of the same class granted to him is in force, whether the licence is suspended or not;
- (b) if he is by a conviction under this part of this Law or by an order of a Court under this part of this Law disqualified for holding or obtaining a driver's licence.

(2) In any proceedings the fact that a driver's licence has been granted to a person shall be evidence that that person for the purpose of obtaining that licence made a declaration or produced a medical certificate, as the case may be, that he was not disqualified for holding or obtaining the licence.

Provisions as to  
physical fitness  
of applicants for  
Drivers'  
Licences.

16—(1) Where a Licensing Authority refuses to grant a driver's licence of any class on the ground that the applicant is suffering from any such disease or disability as is mentioned in paragraphs six and seven of section fourteen of this Law—

- (a) the Licensing Authority may grant to the applicant a licence limited to drive an invalid carriage if the Traffic Area Authority in whose Traffic Area is situate the Licensing Area certifies to the Licensing Authority that the applicant is fit to drive such a carriage;

- (b) the applicant may, except in the case of such diseases and disabilities as may be prescribed, on payment of the prescribed fee, claim to be subjected to a test as to his fitness or ability to drive a motor vehicle of any such class or description as he would be authorised by the licence to drive and if the Traffic Area Authority in whose Traffic Area the Licensing Area is situate certifies to the Licensing Authority that the applicant has passed the prescribed test and is not otherwise disqualified, the grant of the licence shall not be refused by reason only of the provisions of paragraphs six and seven of section fourteen of this Law, so however, that if the Traffic Area Authority certifies to the Licensing Authority that the test of the applicant proves his fitness to drive vehicles of a particular construction or design only the licence shall be limited to the driving of such vehicles;
- (c) if on the first application for the grant of a driver's licence by a person who at the commencement of this Law is the holder of a driver's licence under any Law repealed by this Law, an applicant who is suffering from a disease or disability, other than a disease or disability prescribed as aforesaid, makes a declaration that notwithstanding his disease or disability he has during the six months immediately preceding the application been in the habit of driving a motor vehicle of any such class or description as he would be authorised by the licence to drive and that the disease or disability from which he suffered did not cause the driving of such a motor vehicle by him to be a source of danger to the public, the licence shall not be refused by reason only of such disease or disability, being a disease or disability other than a disease or disability prescribed as aforesaid;
- (d) if on the application for the grant of a licence the applicant makes a declaration that on the occasion of a previous application by him a licence was granted to him after passing such a test as is mentioned in paragraph (b) of this sub-section, or on

making such a declaration as is mentioned in paragraph (c) of this sub-section, a further test will not be required, unless from the declaration as to physical fitness made by him for the purposes of his application, or from information received by the Licensing Authority, it appears that the disease or physical disability from which the applicant is suffering has become more acute or that the applicant is suffering from some disease or disability not disclosed on the previous occasion or contracted since that occasion.

(2) If it appears to a Traffic Area Authority that there is reason to believe that any person who holds a driver's licence is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle, being a vehicle of any such class or description as he is authorised by the licence to drive, to be a source of danger to the public, and on enquiry into the matter the Authority are satisfied that the licence holder is suffering from such a disease or disability as aforesaid the Authority shall certify accordingly in the prescribed form to the Licensing Authority who granted the licence, and such Licensing Authority shall, whether or not the licence holder so suffering as aforesaid has previously passed a test under this section, after giving to the licence holder notice of the intention of the Authority so to do, revoke the licence and the licence holder shall on receipt of such notice deliver the licence to the Licensing Authority for cancellation: Provided that the licence holder may, except in the case of such diseases and disabilities as may be prescribed, claim to be subjected to a test as to his fitness or disability to drive a motor vehicle, and if he passes the prescribed test the licence shall not be revoked.

(3) If any person is aggrieved by the refusal of a Licensing Authority to grant a licence, or by the revocation of a licence under this section he may, after giving to the Licensing Authority notice of his intention so to do, within the prescribed time and in the prescribed manner, appeal to the Governor in Privy Council and the Governor in Privy Council may make such order as he thinks fit and any order so made shall be final and conclusive and binding on the Licensing Authority.

17—Any person driving a motor vehicle on a road or accompanying a Learner in a motor vehicle on a road or a Learner in a motor vehicle on a road shall, on being so required by a Police Constable, produce his driver's licence for examination so as to enable the Police Constable to ascertain the name and address of the holder of the licence, the date of issue and the Licensing Authority by which it was issued, and if he fails to do so he shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding Five Pounds: Provided that if within five days after the production of his licence was so required the holder of the licence produces the licence in person at such Police Station as may be specified by him at the time its production was required, he shall not be convicted of an offence under this section.

Production of Driver's Licence to Police Constable on request.

18—(1) Any Court before which a person is convicted of any criminal offence in connection with the driving of a motor vehicle and any Court before which a person is convicted of any offence whatsoever under this Law or the regulations made thereunder in addition to any penalty for such offence—

Disqualification for offences.

- (a) may in any case, except where otherwise expressly provided by this part of this Law, and shall, where so required by this part of this Law, order him to be disqualified for holding or obtaining a driver's licence for such period as the Court thinks fit, and
- (b) may in any case, and shall where a person is by virtue of a conviction disqualified for holding or obtaining a licence, or where an order so disqualifying any person is made or where so required by this part of this Law, order that the particulars of the conviction and of any disqualification to which the convicted person has become subject shall be endorsed on any licence held by the offender;

Provided that, if the Court thinks fit, any disqualification imposed under this section may be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed.

(2) A person who by virtue of an order of a Court under this part of this Law is disqualified for holding or obtaining

a driver's licence may appeal against the order in the same manner as against a conviction and the Court making the order may if it thinks fit, pending the appeal, suspend the operation of the order.

Provisions as to  
disqualifications  
and suspensions.

19—(1) Where a person who is disqualified by virtue of a conviction or order under this part of this Law is the holder of a driver's licence, the licence shall be suspended so long as the disqualification continues in force.

(2) A licence suspended by virtue of this part of this Law shall during the time of suspension be of no effect.

(3) A person who by virtue of a conviction or order under this part of this Law is disqualified for holding or obtaining a driver's licence may, at any time after the expiration of six months from the date of the conviction or order, and from time to time, apply to the Court before which he was convicted or by which the order was made to remove the disqualification, and on any such application the Court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the conviction or order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application :

Provided that, where an application under this subsection is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.

If the Court orders a disqualification to be removed, the Court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant and the Court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.

(4) If any person who, under the provisions of this part of this Law, is disqualified for holding or obtaining a driver's licence applies for or obtains a licence while he is so disqualified, or if any such person while he is so disqualified drives a motor vehicle, or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description, on a road, that person shall be guilty of an offence and



shall be liable on conviction thereof to imprisonment, with or without hard labour, for a term not exceeding six months or if the Court think that, having regard to the special circumstances of the case, a pecuniary penalty would be an adequate punishment for the offence, to a penalty not exceeding Twenty-five Pounds, and in default of payment to imprisonment with or without hard labour for a term not exceeding three months or to both such imprisonment and such penalty, and a licence obtained by any person disqualified as aforesaid shall be of no effect.

(5) Notwithstanding any enactment prescribing the time within which proceedings may be brought before a Court of summary jurisdiction proceedings for an offence under subsection four of this section may be brought—

- (a) within a period of six months from the date of the commission of the alleged offence; or
- (b) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence;

whichever period is the longer.

(6) For the purposes of this section, references to orders under this part of this Law include references to orders under the corresponding provisions of any enactment repealed by this Law.

20—(1) An order that the particulars of any conviction or of any disqualification to which the convicted person has become subject are to be endorsed on any driver's licence held by the offender shall, whether the offender is at the time the holder of a licence or not, operate as an order that any licence he may then hold or may subsequently obtain, shall be so endorsed until he becomes entitled under the provisions of this section to have a licence issued to him free from endorsement.

Provisions as  
to endorsements.

(2) Where an order is made requiring any driver's licence held by an offender to be endorsed, then—

- (a) if the offender is at the time the holder of a driver's licence, he shall, if so required by the Court, produce the licence within five days or such longer time

as the Court may determine for the purpose of endorsement; and

- (b) if he is not then the holder of a licence, but subsequently obtains a licence, he shall within five days after so obtaining the licence produce it to the Court for the purpose of endorsement;

and if he fails so to do, he shall be guilty of an offence; and if the licence is not produced for the purpose of endorsement within such time as aforesaid, it shall be suspended from the expiration of such time until it is produced for the purpose of endorsement.

(3) On the issue of a new driver's licence to any person, the particulars endorsed on any previous licence held by him shall be copied on to the new licence unless he has previously become entitled under the provisions of this section to have a licence issued to him free from endorsements.

(4) If any person whose driver's licence has been ordered to be endorsed and who has not previously become entitled under the provisions of this section to have a licence issued to him free from endorsement applies for or obtains a licence without giving particulars of the order, he shall be guilty of an offence and shall be liable on conviction thereof to imprisonment, with or without hard labour, for a term not exceeding three months or to a penalty not exceeding Twenty-five Pounds, and in default of payment to imprisonment with or without hard labour for a term not exceeding three months and any licence so obtained shall be of no effect.

(5) Where a person in respect of whom an order has been made under this part of this Law, or the corresponding provisions of any Law repealed by this Law requiring the endorsement of any licence held by him, has during a continuous period of three years or upwards since the order was made had no such order made against him, he shall be entitled, either on applying for the grant of a licence under this part of this Law, or subject to payment of a fee of five shillings, and subject to surrender of any subsisting licence, at any time, have issued to him a new licence free from endorsements:

Provided that, in reckoning the said period of three years, any period during which the person was by virtue of the order disqualified for holding or obtaining a driver's licence shall be excluded.

(6) Where a Court orders particulars to be endorsed on a driver's licence held by any person, or where by a conviction or order of a Court a person is disqualified for holding or obtaining a licence, the Court shall send notice of the order to the Traffic Authority in whose Traffic Area that person resides, and in a case where a person is so disqualified, shall also on the production of the licence for the purpose of endorsement retain the licence and forward it to such Traffic Authority, and that Authority shall keep the licence until the disqualification has expired or been removed and the person entitled to the licence has made a demand in writing for its return to him.

Where the disqualification to which a person has become subject is limited to the driving of a motor vehicle of a particular class or description, the Traffic Authority to whom that person's licence has been forwarded under this subsection shall forthwith after the receipt thereof cause the appropriate Licensing Authority to issue to that person a new licence on which there shall be indicated in the prescribed manner the class or description of vehicle which the holder of the licence is not thereby authorised to drive, and the licence so issued shall remain in force either for the unexpired period of the original licence or for the period of the disqualification, whichever is the shorter.

(7) Where on an appeal against any such order the appeal is allowed, or where any such conviction is quashed the Court by which the appeal is allowed or the conviction is quashed, shall send notice thereof to the Traffic Authority in whose Traffic Area the person affected by the order or conviction resides and to the Licensing Authority who issued the licence.

#### PROVISIONS AS TO DRIVING AND OFFENCES IN CONNECTION THEREWITH.

21—(1) It shall not be lawful for any person to drive a motor vehicle of any class or description on a prescribed road or on a road within a prescribed area at a speed greater

Rate of speed  
on prescribed  
Roads.

than the speed prescribed as the maximum speed in relation to a vehicle of that class or description and if any person acts in contravention of this section he shall be guilty of an offence.

(2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified for holding or obtaining a licence.

(3) A person charged under this section with the offence of driving a motor vehicle of any class or description at a speed greater than the maximum speed prescribed in the case of a vehicle of that class or description, shall not be liable to be convicted of the offence solely on the evidence of one witness to the effect that in the opinion of the witness the person charged was driving the vehicle at such greater speed.

(4) If a person who employs other persons to drive motor vehicles on roads publishes or issues any time table or schedule, or gives any directions, under which any journey, or any stage or any part of any journey, is to be completed within some specified time, and it is not practicable in the circumstances of the case for that journey, or that stage or part of the journey, to be completed in the specified time without an infringement of the provisions of this section, the publication or issue of the said time table or schedule, or the giving of the directions, may be produced as *prima facie* evidence that the employer procured or incited the persons employed by him to drive the vehicles to commit an offence under this section.

Reckless or  
dangerous  
driving.

22—(1) If any person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be liable—

(a) on conviction to a penalty not exceeding Fifty Pounds and in default of payment to imprisonment with or without hard labour for a term not exceeding three months or to imprisonment, with or without hard labour, for a term not exceeding

three months, and in the case of a second or subsequent conviction either to a penalty not exceeding One Hundred Pounds and in default of payment to imprisonment with or without hard labour for a term not exceeding three months or to such imprisonment as aforesaid or to both such penalty and imprisonment;

- (b) on conviction on indictment to imprisonment, with or without hard labour, for a term not exceeding six months or to a fine, or to both such imprisonment and fine.

(2) The court shall order particulars of any such conviction to be endorsed on any driver's licence held by the person convicted.

(3) On a second or subsequent conviction under this section the convicting court shall exercise the power conferred by this part of this Law of ordering that the offender shall be disqualified for holding or obtaining a driver's licence unless the court, having regard to the lapse of time since the date of the previous or last previous conviction, or for any other special reason thinks fit to order otherwise, but this provision shall not be construed as affecting the right of the court to exercise the power aforesaid on a first conviction.

(4) Where a person is convicted of aiding, abetting, counselling or procuring, or inciting the commission of an offence under this section, and it is proved that he was present in the vehicle at the time of the commission of the offence, the offence of which he is convicted shall, for the purpose of the provisions of this part of this Law relating to disqualification for holding or obtaining drivers' licences, be deemed to be an offence within the meaning of section eighteen of this Law.

23—(1) If any person drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road he shall be guilty of an offence and shall be liable on conviction thereof to a penalty not exceeding Twenty Pounds. Careless driving

(2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified for holding or obtaining a driver's licence.

Racing and  
speed trials.

24 (1) Any person who promotes or takes part in a race or trial of speed between motor vehicles on a road shall be guilty of an offence and shall be liable to imprisonment, with or without hard labour, for a term not exceeding three months or to a penalty not exceeding Fifty Pounds, and in default of payment to imprisonment with or without hard labour for a term not exceeding three months, or to both such imprisonment and penalty.

(2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction for holding or obtaining a driver's licence.

Driving Motor  
Vehicles under  
influence of  
drink or drugs

25—(1) Any person who when driving or attempting to drive or when in charge of a motor vehicle on a road or other public place is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, shall be liable—

- (a) on conviction to a penalty not exceeding £50 and in default of payment to imprisonment with or without hard labour for a term not exceeding four months or to imprisonment, with or without hard labour, for a term not exceeding four months, and in the case of a second or subsequent conviction to imprisonment, with or without hard labour, for a term not exceeding six months;
- (b) on conviction on indictment to imprisonment, with or without hard labour, for a term not exceeding six months.

(2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction for holding or obtaining a licence.

(3) A Police Constable may arrest without warrant any person committing an offence under this section.

26—(1) It shall not be lawful for more than one person in addition to the driver to be carried on any two-wheeled motor cycle, nor shall it be lawful for any such one person to be so carried otherwise than sitting astride the cycle and on a proper seat securely fixed to the cycle behind the driver's seat.

Restriction on pillion riding.

(2) If any such person is carried on any such cycle in contravention of the provisions of this section, the driver of the cycle shall be guilty of an offence and shall be liable in the case of the first conviction to a penalty not exceeding Five Pounds, and in the case of a second or subsequent conviction to a penalty not exceeding Ten Pounds.

27—(1) The number of trailers, if any, which may be drawn by a motor vehicle on a road shall not exceed such number as may be prescribed in relation to motor vehicles of any particular class.

Restriction on number of trailers drawn.

(2) For the purposes of this section the expression "trailer" shall not include any vehicle used solely for carrying water for the purposes of the drawing vehicle or any agricultural vehicle not constructed to carry a load.

(3) If any person causes or permits a trailer to be drawn in contravention of this section, he shall be guilty of an offence.

28—(1) If the driver of a motor vehicle who is alleged to have committed an offence under the foregoing provisions of this Law as to reckless or dangerous driving or careless driving refuses, on being so required by any person having reasonable ground for so requiring, to give his name and address, or gives a false name and address, he shall be guilty of an offence.

Duty to give name and address and to stop, and power of arrest in certain cases.

(2) Any Police Constable in uniform or on showing his authority as a member of the Police Force of the Island may arrest without warrant the driver of any motor vehicle who within his view commits any offence under the provisions of this Law as to reckless or dangerous driving or careless driving, unless the driver either gives his name and address or produces his driver's licence for examination.

(3) Any person driving a motor vehicle on a road shall stop the vehicle on being so required by a Police Constable

in uniform, and if he fails so to do shall be guilty of an offence and shall be liable to a penalty not exceeding Five Pounds.

Restrictions on prosecutions under the preceding Sections.

29—(1) Where a person is prosecuted for an offence under any of the provisions of this part of this Law relating respectively to the maximum speed at which motor vehicles may be driven, to reckless or dangerous driving, and to careless driving he shall not be convicted unless either—

- (a) he was warned at the time the offence was committed that the question of prosecuting him for an offence under some one or other of the provisions aforesaid would be taken into consideration; or
- (b) within fourteen days of the commission of the offence a summons for the offence was served on him; or
- (c) within the said fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on or sent by registered post to him or the person registered as the owner of the vehicle at the time of the commission of the offence :

Provided that—

- (i) Failure to comply with this requirement shall not be a bar to the conviction of the accused in any case where the court is satisfied that—
  - (1) neither the name and address of the accused nor the name and address of the registered owner of the vehicle, could with reasonable diligence have been ascertained in time for a summons to be served or for a notice to be served or sent as aforesaid; or
  - (2) the accused by his own conduct contributed to the failure; and
- (ii) the requirement of this section shall in every case be deemed to have been complied with unless the contrary is proved.



### ACCIDENTS.

30—(1) If in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby damage or injury is caused to any person, vehicle or animal, the driver of the motor vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner and the identification marks of the vehicle.

Duty to stop in case of accident.

(2) If in the case of any such accident as aforesaid the driver of the motor vehicle for any reason does not give his name and address to any such person as aforesaid, he shall report the accident at a Police Station or to a Police Constable as soon as reasonably practicable, and in any case within twenty-four hours of the occurrence thereof.

(3) In this section the expression "animal" means any horse, cattle, ass, mule, sheep, pig, goat or dog.

(4) If any person fails to comply with the provisions of this section, he shall be guilty of an offence.

### PROVISIONS AS TO LIGHTS, HORNS, NOISE.

31—(1) During the period specified in this section, every motor vehicle, save as in this section mentioned, shall carry attached thereto—

Lights on Motor Vehicles

(a) two similar head-lamps only (in this Law referred to as obligatory head-lamps) one on each side, so constructed and placed as to cast, when lighted, in the direction in which it is proceeding a white light only, sufficiently clear and strong as to afford adequate means of signalling the approach and position of such vehicle, and

(b) a lamp on the back and on the right side thereof or the back and right side of the last vehicle attached thereto, so constructed and placed as to exhibit when lighted a red light visible from behind and also a white light sufficiently clear and strong to illuminate the letter and number of the registration plate.

(2) On every motor cycle when in use on a road within the period specified in this section, one head-lamp shall be carried, so affixed thereto as to exhibit when lighted a

white light only, adequate to signal the approach and position of such motor cycle and a tail-lamp so placed and in such position as to exhibit when lighted a red light visible in the reverse direction at a reasonable distance.

Where a side car is attached to or used with such motor cycle an additional similar head-light shall be affixed to such side-car.

(3) Every such lamp shall be lighted when the motor vehicle or motor cycle is in use on any road during the period between one half hour after sunset and one half hour before sunrise.

(4) Notwithstanding anything in this section contained when a motor vehicle is stationary it shall be sufficient for the same to be fitted with such parking lights as may be prescribed.

(5) If any person fails to comply with the provisions of this section he shall be guilty of an offence.

Elimination of glare.

32—(1) No head lamp shall be used on any motor vehicle unless such lamp is so constructed fitted and maintained that the beam of light emitted therefrom—

- (a) is permanently deflected downwards to such an extent that it is at all times incapable of dazzling any person standing on the same horizontal plane as the vehicle at a greater distance than twenty-five feet from the lamp whose eye level is not less than three feet six inches above that plane; or
- (b) can be deflected downwards or both downwards and to the left at the will of the driver in such manner as to render it incapable of dazzling any such person in the circumstances aforesaid;
- (c) can be extinguished by the operation of a device which at the same time causes a beam of light to be emitted from the lamp which complies with paragraph (a) of this sub-section; or
- (d) can be extinguished by the operation of a device which at the same time either deflects the beam of light from another lamp downwards or both downwards and to the left in such manner as to render it incapable of dazzling any such person in the circumstances aforesaid, or brings into or leaves

in operation a lamp or lamps (other than the obligatory head lamps) which complies or comply with paragraph (a) of this sub-section.

(2) This section shall not apply to any lamp fitted with an electric bulb, if the power of the bulb does not exceed seven watts and the lamp is fitted with frosted glass or other material which has the effect of diffusing the light.

(3) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

33—(1) Every motor vehicle shall have attached thereto a horn or other instrument of a type approved by the Island Traffic Authority capable of giving audible and sufficient warning of the approach and position of the vehicle and such horn or other instrument shall be sounded only whenever it shall be reasonably necessary to notify pedestrians or others of the approach of the vehicle.

Warning device and prohibition of unreasonable noise and smoke.

(2) A person having the control or charge of a motor vehicle shall not sound any horn or such other instrument so as to make an unreasonable noise and any such person shall not permit any unreasonable amount of smoke to escape from the said vehicle nor shall any such person at any time by cutting out the muffler or otherwise cause such motor vehicle to make any unnecessary noise. Provided that this sub-section shall not apply to a motor vehicle of the Constabulary, or an ambulance, or a motor vehicle of any Fire Brigade whilst proceeding to a fire or answering a fire alarm.

(3) No motor vehicle other than an ambulance or one operated by or on behalf of the Constabulary or Fire Brigade shall be equipped with a siren horn or a device producing a sound which so nearly resembles that produced by a siren horn as to deceive or confuse.

(4) Every motor vehicle shall be equipped with a noise muffler and no contrivance for releasing such muffler shall be attached to the motor vehicle so that it may be operated from any seat in the vehicle.

(5) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

34—The Island Traffic Authority may by notice published in the Gazette and in one newspaper of the Island declare that from and after a date to be fixed by such notice

Silence Zones

no horn or other warning device shall be sounded during such hours, or at or within such place or area of any urban area as may be specified in the notice and any person who acts in contravention of any such notice shall be guilty of an offence.

Unlawful user  
of Motor  
Vehicle.

35—(1) Every person who takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be guilty of an offence and shall be liable—

- (a) on conviction to imprisonment, with or without hard labour, for a term not exceeding six months or to a penalty not exceeding Fifty Pounds and in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding six months;
- (b) on conviction on indictment, to imprisonment with or without hard labour, for a term not exceeding twelve months or to a penalty not exceeding One Hundred Pounds or to both such imprisonment and penalty.

Provided that, if on summary proceedings under this section the court, or on proceedings under this section on indictment, the jury, are satisfied that the accused acted in the reasonable belief that the owner would, in the circumstances of the case, have given his consent, if he had been asked therefor, the accused shall not be liable to be convicted of the offence.

(2) If on the trial on any indictment for stealing a motor vehicle the Resident Magistrate is of opinion, or where the trial is in the Supreme Court, the jury are of opinion, that the offender is not guilty of stealing the motor vehicle but was guilty of an offence under this section, the Resident Magistrate or the jury, as the case may be, may find him guilty of an offence under this section and thereupon he shall be liable to be punished accordingly.

(3) Any Police Constable may arrest without warrant any person reasonably suspected by him of having committed or attempted to commit an offence under this section.

36—Any person who—

Offences.

- (a) forges or with fraudulent intent alters or uses or allows to be used by any other person, any licence or any licensing or registration marks or plates issued under this Law; or
- (b) with intent to enable any other person to use a licence or licensing or registration marks or plates issued under this Law, gives or lends the same to any other person; or
- (c) without the permission of the owner or person in charge thereof, climbs upon or into or swings upon any motor vehicle, whether the same is in motion or stationary, sounds any horn or other signalling device, or attempts to manipulate any of the levers, the starter, brakes or machinery thereof or in any manner damages, interferes or tampers with a motor vehicle or puts in motion the engine thereof, while it is standing; or
- (d) having the care of a motor vehicle for the owner or person in charge thereof, receives directly or indirectly any consideration for the purchase from any other person of supplies or parts for such motor vehicle or for work performed thereon by any other person and any person furnishing such supplies or parts or doing any work in connection therewith, who gives or offers to give such person having such care of such motor vehicle directly or indirectly any valuable consideration; or
- (e) throws any object at a motor vehicle or trailer or at any person in or on such motor vehicle or trailer or places any object in any road whereby injury or damage to any motor vehicle or trailer may be occasioned; or
- (f) uses any spot light on a motor vehicle on a road or public place in any town or village, or when another approaching vehicle is in sight, except for providing light for effecting repairs; or

- (g) uses or drives or permits to be used or driven any motor vehicle on a road in such defective condition as regards its mechanical fittings or otherwise as to be a source of danger to its occupants or the public; or
  - (h) neglects when engaging or permitting any person to drive a motor vehicle to ascertain the correct name and place of residence of such person, at the time of such engagement or the granting of such permission and to keep a record thereof
  - (i) being the owner of a motor vehicle refuses on the request of any member of the Constabulary Force—
    - (i) to give the name and address of the driver thereof, such driver having been authorised by such owner to drive the said motor vehicle, and
    - (ii) to give all such information in his possession as would assist in the discovery or identity of the driver
  - (j) being a passenger in any motor vehicle reasonably suspected to be a vehicle conveying passengers for hire or reward without being duly licensed as a public passenger vehicle in its appropriate class, on being so required by a Police Constable refuses to give a statement as respects his presence in such vehicle and as to whether he is being conveyed for hire or reward
  - (k) holds on to a moving motor vehicle for the purpose of being towed
- shall be guilty of an offence.

Particulars of convictions to be furnished to Traffic Authorities and entered in Drivers' Offences Book.

37—The particulars of every conviction for an offence under this Law shall be furnished by the Registrar of the Supreme Court, if the conviction is recorded in the Supreme Court at Kingston, by the Clerk of the Circuit Court, if the conviction is recorded in a Circuit Court, or by the Clerk of the Courts for the parish if the conviction is recorded in a Resident Magistrate's Court or by two Justices of the Peace, to the Island Traffic Authority and to the Traffic Area Authority in whose Traffic Area the

offender is convicted, who shall enter the particulars of such conviction in a book to be called the "Drivers' Offences Book." Such entry shall contain the name of the offender, the number of his licence and the Licensing Area in which such offender was granted his licence and shall be duly indexed.

38—The contents of the "Motor Vehicles Register," the "Drivers' Licences Book" and the "Drivers' Offences Book" shall respectively be *prima facie* evidence of all the facts contained therein in all proceedings under this Law and shall be at all reasonable times available for inspection and use by the Police.

Motor Vehicles Register  
Drivers Offences Book and Drivers' Licences Book to be *prima facie* evidence of facts recorded.

#### WEIGHING OF MOTOR VEHICLES.

39—For the purposes of this Law, the weight unladen of any motor vehicle shall be taken to be the weight of the vehicle inclusive of body and all parts which are necessary to or ordinarily used with the vehicle when in use on a road, but exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle, and of loose tools and loose equipment.

Method of calculating weight.

40—(1) Subject to any regulations, it shall be lawful for any person authorised by a Traffic Area Authority or for any Police Constable authorised on behalf of any such Traffic Authority by a Police authority, on production of his authority, to require the person in charge of any motor tractor or truck to allow the vehicle or any trailer drawn thereby to be weighed, either laden, or unladen, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and for that purpose shall proceed to a machine for weighing vehicles, and if any person in charge of a motor tractor or truck refuses or neglects to comply with any such requirement, he shall be guilty of an offence :

Weighing of Motor Vehicles.

Provided that it shall not be lawful for any person or Police Constable so authorised to require the person in charge of the vehicle to unload, the vehicle or trailer, or to cause or allow it to be unloaded, for the purpose of being weighed unladen.

Provided further that the person in charge of the vehicle shall not be required to proceed more than six miles out of his way, that is to say, three miles going and three miles returning.

(2) Where a motor tractor, truck or trailer is weighed under this section, a certificate of weight shall be given to the person in charge of the vehicle, and the certificate so given shall exempt the vehicle and the trailer, if any, from being weighed so long as it is during the continuance of the same journey carrying the same load.

(3) It shall be lawful for a Traffic Area Authority within its area to erect and maintain machines for weighing vehicles.

(4) Any expenses to be incurred by a Traffic Authority under this section shall be defrayed out of such moneys as may be voted for the purpose by the Legislative Council.

#### DRIVING RULES.

Rules of the  
road

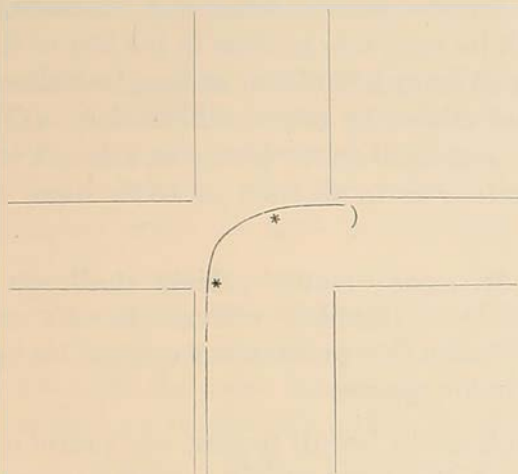
41—(1) The driver of a motor vehicle shall observe the following rules—A motor vehicle

- (a) meeting or being overtaken by other traffic shall be kept to the near side of the road. When overtaking other traffic the vehicle shall be kept on the right or off-side of such other traffic: Provided that a tram-car, or an animal being led or driven, may be passed or overtaken on whichever side is the safer;
- (b) being overtaken by other traffic shall be driven so as to allow such other traffic to pass;
- (c) shall not be driven alongside of, or overlapping, or so as to overtake other traffic proceeding in the same direction if by so doing it obstructs any traffic proceeding in the opposite direction;
- (d) shall not be driven so as to cross or commence to cross or be turned in a road if by so doing it obstructs any traffic;
- (e) proceeding from one road to another shall not be driven so as to obstruct any traffic on such other road;



- (f) proceeding from a place which is not a road into a road or from a road into a place which is not a road, shall not be driven so as to obstruct any traffic on the road;
- (g) shall not be driven so as to overtake other traffic unless the driver has a clear and unobstructed view of the road ahead;
- (h) shall not be permitted to travel backwards further than may be necessary for turning or other reasonable purpose.

(2) Unless otherwise directed by the Police Constable on duty, a motor vehicle turning into another road to the left shall be kept close to the left hand side of the road and unless otherwise so directed a motor vehicle turning into another road to the right shall where practicable be driven as indicated in the following diagram:—



(3) Notwithstanding anything contained in this section it shall be the duty of a driver of a motor vehicle to take such action as may be necessary to avoid an accident, and the breach by a driver of any motor vehicle of any of the provisions of this section shall not exonerate the driver of any other motor vehicle from the duty imposed on him by this sub-section.

(4) For the purposes of this section—

- (a) a motor vehicle obstructs other traffic if it causes risk of accidents thereto;

(b) "traffic" includes bicycles, tricycles, motor vehicles, tram-cars, vehicles of every description, processions, bodies of troops and all animals being ridden, driven or led;

(c) "overtaking" includes passing or intending to pass any other vehicle proceeding in the same direction.

(5) Any person who acts in contravention of the provisions of this section shall be guilty of an offence.

Riding on out  
side of Motor  
Vehicle

42—(1) No person shall ride on the running board, wings or fenders of a motor vehicle or on the outside of the vehicle except in a properly constructed seat.

(2) Any person who acts in contravention of the provisions of this section shall be guilty of an offence.

Stationary  
Motor Vehicles.

43—(1) A motor vehicle when not in motion shall be placed with its near side as close to the left of the roadway as possible or in such position as may be indicated by any Police Constable or by notice exhibited by a Traffic Area Authority, and shall not be placed or allowed to remain in such a position as to obstruct or to be likely to obstruct traffic.

(2) The driver of a motor vehicle shall not leave the motor vehicle unattended without having stopped the engine and taken due precautions against its being moved or moving in his absence.

(3) It shall not be lawful to pour any petrol or other fuel into any tank of a motor vehicle or into any receptacle in or on a motor vehicle while the engine is running, or when any light, other than an electric light is alight in or on the motor vehicle.

(4) Any person who acts in contravention of the provisions of this section shall be guilty of an offence.

Parking of  
Motor Vehicles

44—Rules may be made by the Kingston and Saint Andrew Corporation or a Parochial Board, at the request of the Island Traffic Authority, prohibiting restricting or regulating the parking of motor vehicles in any road, street or public place.

45—(1) On the request of any Police Constable or of any person in command of a body of troops or having charge of any animal, or if such Police Constable or person shall raise his hand as a signal to stop, the motor vehicle shall be immediately stopped and kept stationary so long as may be reasonably necessary and no person shall drive or attempt to drive a motor vehicle across a funeral procession.

When Motor Vehicle is to be stopped.

(2) Any person who acts in contravention of the provisions of this section shall be guilty of an offence.

46—(1) The driver of a motor vehicle constructed to be steered on the right or off-side thereof shall before commencing to turn to, or change direction towards, the right, extend his right arm and hand horizontally straight out, from the right or off-side of the vehicle, with the palm turned to the front so as to be visible to drivers of all vehicles concerned.

Signals by Drivers.

(2) The driver of a motor vehicle may also if he thinks fit—

(a) in order to signal an overtaking car not to attempt to pass extend his right arm and hand horizontally straight out from the right or off-side of the motor vehicle, with the palm turned downwards and move the arm up and down;

(b) in order to signal to an overtaking car to pass, extend his right arm and hand below the line of the shoulder from the right or off-side of the motor vehicle with the palm turned to the front and move the arm backwards and forwards.

(3) When approaching a Police Constable on duty at a road junction, the driver of a motor vehicle shall extend his arm in the direction in which he wishes to proceed so as to be visible to the Police Constable.

(4) The use of additional signals may be prescribed or permitted by regulations and all or any of the signals prescribed or permitted by this section or by regulations may be given by any mechanical or illuminated device of a type approved by the Island Traffic Authority.

(5) Every motor vehicle constructed so as to be steered from the left or near side thereof shall be fitted on the right or off-side of the vehicle with a mechanical or illuminated

device approved by the Island Traffic Authority, and such device shall be employed by the driver of the motor vehicle to indicate in a manner approved by the Island Traffic Authority the intention of the driver to turn to or change direction towards the right or of his intention to stop the vehicle and may be employed to signal to an overtaking motor vehicle to pass, or not to pass, as the case may be.

(6) Any person who acts in contravention of or fails to comply with any of the provisions of sub-sections (1), (3) and (5), or with regulations made under sub-section (4), of this section shall be guilty of an offence.

Signals by  
Police to be  
obeyed.

47—The driver of a motor vehicle shall obey all directions whether verbal or by signal given by a Police Constable in the execution of his duty to stop the vehicle or to make it slow down or to pass on any indicated side of the Police Constable or to keep to any indicated line of traffic and any person who fails to obey any such direction shall be guilty of an offence.

#### REGULATIONS.

Governor may  
make Regula-  
tions

48—The Governor in Privy Council may make regulations for any purpose for which regulations may be made under this part of this Law and for prescribing anything which may be prescribed under this part of this Law, and generally as to the use of motor vehicles and trailers on roads, their construction and equipment, and the conditions under which they may be so used and otherwise for the purpose of carrying this part of this Law into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations in respect to any of the following matters:—

- (a) For appointing and defining the limits of Traffic Areas and Licensing Areas;
- (b) the width, height and length of motor vehicles and trailers and the load carried thereby, the over-hang of body over chassis, the diameter of wheels, and the width, nature and condition of tyres, of motor vehicles and trailers;
- (c) the consumption of smoke and the emission of visible vapour, sparks, ashes and grit;

- (d) excessive noise owing to the design or condition of the vehicle or the loading thereof;
- (e) the maximum weight unladen of motor tractors and trucks and the maximum weight laden of all motor vehicles and trailers and the maximum weight to be transmitted to the road by a motor vehicle or trailer of any class or description or by any part or parts of such a motor vehicle or trailer in contact with the road and the conditions under which the weights may be required to be tested;
- (f) prohibiting the use of a motor vehicle or trailer of any class or description on any road or part of a road or on any bridge or culvert;
- (g) restricting the use of a motor vehicle or trailer of any class or description on any road or part of a road, bridge or culvert, the weight either laden or unladen, the type of tyres and fittings to be used and dimensions measured over all including the load, and may vary such restrictions from time to time according to the season of the year or with reference to wet or dry periods;
- (h) with respect to the preparation of framing and placing of notices on or in connection with, or with respect to, any road, bridge or culvert, by the Road Authority dealing with the type of tyre to be used on any such road, bridge or culvert, or the total weight and dimensions measured over all with load, of the motor vehicle or trailer or of the motor vehicle or trailer using such road, culvert or bridge, or preventing or restricting permanently or temporarily, any particular class or kind of motor vehicle from using or proceeding along such road, culvert or bridge;
- (i) the particulars to be marked on motor vehicles and trailers;
- (j) the towing of or drawing of vehicles by motor vehicles;
- (k) the number and nature of brakes and for securing that brakes, silencers and steering gear shall be efficient and kept in proper working order, and for empowering any officer or servant of a Traffic

Area Authority to stop, test and inspect, on a road or, subject to the consent of the owner of the premises to test and inspect on any premises where the vehicle is, any such brakes, silencers, or steering gear;

- (l) the forms to be used for the purposes of this part of this Law;
- (m) applications for licences or registration and the licensing or registration of motor vehicles and trailers and for the examination thereof either for licensing or registration purposes, or as to mechanical fitness or fitness to be driven on a road and the issue of certificates of fitness and for determining and regulating generally the size, shape and character of licences, licence holders and registration plates to be used and any fee payable therefor and the manner in which they are to be displayed and rendered easily distinguishable either by night or day;
- (n) providing for the keeping of a Record or Register showing particulars of ownership and the class and description of each motor vehicle or trailer licenced, together with the letter and number issued to each and for making any particulars or description contained in such Record or Register available to the Police at all times;
- (o) the speed at which motor vehicles may be driven on any specified road or part of a road, or on any road within any specified area of the Island;
- (p) the length, height and width of a motor vehicle or trailer of any class or description measured over all including the load or otherwise the maximum weight of load, the number of persons to be in charge thereof, and where they are to be placed, the position passengers may occupy in relation to the seats, sides or floor of the motor vehicle, the methods of loading and the distribution of weights in relation to the floor, sides or roof of a motor vehicle, the conditions under which they

may be used or ply for hire and the devices, mechanical or otherwise, to be attached to motor vehicles for the purpose of government, safety or control;

- (q) with respect to the qualifications, examination and licensing of drivers of motor vehicles the fees to be paid for such examination or any other requirements or conditions to the grant of a licence to drive;
- (r) providing for the granting of a licence and registration plates to dealers in motor vehicles and the conditions on which such licence and registration plates may be granted and the amount to be paid therefor, the returns to be made by them, and for assigning a general identification mark to such dealers;
- (s) the fees to be payable under this part of this Law and the persons liable to pay the same;
- (t) the custody, production and cancellation on revocation of licences and certificates of fitness and the return to the Licensing Authority of licences which have become void or revoked.
- (u) the limitations of time during which drivers of public passenger vehicles and commercial vehicles may remain continuously on duty.
- (v) Prohibiting the driving of vehicles on any specified road otherwise than in a specified direction.

PART III.—REGULATION OF PUBLIC PASSENGER VEHICLES AND ROAD LICENCES.

49—(1) Public passenger vehicles shall, for the purposes of this part of this Law and the regulations made thereunder, be divided into the following classes:—

Classification  
of Public Passenger Vehicles

- (a) Stage carriages; that is to say, motor vehicles carrying passengers for hire or reward at separate fares (any or all of which are less than one shilling for a single journey or such sum as may be prescribed), stage by stage, and stopping to pick up or set down passengers along the line of

route, and any other motor vehicles carrying passengers for hire or reward at separate fares and not being express carriages or hackney carriages as hereinafter defined :

- (b) Express carriages, that is to say, motor vehicles not being hackney carriages as hereinafter defined carrying passengers for hire or reward at separate fares (none of which is less than one shilling for a single journey or such sum as may be prescribed) and for a journey or journeys from one or more points specified in advance to one or more common destinations so specified, and not stopping to take up or set down passengers other than those paying the appropriate fares for the journey or journeys in question :
- (c) Contract carriages; that is to say, motor vehicles carrying passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum :
- (d) Hackney carriages; that is to say, motor vehicles carrying passengers for reward or hire used in standing or plying for hire on any thoroughfare or place frequented by the public and which have seating accommodation for not more than four persons :

Provided that a public passenger vehicle adapted to carry less than eight passengers shall not be deemed to be a stage carriage or an express carriage by reason only that on occasions of Race Meetings, public gatherings and other like special occasions it is used to carry passengers at separate fares.

(2) Contract carriages shall not stand or ply for hire on any road or in any place whatsoever in public view and to which the public may have access: Provided that a Traffic Area Authority shall by order from time to time and subject to such restrictions and conditions as may be specified in any such order authorise within the Area of the Authority the use of certain sections of any road, or any other place whatsoever to which the public may have access as



stands for contract carriages and any person who fails to comply with any such restriction or condition of any such order shall be guilty of an offence.

(3) It is hereby declared that where persons are carried in a motor vehicle for any journey for consideration of separate payments made by them whether to the owner of the vehicle or to any other person, the vehicle in which they are carried shall be deemed to be a vehicle carrying passengers for hire or reward at separate fares whether the payments are solely in respect of the journey or not :

Provided that a vehicle used on a special occasion for the conveyance of a private party shall not be deemed to be a vehicle carrying passengers for hire or reward at separate fares by reason only that the members of the party have made separate payments which cover their conveyance by that vehicle on that occasion.

(4) For the purposes of this Section a motor vehicle shall be deemed to be used on a special occasion for the conveyance of a private party where it is used on a journey in relation to which the following conditions are satisfied, and not otherwise (that is to say) :—

- (a) arrangements for the bringing together of all the passengers for the purpose of making the journey as a party must have been made by some person, not being the holder of the licence in respect of the vehicle or a person acting on behalf of the holder of such a licence or a person who receives any remuneration in respect of those arrangements;
- (b) the journey must be made without previous advertisement to the public of the arrangements therefor;
- (c) all the passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey;
- (d) no differentiation of fares for the journey on the basis of distance or of time must be made;

- (e) in the case of a journey to a particular destination the passengers must not include any person who, frequently, or as a matter of routine, travels, at or about the time of day at which the journey is made, to that destination from a place from or through which the journey is made.

#### ROAD LICENCES FOR PUBLIC PASSENGER VEHICLES.

Road Licences  
for Public Pas-  
senger Vehicles.

50—(1) No person shall use or cause or permit a motor vehicle to be used on any road as a public passenger vehicle unless he is the holder of a licence (in this Law referred to as a "Road Licence") to use it as a vehicle of that class in accordance with the provisions of this part of this Law.

Provided that—

- (a) a person who is the holder of a road licence to use a vehicle as a stage carriage may use it as a contract carriage or, as an express carriage, and a person who is the holder of a road licence to use a vehicle as an express carriage may use it as a contract carriage subject to any conditions attached to the licence and to the consent in writing of the Licensing Authority being first had and obtained; and
- (b) in the case of a service of stage carriages a vehicle licenced under a road licence as an express carriage may be used on the service if the Traffic Authority of each of the Traffic Areas in which the vehicle is to be so used think that it may in any special circumstances, including the character of the service, properly be so used and consent in writing thereto.

(2) Application for a road licence shall be made to the Licensing Authority in the Traffic Area within or from which the vehicle is intended to be ordinarily operated.

(3) A road licence issued under this Law shall, subject to the provisions of this Law, continue in force from the date thereof until the then next succeeding 31st day of March and there shall be charged levied and paid in respect of road licences the relevant duties at the rates specified in the Second Schedule to this Law: Provided that the licence duty in respect thereof shall be paid in full at the time of

the issue of the licence: Provided further that every road licence issued under the provisions of this Law immediately preceding the 1st day of April in any year shall bear date the 1st day of April then next ensuing.

(4) A road licence may be refused or, if it has already been granted, may at any time be suspended or revoked by the Licensing Authority by whom it was granted if it is made to appear to the Licensing Authority by a Traffic Area Authority that having regard to the conduct of the applicant or holder of the licence or to the manner in which the vehicle is being used, he is not a fit person to hold such a licence.

(5) If any person uses or causes or permits a vehicle to be used in contravention of this section, he shall be guilty of an offence, and the vehicle shall be liable to be seized and kept in the possession of the Police until the licence required by this part of this Law has been obtained and produced.

51—(1) Road Licences may be granted in respect of the following classes of vehicles:—

Classes of Road Licences.

- (a) Stage carriages
- (b) Express carriages
- (c) Contract carriages
- (d) Hackney carriages

(2) A road licence for a stage carriage, an express carriage, a contract carriage or a hackney carriage, shall entitle the holders thereof respectively to use the vehicle licensed as such respectively in the manner mentioned in paragraphs (a), (b), (c) and (d) respectively of sub-section (1) of section forty-nine of this Law.

52—(1) Subject to the provisions of this part of this Law a Licensing Authority may grant to any person applying therefor a road licence of any of the classes specified in section fifty-one of this Law.

Conditions to grant of Road Licences and conditions attached to Road Licences.

(2) A Licensing Authority shall not grant a road licence if it is made to appear to the Licensing Authority by a Traffic Area Authority that from the particulars furnished in pursuance of sub-section (4) of this section the provisions of Part II of this Law relating to the speed of motor vehicles are likely to be contravened, and the Licensing

Authority in exercising discretion to grant or to refuse any such licence, or to grant or to refuse any such licence for a stage or express carriage in respect of any routes, and discretion to attach conditions to any such licence shall have regard to the following matters:—

- (a) In the case of an application for a licence in respect of a stage or express carriage, the suitability of the routes and the condition of the roads on which the service may be provided under the licence;
- (b) In the case of an application for a licence in respect of a stage or express carriage, the extent, if any, to which the needs of the proposed routes in the Traffic Area in which the licence is issued or any of them, are already adequately served;
- (c) In the case of an application for a licence other than in respect of a contract carriage, the extent to which the proposed service is necessary or desirable in the public interest;
- (d) In the case of an application for a licence other than in respect of a contract carriage, the needs of the Traffic Area as a whole in relation to traffic (including the provision of adequate, suitable and efficient transport services, the elimination of unnecessary services and the prevention of unremunerative services), and the co-ordination of all forms of passenger transport including transport by rail;

and, in the case of an application for a licence in respect of a stage or express carriage, take into consideration any representations which may be made by persons who are already providing transport facilities along or near to the routes or any part thereof or by any Traffic Area Authority, or local Authority, in whose Area any of the routes or any part of any of the routes is situate.

(3) Subject to the provisions of this section and to representations made under this Law the Licensing Authority may attach to a road licence such conditions as the Authority may think fit with respect to the matters in which the Authority are required to have regard under the preceding sub-section and in particular for securing that:—

- (a) In the case of a licence in respect of a stage, express contract or hackney carriage, the fares shall not be unreasonable;
- (b) In the case of a licence in respect of a stage or express carriage, where desirable in the public interest the fares shall be so fixed as to prevent wasteful competition with alternative forms of transport, if any, along the route or any part thereof, or in proximity thereto;
- (c) In the case of a licence in respect of a stage or express carriage, copies of the time table and fare table shall be carried and be available for inspection in vehicles used on the service;
- (d) In the case of a licence in respect of a stage or express carriage, passengers shall not be taken up or shall not be set down except at specified points or shall not be taken up or shall not be set down between specified points;
- (e) In the case of a contract or hackney carriage, copy of the fare table shall be carried and be available for inspection in vehicles used as such;

and generally for securing the safety and convenience of the public, and the Licensing Authority may from time to time vary in such manner as the Authority may think fit the conditions attached to a road licence.

(4) Every person applying for a road licence of any class shall submit to the Licensing Authority—

- (a) particulars of the types or type of vehicle to be used accompanied by the certificate of fitness issued in respect of the vehicle.
- (b) in the case of an application for a road licence in respect of a stage or express carriage, the time tables and fare tables of the services which it is proposed to provide under the licence and as to the frequency of the services and the times to be taken on the journeys included in those services as the Licensing Authority may require;

and the Licensing Authority shall transmit to the Traffic Area Authority in whose Area application for the licence is made a copy of such particulars.

(5) A Licensing Authority on granting a road licence in respect of a stage or express carriage shall send notice thereof, including particulars of the services to be provided thereunder, to the Traffic Area Authority of the Area in which any such service is to be provided, and to every local Authority in whose Area any such service is to be provided.

(6) If any person uses a public passenger vehicle or causes or permits it to be used in contravention of this section or being the holder of a road licence of any class wilfully or negligently fails to comply with any of the conditions attached to that licence he shall be guilty of an offence: Provided that failure in any case to comply with any such conditions shall not be an offence if the alleged offender proves that the Traffic Area Authority for the Traffic Area in which the offence is alleged to have been committed had dispensed with compliance in that case.

(7) In this part of this Law "Local Authority" means the Parochial Board of any parish or the Kingston and Saint Andrew Corporation.

Validity of  
Road Licences  
in other Areas  
and backing of  
Licences.

53—(1) A road licence in respect of a stage carriage, an express or hackney carriage granted by the Licensing Authority of any Licensing Area shall not be valid in any other Licensing Area, but any such licence granted by the Licensing Authority of one Licensing Area for a stage or express carriage may be backed in the prescribed manner by the Licensing Authority of another Licensing Area, and if so backed, shall in the Area of the Licensing Authority by whom the licence is backed have effect as if it were a road licence for a stage carriage or express carriage granted by that Authority.

(2) The Licensing Authority of any Licensing Area on backing a road licence for a stage carriage or express carriage may as respects its Area impose any condition which it might have imposed on granting the licence or vary any condition attached to the licence by the Licensing Authority by whom the licence was granted, and all the provisions of this part of this Law as to applications for road licences for stage or express carriages and the granting refusal, suspension or revocation of such licences and matters connected therewith shall apply to the backing of such licences, subject to the modification that references in the

said provisions to the Licensing Authority by whom the licence was granted shall be construed as references to the Licensing Authority by whom the licence was backed.

(3) Save as aforesaid, any licence issued under this part of this Law by the Licensing Authority of any Licensing Area shall be valid in any other Licensing Area.

54—(1) A road licence of any class may be revoked or suspended by the Licensing Authority who granted the licence on being satisfied by a Traffic Area Authority that any condition subject to which the licence was granted has not been complied with:

Revocation or suspension of Licences for non-compliance with conditions.

Provided that the Licensing Authority shall not revoke such a licence unless owing to the frequency of the breach of the conditions on the part of the licensee, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the Licensing Authority is satisfied that the licence should be revoked or suspended.

(2) The Licensing Authority on revoking or suspending a road licence shall send notice thereof to the Island Traffic Authority, to the Traffic Area Authority and every Local Authority in whose Area the service to which such licence relates is provided.

(3) A road licence shall not be capable of being transferred or assigned: Provided that provision may be made by regulations for enabling a person carrying on the business of the holder of a licence issued in respect of a Stage or Express Carriage Service to continue for the time being the service in the event of the death, incapacity, bankruptcy or liquidation of the holder, or of the appointment of a receiver or manager in relation to the business.

#### CONDUCTOR'S LICENCES.

55—(1) A person shall not act as conductor of a stage or express carriage on a road unless he is licenced for the purpose under this part of this Law, and a person shall not employ any person who is not so licenced to act as conductor of any such vehicle on a road.

Conductors Licences.

(2) There may be attached to the licence such conditions as the Licensing Authority may think fit to impose.

(3) A person shall be disqualified for obtaining a licence to act as conductor of a stage or express carriage unless he is over the age of eighteen years and fulfils such other conditions as may be prescribed :

Provided that the above mentioned limit of age shall be dispensed with if the applicant shows to the satisfaction of the Licensing Authority that he was during the six months immediately preceding the commencement of this Law regularly employed as a conductor of a stage or express carriage.

(4) A licence to act as conductor of a stage or express carriage may at any time be suspended or revoked by the Licensing Authority by whom it was granted upon the ground that, by reason of his conduct or physical disability the holder is not a fit person to hold such a licence.

(5) If any person acts in contravention of this section or fails to comply with any condition attached to the licence he shall be guilty of an offence.

Application for  
Conductors  
Licences.

56—(1) An application to act as conductor of a stage or express carriage shall be made to the Licensing Authority of the Area in which the applicant resides, and there shall be paid to the Licensing Authority in respect of such licence a fee of Ten Shillings.

(2) A conductor's licence issued under this Law shall, subject to the provisions of this Law, continue in force from the date thereof until the then next ensuing 31st day of March : Provided that the licence duty in respect thereof shall be paid in full at the time of the issue of the licence : Provided further that every conductor's licence issued under the provisions of this Law immediately preceding the 1st day of April in any year shall bear date the 1st day of April then next ensuing.

#### GENERAL PROVISIONS AS TO LICENCES.

Procedure on  
applications for  
Licences.

57—Subject to the provisions of this part of this Law the Governor in Privy Council may make regulations as to the procedure on applications for and the determination of questions in connection with the grant, suspension and revocation of licences under this part of this Law by a Licensing Authority, and the surrender of such licences.



and those regulations may make provision as to the particulars to be furnished and the persons to whom notices are to be given, the manner in which notices are to be published or served, and as to the manner in which objections may be made.

58—(1) Any person who—

- (a) being an applicant for the grant of a road licence, is aggrieved by the refusal or failure of the Licensing Authority to grant the licence, or with any condition imposed by the Licensing Authority; or
- (b) being a Local Authority which, or a person providing transport facilities who, has opposed the grant or variation of a stage or express carriage licence, is aggrieved by the grant thereof or by any condition or by any variation of the conditions attached thereto; or
- (c) being the holder of a road licence, is aggrieved at the revocation or suspension thereof, by the Licensing Authority or by any variation of the conditions attached thereto;

Appeals to Governor in Privy Council in connection with Road Licences.

may within the prescribed time and in the prescribed manner appeal to the Governor in Privy Council.

(2) On any such appeal, the Governor in Privy Council shall have power to make such order as he thinks fit (including an order revoking a licence) and any such order shall be final and conclusive and shall be binding upon the Licensing Authority.

59—Any person who, being the holder of or an applicant for a licence to act as conductor of a stage or express carriage feels aggrieved by conditions attached to the licence or by the refusal or failure of the Licensing Authority to grant or by the suspension or revocation of such a licence, may by notice in writing to the Licensing Authority require the Authority to reconsider the matter, and shall on the reconsideration be entitled to be heard either personally or by his representative.

Appeals to Governor in Privy Council in connection with Conductors' Licences.

Any person who is so aggrieved as aforesaid or who is dissatisfied with the decision of the Licensing Authority on the reconsideration of the matter may appeal to the Governor in Privy Council, and on any such appeal the Governor

may make such order as he thinks fit and any order so made shall be final and conclusive and shall be binding on the Licensing Authority.

#### DRIVERS, CONDUCTORS AND PASSENGERS.

Regulations for  
conduct of  
Passengers

60—(1) The Governor in Privy Council may make regulations generally as to the conduct of passengers in public passenger vehicles and such regulations may in particular, without prejudice to the generality of the foregoing provision—

- (a) authorise the removal from a public passenger vehicle of any person infringing the regulations by the driver or conductor of the vehicle or on the request of the driver or conductor by any Police Constable;
- (b) require a passenger in a stage or express carriage who is reasonably suspected by the driver or conductor thereof of contravening the regulations to give his name and address to a Police Constable or to the driver or conductor on demand;
- (c) require a passenger to declare, if so requested by the driver or conductor, the journey he intends to take or has taken in the vehicle, and to pay the fare for the whole of such journey and to accept any ticket provided therefor;
- (d) require, on demand being made for the purpose by the driver or conductor or other person authorised by the licensee of the vehicle, production during the journey and surrender at the end of the journey by the holder thereof of any ticket issued to him;
- (e) require a passenger, if so required by the driver or conductor, to leave the vehicle on the completion of the journey the fare for which he has paid;
- (f) require the surrender by the holder thereof on the expiry of the period for which it is issued of a ticket issued to him.

(2) If any person contravenes or fails to comply with any provision of any such regulations, he shall be liable to a penalty not exceeding Five Pounds.

61—(1) The Governor in Privy Council may make regulations as to the conduct of persons licenced to act as drivers or conductors of public passenger vehicles when acting as such.

Regulation of  
conduct of  
Drivers and  
Conductors.

(2) If any person to whom such regulations apply contravenes or fails to comply with any of the provisions of the regulations, he shall be liable to a penalty not exceeding Five Pounds, and the Court by which he is convicted may, if it thinks fit, cause particulars of the conviction to be endorsed upon the licence granted to that person under this part of this Law.

(3) The person who has the custody of the licence shall, if so required by the convicting Court, produce the licence within a reasonable time for the purpose of endorsement, and if he fails to do so, shall be guilty of an offence.

62—The Governor in Privy Council may make regulations for any purpose for which regulations may be made under this part of this Law and for prescribing anything which may be prescribed under this part of this Law, and generally for the purpose of carrying this part of this Law into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters:—

General power of  
making Regula-  
tions.

- (a) the forms to be used for the purposes of this part of this Law;
- (b) applications for and the issue of licences and of certificates of fitness;
- (c) the issue of copies of licences and certificates in the case of licences or certificates lost or destroyed;
- (d) the documents, plates and marks to be carried by public passenger vehicles and the manner in which they are to be carried;
- (e) the badges to be worn by drivers and conductors of public passenger vehicles;
- (f) the custody of licences, the production, return and cancellation of licences on suspension or revocation, and the production, return and cancellation on revocation of certificates of fitness and as to the custody, production and return of badges and plates;

- (g) the determination of the number of passengers a public passenger vehicle is adapted to carry and the number who may be carried;
- (h) the carriage of luggage and goods on public passenger vehicles;
- (i) the safe custody and re-delivery or disposal of any property accidentally left in a public passenger vehicle and fixing the charges made in respect thereof;
- (j) the equipment to be carried by public passenger vehicles
- (k) For providing and regulating the inspection of vehicles proposed to be licensed as public passenger vehicles, the maximum size, weight and dimension of such vehicles or their design.

and different regulations may be made as respects different classes or descriptions of public passenger vehicles and as respects the same class and description of public passenger vehicles in different circumstances.

Fees in respect of backing of Road Licences

63—Such fees as may be prescribed shall be charged by a Licensing Authority in respect of the backing of a road licence for a stage or express carriage. Provided that the aggregate amount payable under this section in respect of any one vehicle for all areas shall not exceed ten shillings.

Non-exemption of liability under other provisions of this Law or at Common Law.

64—(1) Nothing in this part of this Law shall be construed or taken as relieving the driver or owner of a public passenger vehicle from any liability under the other provisions of this Law relating to motor vehicles or any regulations made thereunder or from any liability under any other Law or at Common Law.

(2) This part of this Law shall not apply to the vehicles mentioned in paragraphs (a) and (b) of Section 6 of this Law.

#### PART IV.—REGULATION OF COMMERCIAL MOTOR CARS.

Prohibition to use Commercial Motor Cars except under Carriers' Licences.

65—(1) Subject to the provisions of this part of this Law, no person shall use a commercial motor car on a road for the carriage of goods—

- (a) for hire or reward; or

(b) for or in connection with any trade or business carried on by him,

except under a licence (in this Law referred to as a "carrier's licence.")

(2) For the purposes of this part of this Law and the regulations made thereunder—

(a) the expression "commercial motor car" means a motor vehicle constructed, adapted or used for the carriage of goods and any other motor vehicle including tractors and trailers used in connection with or in the furtherance of any private or business undertaking: Provided that a vehicle used by its owner in the pursuits of his profession or business for his personal conveyance shall not be deemed to be a commercial motor car: Provided further that a vehicle registered as a private motor car shall not be deemed to be a commercial motor car by reason only of its use as such in extraordinary circumstances;

(b) the expression "goods" includes goods or burden of any description and the expression "carriage" includes haulage.

(c) When a commercial vehicle is being used on a road for the carriage of goods, the driver of the vehicle, if it belongs to him or is in his possession under an agreement for hire, hire purchase or loan, and, in any other case, the person whose agent or servant the driver is, shall, be deemed to be the person by whom the vehicle is being used.

(3) Application for a carrier's licence shall be made to the Licensing Authority for the Licensing Area in which the authorised vehicles are kept.

(4) A carrier's licence issued under this Law shall, subject to the provisions of this Law, continue in force from the date thereof until the then next ensuing 31st day of March. And there shall be charged levied and paid to the Licensing Authority in respect of carrier's licences the relevant duties at the rates specified in the Second Schedule to this Law: Provided that the licence duty in respect thereof shall be paid in full at the time of the issue of the licence: Provided further that every carrier's licence issued

under the provisions of this Law immediately preceding the 1st day of April in any year shall bear date the 1st day of April then next ensuing.

(5) Any person who uses or causes or permits a commercial motor car to be used in contravention of this section shall be guilty of an offence and the vehicle shall be liable to be seized and kept in the possession of the Police until the licence required by this part of this Law has been obtained and produced.

Classes of  
Carriers'  
Licences.

66—(1) Licences shall be of the following classes :—

- (a) public carriers' licences;
- (b) private carriers' licences.

(2) A public carrier's licence shall entitle the holder thereof to use the authorised vehicles for the carriage of goods for hire or reward, or for the carriage of goods for or in connection with his business as a carrier of goods, but it shall be a condition of the licence that no vehicle which is for the time being an authorised vehicle shall be used for the carriage of goods for or in connection with any other trade or business carried on by him except such storage or warehousing of goods as may be incidental to his business as a carrier.

(3) A private carrier's licence shall entitle the holder thereof to use the authorised vehicles for the carriage of goods for or in connection with any trade or business carried on by him, subject to the condition that no vehicle which is for the time being an authorised vehicle shall be used for the carriage of goods for hire or reward.

Notwithstanding anything in this part of this Law, the Licensing Authority may, in a case of emergency and subject to such conditions as it thinks fit to impose, authorise the holder of a private carrier's licence to use an authorised vehicle for the carriage of goods for any person to whom he lets the vehicle, if the Authority is satisfied that the needs of that person cannot conveniently be met from other sources.

(4) For the purposes of this part of this Law the expression "authorised vehicle" means in relation to any carrier's licence a vehicle authorised to be used thereunder.

(5) The vehicles authorised to be used under a carrier's licence shall be—

- (a) such motor vehicles, being vehicles belonging to the holder of the licence or in his possession under a hire purchase agreement, as are specified in the licence;
- (b) motor vehicles from time to time in the possession of the holder of the licence under an agreement for hire or loan, not exceeding at any time such maximum number as is specified in the licence;
- (c) trailers from time to time belonging to the holder of the licence or in his possession under an agreement for hire purchase, hire or loan, not exceeding at any time such maximum number as is specified in the licence;

(6) A motor vehicle specified in the licence shall not, while it remains so specified, be capable of being effectively specified in any other licence under this part of this Law.

(7) A person may be the holder of two or more licences whether of the same class or of different classes.

67—(1) A person applying for a licence shall submit to the Licensing Authority a statement in the prescribed form—

Procedure on application for licences.

- (a) containing as respects motor vehicles proposed to be used under a licence, such particulars as may be prescribed;
- (b) stating the number and type of hired motor vehicles and of trailers proposed to be so used;
- (c) specifying, in the case of an application for a public carrier's licence, the facilities for the carriage of goods intended to be provided by him under the licence for other persons including the particulars of the district within which, or the places between which, it is intended that the authorised vehicles will normally be used for the purposes of carrying goods for hire or reward.

(2) A person applying for a carrier's licence shall give to the Licensing Authority any information which it may reasonably require for the discharge of its duties in relation to the application and, in particular, an applicant for

a public carrier's licence shall, if required by the Licensing Authority, submit to the Authority in the prescribed form such particulars as the Licensing Authority may require with respect to any business as a carrier of goods for hire or reward carried on by the applicant at any time before the making of the application and of the rates charged by the applicant.

Refusal, suspension or revocation of Carriers' Licences in certain cases.

68—A carrier's licence may be refused, or, if it has already been granted, may at any time be suspended or revoked by the Licensing Authority by whom it was granted if it is made to appear to the Licensing Authority by a Traffic Area Authority, that having regard to the conduct of the applicant or holder of the licence or to the manner in which the vehicle is being used he is not a fit person to hold such a licence.

Discretion of Licensing Authority to grant or to refuse Carriers' Licences.

69—(1) Subject to the provisions of this section, the Licensing Authority—

- (a) on an application for a public carrier's licence, shall have full power in its discretion either to grant or to refuse the licence; and
- (b) on an application for a private carrier's licence, shall grant the licence, unless the applicant is the holder of a licence which is suspended, or unless a licence previously held by him has been revoked, in either of which cases the Licensing Authority shall have full power in its discretion either to grant or to refuse the licence.

(2) A Licensing Authority in exercising its discretion to grant or to refuse a public carrier's licence shall have regard primarily to the interests of the public generally, including those of persons requiring, as well as those of persons providing, facilities for transport, and, in particular, shall have regard to—

- (a) the extent, if any, to which the needs of the Traffic Area in which the licence is issued are already adequately served;
- (b) the extent to which the proposed service is necessary or desirable in the public interest;



- (c) the needs of the Traffic Area as a whole in relation to traffic (including the provision of adequate, suitable and efficient transport services, elimination of unnecessary services and the prevention of unremunerative services) and the co-ordination of all forms of goods transport including transport by rail.

70—(1) It shall be a condition of every carrier's licence—

Conditions of Licences.

- (a) that the authorised vehicles are maintained in a fit and serviceable condition ;
- (b) that any provisions (whether contained in any Law or in any Regulations or Orders) with respect to limits of speed and weight, laden and unladen, and the loading of goods vehicles, are complied with in relation to the authorised vehicles.

(2) Any person who fails to comply with any condition of a licence held by him shall be guilty of an offence.

71—(1) A carrier's licence of either class may be revoked or suspended by the Licensing Authority by whom the licence was granted on being satisfied by a Traffic Area Authority that any condition subject to which the licence was granted has not been complied with : Provided that the Licensing Authority shall not revoke or suspend any such licence unless owing to the frequency of the breach of conditions of the licence, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the Licensing Authority is satisfied that the licence should be revoked or suspended.

Power to revoke or to suspend Licences.

(2) In any case where a carrier's licence is revoked or suspended the Licensing Authority shall, if requested by the licence holder, state in writing the grounds for the revocation or suspension.

72—(1) The Licensing Authority shall publish in the prescribed manner notice of an application for a public carrier's licence specifying the time within which, and the manner in which, objections may be made to the grant of the application.

Objections to applications for Licences.

(2) It shall be the duty of the Licensing Authority, on an application for a public carrier's licence, to take into consideration any objections to the application which may be made by persons who are already providing facilities for the carriage of goods for hire or reward in the district, or between the places, which the applicant intends to serve, on the grounds that suitable transport facilities in that district, or between those places, are, or if the application were granted, would be, either generally or in respect of any particular type of vehicles, in excess of requirements.

Provisions for Appeals in connection with Licences.

73—Any person who—

- (a) being an applicant for the grant of a carrier's licence is aggrieved by the decision of the Licensing Authority on the application; or
- (b) in the case of a public carrier's licence having duly made an objection to any such application as aforesaid, being an objection which the Licensing Authority is bound to take into consideration, is aggrieved by the decision of the Licensing Authority thereon; or
- (c) being the holder of a carrier's licence is aggrieved by the revocation or suspension thereof,

may within the prescribed time and in the prescribed manner appeal to the Governor in Privy Council, and the Governor in Privy Council may make such order as he thinks fit and such order shall be final and conclusive and shall be binding on the Licensing Authority.

Transfer of Licences prohibited.

74—A carrier's licence shall not be capable of being transferred or assigned: Provided that provision may be made by regulations for enabling a person carrying on the business of the holder of a licence to continue for the time being to use the authorised vehicles in the event of the death, incapacity, bankruptcy or liquidation of the holder, or of the appointment of a receiver or manager in relation to the business.

General power of making Regulations.

75—The Governor in Privy Council may make regulations for any purpose for which regulations may be made under this part of this Law and for prescribing anything which may be prescribed under this part of this Law, and

generally for the purpose of carrying this part of this Law into effect and, in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters :—

- (a) the forms to be used, and the particulars to be furnished, for any of the purposes of this part of this Law ;
- (b) the procedure on applications for, and the determination of questions in connection with, the grant, suspension and revocation of licences, and on appeals to the Governor in Privy Council under this part of this Law ;
- (c) the issue of licences, and the issue of copies of licences in the case of a licence lost or destroyed ;
- (d) the means by which vehicles are to be identified, whether by plates, marks or otherwise, as being authorised vehicles ;
- (e) the custody of licences, the production, return and cancellation of licences on suspension or revocation, and the custody, production and return of documents and plates,

and different regulations may be made as respects different classes or descriptions of vehicles and as respects the same class or description of vehicles in different circumstances.

76—Nothing in this part of this Law shall be construed or taken as relieving the driver or owner of a Commercial motor car from any liability under the other provisions of this Law relating to motor vehicles or any regulations made thereunder or from any liability under any other Law or at Common Law.

Non-exemption of liability under other provisions of this Law or at Common Law.

#### PART V.—INTERNATIONAL CIRCULATION OF MOTOR VEHICLES.

77—(1) The Governor may by order in Privy Council for the purpose of giving effect to any convention for facilitating the International Circulation of motor vehicles provide—

International Circulation of Motor Vehicles.

- (a) for the grant and authentication of any travelling passes, certificates or authorities which may be of use to persons resident in Jamaica when temporarily taking their motor vehicles abroad, or to drivers when proceeding abroad for the purpose of driving motor vehicles; and
- (b) for modifying the provisions of this Law and regulations made thereunder or under any Law hereby repealed which continue in force by virtue of this Law, relating to the registration of motor vehicles and the licensing of motor vehicle drivers in case of motor vehicles brought temporarily into Jamaica by persons resident abroad, and intending to make only a temporary stay in Jamaica, and of drivers entering Jamaica for the purpose of driving any such vehicles.

(2) Any modifications of this Law, or the regulations made thereunder, or under any Law hereby repealed which continue in force by virtue of this Law, made by an order in Privy Council under this Law shall not have any force or effect until they have been approved or amended by the Legislative Council, and when so approved or amended by Resolution shall, as from the date of such approval or amendment, have the same force and effect as if they were contained in and formed part of this Law or those regulations.

(3) Any order in Privy Council under this Law may be varied or revoked by any subsequent order in Privy Council under this Law.

#### PART VI—ROADS AND VEHICLES GENERALLY.

Application of this part of this Law to all Vehicles.

78—This part of this Law shall apply to vehicles of every description, whether animal drawn or mechanically propelled, save and except the vehicles mentioned in paragraphs (a) and (b) of section six of this Law.

Application of certain provisions of Part II to this part of this Law.

79—Notwithstanding the provisions of any other Law, or Rules, Regulations or Bye-Laws made under any other Law, the provisions of sub-section (1) of section twenty-two, sub-section (1) of section twenty-three, sub-section (1) of

section twenty-four, sub-sections (1) and (3) of section twenty-five, section twenty-eight, section twenty-nine, except in so far as they relate to the maximum speed of a vehicle, sections thirty, thirty-four, forty-one, forty-three, forty-four and forty-five, sub-sections (1), (2) and (3) of section forty-six and sub-section (6) of the said section, in so far as the provisions of the sub-section relate to sub-sections (1) and (3) of the section, and section forty-seven, of this Law, shall apply to animal drawn vehicles and pedal bicycles and the drivers or riders thereof, subject to the modifications that references in the said provisions to motor vehicles shall be construed as references to animal drawn vehicles, and to pedal bicycles.

80—(1) The Island Traffic Authority shall as soon as may be after the commencement of this Law, prepare a code (in this Law referred to as the "Road Code") comprising such directions as appear to the Authority to be proper for the guidance of persons using roads, and may from time to time revise the code by revoking, varying, amending or adding to the provisions thereof in such manner as the Authority may think fit.

Issue by Island Traffic Authority of directions for guidance of users of roads.

(2) The Island Traffic Authority shall cause the code and every revised edition of the code to be printed and issued to the public at a price not exceeding one penny for each copy.

(3) The failure on the part of any person to observe any provision of the road code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal and including proceedings for an offence under this Law) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

81—(1) The Road Authority may cause or permit traffic signs to be placed on or near any road.

Erection of Traffic Signs etc.

(2) Traffic signs shall be of the prescribed size, colour and type, except where the Road Authority authorises erection of a sign of another character.

(3) The Road Authority shall by notice in writing require the owner or occupier of any land on which there is

any sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign, to remove it, and if any person fails to comply with such a notice the Road Authority may effect the removal, doing as little damage as may be.

(4) In this part of this Law the expression "traffic sign" includes marks on the surface of roads, all signals, whether automatic electric signals or otherwise, warning sign posts, direction posts and signs or other devices for the guidance or direction of persons using roads.

(5) Regulations may be made restricting or regulating the placing, erection and exhibition of traffic signs under this section.

All Traffic Signs to be obeyed.

82—(1) The driver of every vehicle and the rider of every pedal bicycle shall obey all traffic signs which may be lawfully placed, erected or exhibited on or near any road, or so as to be visible from a road, in accordance with the provisions of section eighty-one of this Law.

(2) Any person who fails to comply with any such traffic signs shall be guilty of an offence.

Power of Road Authority as to refuges.

83—A Road Authority may for the purpose of making the crossing of any road less dangerous to foot passengers, erect, light, maintain, alter and remove places of refuge in the road.

Provision of foot-paths.

84—It is hereby declared to be the duty of a Road Authority to provide wheresoever they shall deem it necessary or desirable for the safety or accommodation of foot passengers, proper and sufficient foot-paths by the side of roads under their control.

Power to declare roads, Principal Roads.

85—(1) Regulations may declare which road is to be considered a principal road and where two or more roads intersect the driver of a vehicle of any description before turning into, or crossing, a principal road shall bring the vehicle to a full stop and on turning into, or crossing, the principal road shall not drive a vehicle so as to obstruct any traffic on the principal road and shall comply with such directions as may be contained in such regulations.

(2) Any person who contravenes any of the provisions of this section or fails to comply with any direction contained in such regulations shall be guilty of an offence.

86—(1) No person shall drive or be in charge of a drove of animals along or on a road unless he is at least eighteen years of age, and where the animals exceed fifteen in number at least three such persons shall be in charge or in attendance on such animals.

Relating to Drivers.

(2) Any person in charge of, or in attendance on, a drove of animals on a road after dark shall cause to be carried one light in front and one light at the rear of the drove of such animals.

(3) Any person who acts in contravention of the provisions of this section or who causes or permits any other person to act in contravention of the provisions of this section shall be guilty of an offence.

87—(1) Subject to the provisions of this section, and notwithstanding any other Law or rule, regulation or bye-law made under any other Law, if a Road Authority is satisfied that traffic on any road for the maintenance of which the Authority is responsible should, by reason of works of repair or reconstruction being required or being in progress on the road, be restricted or prohibited, the Authority may by order restrict or prohibit the use of that road or of any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions or exceptions as they may consider necessary.

Power of Road Authority temporarily to prohibit or restrict traffic on roads.

(2) A Road Authority, when considering the question of the making of an order under this section shall have regard to the existence of alternative routes suitable for the traffic which will be affected by the order.

(3) Any person who uses or permits the use of a vehicle in contravention of any restriction or prohibition imposed under this section shall be liable in the case of a first conviction to a penalty not exceeding Five Pounds and in case of a second or subsequent conviction to a penalty not exceeding Ten Pounds.

**Regulations.**

88—The Governor in Privy Council may make regulations for any purpose for which regulations may be made under this part of this Law and for prescribing anything which may be prescribed under this part of this Law, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations—

- (a) for prescribing the number, nature and use of brakes, in the case of animal drawn vehicles when used on roads and for empowering persons authorised by or under the regulations to test and inspect any such brakes, whether on a road or elsewhere; and
- (b) for prescribing the appliances to be fitted to bicycles or tricycles, not being motor vehicles, for signalling their approach when used on roads and for securing that the riders of such vehicles shall by means of such appliances as aforesaid give audible and sufficient warning of their approach; and
- (c) for making provisions for the removal from roads of vehicles which have broken down and of the loads carried thereby or of vehicles which have been left in a dangerous position on a road.

**PART VII.—GENERAL.**

Relating to  
Regulations  
under this Law.

89—(1) All regulations purporting to be made in pursuance of any part of this Law shall be published in the Gazette and shall come into operation on such publication or at such other time as may be fixed by such regulations.

(2) All regulations made under any part of this Law shall have full effect notwithstanding anything in any other Law or any bye-laws or regulations made thereunder.

(3) If any person acts in contravention of or fails to comply with any regulations or orders made under any part of this Law he shall, for each offence, be liable on conviction before a Resident Magistrate or two or more Justices of the Peace to a penalty not exceeding Twenty Pounds and in default of payment thereof to imprisonment, with or without hard labour, for any period not exceeding three months.

(4) Regulations made under any part of this Law shall be of the same force and effect as if they were contained in and formed part of this Law and shall be judicially noticed.



(5) Regulations made under any part of this Law may, if the Governor in Privy Council deems it necessary, be of a local nature and limited in their application to a particular area.

90—Any person who acts in contravention of, or who fails to comply with, any of the provisions of this Law, and any person guilty of an offence under this Law, for which no special penalty is provided shall be liable in respect of each such contravention, failure or offence to a penalty not exceeding Twenty Pounds and in default of payment thereof, to imprisonment, with or without hard labour, for any period not exceeding two months or in the case of a second or subsequent conviction to a penalty not exceeding Fifty Pounds and in default of payment thereof, to imprisonment with or without hard labour, for a period not exceeding three months or in the discretion of the Court to imprisonment, with or without hard labour, for a period not exceeding three months.

Punishment of offences not otherwise provided for.

91—Every offence under, and every contravention of, this Law shall, except where otherwise expressly provided, be tried summarily before a Resident Magistrate or two or more Justices of the Peace sitting in Petty Sessions, and the offence or contravention shall be deemed to have been committed either at the place at which the same was actually committed or in the parish in which the offender resides.

Trial of offences.

92—Nothing in this Law shall affect any liability of the driver or owner of a vehicle under any Law or at Common Law save as by this Law may be expressly excepted.

Nothing in this Law to affect liability under any other Law unless expressly excepted.

93—It is hereby declared that this Law applies to persons in the public service of the Crown.

Application to persons in Public Service of Crown.

94—Nothing in this Law shall prejudice or affect the Prerogative of the Crown to grant to any person or Company an exclusive franchise to operate a public passenger service, by means of stage carriages, within any traffic area or part thereof.

Prerogative

Set off of  
Licence duties.

95—Any licence duty or fee under any Law hereby repealed paid by a person for the year 1937-38 shall be deducted from the licence duty or fee payable by that person under this Law in respect of the said year and the difference only between the two duties or fees shall be collected.

Repeal and  
Saving.

96—The provisions of this Law shall have effect notwithstanding anything to the contrary contained in any other Law and the Laws mentioned in the First Schedule to this Law are hereby repealed to the extent indicated in the third column of the said Schedule: Provided that all rules, regulations and orders made in virtue of the said Laws or any Law thereby repealed and in force at the date of the commencement of this Law shall remain in operation so far as they are not inconsistent with the provisions of this Law until they have been rescinded or replaced by regulations or orders made under this Law: Provided further that all notices, documents, proceedings and generally all acts of authority which originated under any of the said Laws or any Law thereby repealed and are subsisting and in force at the commencement of this Law shall enure for the purposes of this Law as fully and effectually as if they had originated under the provisions of this Law.

Commencement.

97—This Law shall come into operation on such day as the Governor shall appoint in that behalf by Proclamation.

## FIRST SCHEDULE.

No. and date of Law.	Title.	Repeal.
No. 21 of 1922 No. 9 of 1927	The Motor Vehicle Law 1922 The Motor Vehicle Amendment Law 1927	The whole Law The whole Law.
No. 37 of 1927	The Motor Vehicle Further Amendment Law 1927	The whole Law.
No. 30 of 1929 No. 14 of 1930	The Motor Omnibus Law 1929 The Motor Vehicle Further Amendment Law 1930	The whole Law.
No. 12 of 1931	The Kingston and St. Andrew Corporation Law 1931	The whole Law. Sub-sections (12), (22) and (24) of Section 187—In so far only as those sub-sections relate to motor vehicles.
No. 33 of 1931	The Main Roads Consolidation Law 1931.	Section 24—In so far only as it relates to motor vehicles.
No. 34 of 1931	The Parochial Roads Consolidation Law 1931	Section 68—In so far only as it relates to motor vehicles.
No. 9 of 1933	The Motor Vehicles (International Circulation) Law 1933	The whole Law.
No. 26 of 1933	The Motor Omnibus (Amendment) Law 1933	The whole Law.
No. 37 of 1936	The Parochial Board Regulations Law, 1936	Sub-sections (c), (k), (l), (m), (o), of Section 3 in so far as those Sub-sections relate to Motor Vehicles.

## SECOND SCHEDULE.

*Licence Duties.*

1. Licence Duties on all motor vehicles calculated on unladen weight:		
(a) Each motor car	.. ..	£5 10 0
(b) Each motor car operating as public passenger vehicle	.. ..	6 10 0
(c) Each motor truck or tractor not exceeding 20 cwt.	.. ..	5 10 0
(d) Each motor truck or tractor exceeding 20 cwt. and not exceeding 40 cwt.	.. ..	6 0 0
(e) Each motor truck or tractor exceeding 40 cwt. and not exceeding 50 cwt.	.. ..	7 10 0
(f) Each motor truck or tractor exceeding 50 cwt.	.. ..	12 10 0
(g) Invalid carriages not exceeding 3 cwt.	.. ..	1 0 0
(h) Invalid carriages exceeding 3 cwt.	.. ..	1 10 0
(i) Motor cycles not exceeding 3 cwt.	.. ..	1 0 0
(j) Motor cycles exceeding 3 cwt.	.. ..	1 10 0
(k) Trailers for each hundredweight of gross weight	.. ..	0 2 0
2. Licence Duties, additional to those in paragraph (1) of this Schedule, on all motor vehicles in which spirit, other than motor spirit as defined by the Tariff Laws, 1925-1937, or oil, not liable to duties of Customs, is used as fuel, calculated on unladen weight:—		
(a) Each motor vehicle not exceeding 30 cwt.	.. ..	28 0 0
(b) Each motor vehicle exceeding 30 cwt. and not exceeding 40 cwt.	.. ..	32 0 0
(c) Each motor vehicle exceeding 40 cwt. and not exceeding 50 cwt.	.. ..	36 0 0
(d) Each motor vehicle exceeding 50 cwt. and not exceeding 60 cwt.	.. ..	42 0 0
(e) Each motor vehicle exceeding 60 cwt.	.. ..	48 0 0
Provided that where the Licensing Authority is satisfied that a motor vehicle, other than a motor vehicle licensed as a public passenger vehicle or as a public carrier, uses as fuel such spirit manufactured in the Island the Licensing Authority shall cause to be refunded to the person paying the licence duty the amount of such duty collected under this paragraph of this Schedule.		
3. Road Licences in respect of:—		
(a) Each stage carriage	.. ..	£2 0 0
(b) Each express carriage	.. ..	2 0 0
(c) Each contract carriage	.. ..	1 0 0
(d) Each hackney carriage	.. ..	1 0 0
4. Carriers' Licences:—		
(a) Public carriers, each vehicle	.. ..	0 5 0
(b) Private carriers, each vehicle	.. ..	0 5 0

No. 42---1937.

I assent,

[L.S.]

C. C. WOOLLEY,  
*Acting Governor.*

29th December, 1937.

A LAW to make Provision for the Protection and  
Management of Forests.

[30th December, 1937.]

**B**E it enacted by the Governor and Legislative Council of  
Jamaica as follows:—

PART I.—PRELIMINARY.

1—This Law may be cited as the Forest Law 1937.

Short Title.

2—In this Law—

“Cattle” includes horses, mules, asses, goats, sheep and swine. Interpretation

“Crown Land” includes all waste or vacant land in the Island vested in the Colonial Secretary in trust for His Majesty or the Government of this Island, whether by forfeiture, escheat, purchase or exchange and not dedicated to the public and all land leased by the

Colonial Secretary on behalf of His Majesty or the Government of this Island as Forest Reserve.

“Forest Offence” means any offence punishable under this Law or under any Rule made thereunder.

“Forest Officer” means any person appointed to discharge any function of a Forest Officer under this Law or any Rule made thereunder.

“Forest Produce” includes the following when found in or brought from Crown Lands:—trees and plants and all parts or produce of such trees and plants, including charcoal.

“Forest Reserve” means and includes any piece or parcel of land declared by the Governor in Privy Council to be a Forest Reserve.

“Government” means the Governor in Privy Council.

“Member of Constabulary” means any member of the Jamaica Constabulary Force and includes any District Constable.

“Protective Area” means and includes any piece or parcel of land declared by the Governor in Privy Council to be a Protective Area.

“Timber” includes trees when they have fallen or been felled and all wood whether cut up or fashioned for any purpose or not.

“Tree” includes palms, bamboos, stumps or brushwood.

Establishment.

3—The Governor may appoint such, and so many, persons to be Forest Officers as may be necessary to carry out the provisions of this Law and may by writing under his hand confer upon any person power or authority either generally or in a specific case, to do any act or grant any permission for which power or authority is required under this Law.

## PART II.—CROWN LANDS.

Forest Reserves.

4—It shall be lawful for the Governor by Order in Privy Council from time to time as occasion may require to declare to be a Forest Reserve any Crown Land in the Island.

5—(1) If any person on Crown Lands declared to be a Forest Reserve— Forest Offences.

- (a) fells, cuts, girdles, marks, lops, taps, uproots or burns any tree, or strips off the bark or leaves from or otherwise damages the same;
- (b) kindles, keeps or carries any fire;
- (c) subjects to any manufacturing process or conveys or removes any forest produce;
- (d) clears, cultivates or breaks up any land for cultivation or any other purpose;

he shall be liable to a penalty not exceeding Twenty-five pounds.

(2) If any person on Crown Lands declared to be a Forest Reserve—

- (a) Depastures cattle or permits cattle to trespass;
- (b) damages, alters or removes any landmark, wall, ditch, embankment, fence, hedge or railing;
- (c) carries any saw, axe, adze or cutlass;

he shall be liable to a penalty not exceeding Five Pounds. Provided that a person charged with an offence under paragraph (c) of this sub-section shall not be liable to be convicted of the offence if the Resident Magistrate is satisfied that the act complained of was due to inadvertence or is, for any other special reason, excusable.

(3) In addition to any penalty imposed under this section the Resident Magistrate may order the person convicted to pay such compensation for damage done to the forest as the Resident Magistrate may deem just and in default of payment of any such compensation the person against whom such order is made shall be liable to imprisonment with or without hard labour for any period not exceeding fourteen days.

(4) Nothing in this section shall be deemed to prohibit any act done in accordance with any direction by the Colonial Secretary or with the permission in writing of a Forest Officer empowered or authorised to grant such permission, or under the terms of any tenant's agreement between the Surveyor General and any person.

6—It shall be lawful for the Governor in Privy Council Prohibited Area from time to time as occasion may arise to declare any area of Crown Land a Prohibited Area with a view to protecting such lands from fire, theft of forest produce, or any other abuse.

Offence to enter  
Prohibited Area.

7—Any person who enters a Prohibited Area without a written permit by an Officer authorised to issue such permit, shall be guilty of an offence and shall be liable to a penalty not exceeding £10. Provided that a person charged with an offence under this section shall not be liable to be convicted of the offence if the Resident Magistrate is satisfied that the act complained of was due to inadvertence or is, for any other special reason, excusable.

Cattle  
trespassing.

8—Any Forest Officer or Member of Constabulary may seize any cattle found trespassing on Crown Lands and deal with the same under any Law for the time being in force relating to Pounds in the same way in all respects as poundable animals may be dealt with under the provisions of that Law.

Advertising  
matter.

9—Any person who erects or affixes to any tree on Crown Lands any advertising matter, shall be guilty of an offence and shall be liable to a penalty not exceeding £5.

### PART III.—LANDS OTHER THAN CROWN LANDS.

Protective Area  
on private lands

10—(1) It shall be lawful for the Governor by Order in Privy Council from time to time as occasion may arise to declare any lands other than Crown lands a Protective Area and to regulate or prohibit on such lands—

- (a) The breaking up or clearing of lands for cultivation;
- (b) the depasturing of cattle;
- (c) the firing or clearing of the vegetation,

when such Regulation or prohibition appears to be necessary for any of the following purposes—

- (i) For protection against storms, winds, rolling stones, floods and landslides;
- (ii) for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of landslides and the formation of ravines and torrents, and the protection of land against erosion or the deposit thereon of sand, stones or gravel;
- (iii) for the maintenance of a water-supply in springs, rivers, canals and tanks;



(iv) for the protection of roads, bridges, railways and other lines of communication;

(v) for the preservation of public health,

and may alter or cancel any such Orders.

(2) A Forest Officer may, for any such purpose, with the sanction of the Governor, carry out in or upon a Protective Area such works as he may think fit.

11—It shall be lawful for the Surveyor General, a Forest Officer, or any person authorised by them in writing, to enter upon any Protective Area, and upon any lands intended to be declared a Protective Area, and to carry out surveys and to inspect the same. Power to enter.

12—If, and for so long as, the owner of a Protective Area complies with the Regulations or directions contained in the said Order, he shall be entitled to a remission of property tax in respect of such land. Compensation.

He shall in addition be entitled to compensation. Such compensation shall not exceed the sum representing three times the amount of the annual revenue derived by the owner from the said land and such annual revenue shall be determined by taking the average revenue derived by the owner during a period of five years.

13—Whenever the owner of a Protective Area may decline to comply with the Regulations or directions contained in the said Order, it shall be incumbent upon the Government if they resolve to assume control of the said land, to take the said land on lease from the owner for such term as they may deem it necessary to retain the same under control, and the owner shall be bound, either to conclude such lease with the Colonial Secretary acting on behalf of the Government, or to require that such land shall be acquired for public purposes, and in the latter event the Government shall acquire such land accordingly. Acquisition of lease.

If such lease is agreed upon, the amount of annual rent to be reserved and all other questions arising between the owner (or persons claiming to be the owner) and the Government shall, in the case of dispute, be determined in accordance, as far as may be, with the provisions of the Public Lands Acquisition Law 1897.

Acquisition  
under Public  
Lands.  
Acquisition Law  
1897.

14—In any case in which the Government considers that, in lieu of taking a Protective Area under its control, the same should be acquired for public purposes, the Government may proceed to acquire it in the manner prescribed by the Public Lands Acquisition Law 1897.

Protection of  
forests at  
request of  
owners.

15—The owners of land may, with a view to the formation or conservation of forest thereon, represent in writing to a Forest Officer their desire—

- (a) That such land be managed on their behalf by a Forest Officer, as a forest reserve on such terms as may be agreed upon;
- (b) that such land be managed, subject to the control of a Forest Officer, by a person appointed by themselves and approved by a Forest Officer, or
- (c) that all or any of the provisions of this Law or Rules made thereunder be applied to such land.

In such case the Governor by Order in Privy Council may apply to such land such provisions of this Law as he thinks suitable to the circumstances and as may be desired by the applicants.

Any such Order may be altered or cancelled by a like Order.

#### PART IV.—CONTROL OF TIMBER IN TRANSIT.

Power to make  
Rules to regulate  
transit of  
timber.

16—(1) It shall be lawful for the Governor by Order in Privy Council to make Rules to regulate the transit of all timber or certain classes of timber within limits to be specified in the Order as may be necessary; such Rules may (among other matters)—

- (a) Prohibit the moving within such specified limits of timber without a pass from the landholder from whose land it was brought or from an Officer duly authorised to issue the same or otherwise than in accordance with the conditions of such pass;
- (b) prescribe the form of such passes and provide for their issue, production and return;
- (c) provide for the stoppage, reporting and marking of timber in transit within such specified limits;
- (d) regulate the use of property marks for timber and the registration of such marks.

(2) The Governor may attach to the breach of any such Rules a penalty not exceeding £10.

PART V.—OFFENCES AND PROCEDURE.

17—Whosoever—

- (a) Knowingly counterfeits on any tree or timber, or has in his possession any implement for counterfeiting, a mark used by Forest Officers to indicate that such tree or timber is the property of the Government, or of some person, or that it may be lawfully felled or removed by any person, or
- (b) unlawfully or fraudulently affixes to any tree or timber a mark used by Forest Officers, or
- (c) alters, defaces or obliterates any such mark placed on any tree or timber by or under the authority of a Forest Officer, or
- (d) alters, moves, destroys or defaces any boundary mark of any land to which any provisions of this Law apply,

Offences with intent to cause danger or wrongful gain.

shall be liable to a penalty not exceeding £25, and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding three months.

18—(1) Any Forest Officer, or Member of Constabulary may, without a warrant, arrest any person reasonably suspected of having been concerned in any forest offence, if such person refuses to give his name and residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

Power to arrest.

(2) Any person making an arrest under this Section shall, without unnecessary delay, take or send the person arrested before a Justice of the Peace.

If the Justice of the Peace is satisfied that the person arrested has given his correct name and residence he shall forthwith discharge the arrested person from custody but if he is not so satisfied he shall commit the arrested person to be tried by a Resident Magistrate for the forest offence charged against such arrested person.

Power to seize  
produce, etc.

19—(1) When there is reason to believe that a forest offence has been committed in respect of any forest produce such produce together with all tools, ropes, chains, boats, vehicles and cattle used in committing any such offence may be seized by any Forest Officer, or Member of Constabulary.

(2) Every person seizing under this Section any forest produce or property shall place on such forest produce or property or the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized and shall, as soon as may be, make a report of such seizure to the Clerk of the Resident Magistrate's Court of the parish in which the seizure took place: Provided that, when the forest produce with respect to which such offence is believed to have been committed is the property of the Crown and the offender is unknown, it shall be sufficient if the Officer makes, as soon as may be, a report of the circumstances to his official superior.

(3) All such property shall be forfeited to His Majesty and shall be taken to be condemned and may be sold by a Forest Officer, unless the person from whom the same shall have been seized, or the owner thereof, shall, within fourteen days of the seizing of the same, claim the same and shall prove to the satisfaction of the Resident Magistrate that such forest produce was not obtained from Crown Land or that such person had some sufficient licence or authority in that behalf.

(4) Notwithstanding anything in this Section contained, a Forest Officer may direct at any time the immediate release of any property seized under the provisions of this Section which is not the property of the Crown and the withdrawal of any charge made in respect of such property.

Confiscation.

20—(1) When any person is convicted of a forest offence, all forest produce in respect of which such offence was committed, and all tools, ropes, chains, boats, vehicles and cattle used in the commission of such offence shall be liable, by Order of the convicting Resident Magistrate, to confiscation. Such confiscation may be in addition to any other penalty or compensation prescribed for such offence.

(2) Any thing or any cattle mentioned in this Section shall, if confiscated, be taken possession of by a Forest Officer and in any other case may be disposed of in such manner as the Resident Magistrate may order.

21—(1) Every offence, and penalty, under this Law shall be tried, and recovered, summarily before a Resident Magistrate, on the complaint of a Forest Officer or Member of Constabulary.

Recovery of Penalties, etc.

(2) All such complaints may be made at any time within one year from the time when such matter of complaint arose.

22—Every Forest Officer or Member of Constabulary is hereby authorised to prevent the commission of any forest offence.

Prevention of offences.

23—In any action brought against any person for anything done, or *bona fide* intended to be done, in the exercise or supposed exercise of the power given by this Law or by any Regulations made thereunder, it shall be expressly alleged that the defendant acted maliciously and without reasonable and probable cause, and, if at the trial the plaintiff fails to prove such allegation, judgment shall be given for the defendant. Any such action shall be commenced within six months after the cause of action arose.

Protection of persons acting under Law.

24—When, in any proceedings taken under this Law, or in consequence of anything done under this Law, a question arises as to whether any forest produce is the property of the Crown, such produce shall be presumed to be the property of the Crown, until the contrary is proved.

Presumption as to ownership of forest produce.

25—Every person who assaults, obstructs or resists any Forest Officer, Member of Constabulary or any person authorised by him, in the execution of his duty, or aids or incites any other person so to assault, obstruct or resist any Forest Officer, Member of Constabulary, or any person assisting him in the execution of his duty, shall be guilty of an offence, and on summary conviction thereof before a Resident Magistrate shall be liable to a penalty not exceeding £25, or to imprisonment, with or without hard labour, for any term not exceeding three months.

Resisting or obstructing Forest Officer, etc.

Right of Forest  
Officer to  
conduct case.

26—Where any Forest Officer makes a complaint against any person, any other Forest Officer may appear before the Resident Magistrate who is trying or enquiring into the matter of the said complaint, and shall have the same privileges as to addressing the said Magistrate and to examining the witnesses adduced in the said matter as the Forest Officer who made the complaint would have had.

Power to make  
Rules.

27—(1) The Governor by Order in Privy Council may make Rules—

- (a) With regard to trees growing on Crown Lands—
  - (i) Providing for the preservation of trees remarkable for size, rarity or beauty, whether generally or in individual cases;
  - (ii) prohibiting or regulating the barking of any tree specified in any such rule and the transport and exposure of the bark of any such tree for sale.

(b) Generally for carrying into effect the provisions of this Law.

(2) For the purposes of this Section or of regulations made thereunder the expression “bark” shall include rope or cordage or any other products manufactured out of bark.

Expenses.

28—All disbursements and expenses under this Law shall be defrayed out of such moneys as may be voted for the purpose by the Legislative Council.

Repeal.

29—The Afforestation Law 1927 (Law 33 of 1927) is hereby repealed.

No. 43----1937.

I assent,

[L.S.]

C. C. WOOLLEY,

*Acting Governor.*

29th December, 1937.

A LAW to Control the Sugar Industry.

[*30th December, 1937.*]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows :—

1—This Law may be cited as the Sugar Industry Control Short Title.  
Law 1937.

PART I.

DEFINITIONS AND ESTABLISHMENT OF SUGAR CONTROL  
BOARD.

2—In this Law unless the context otherwise requires— Interpretation.  
“Cane farmer” means a person who cultivates sugar canes for sale or delivery, whether under contract or otherwise, to a manufacturer at a factory, but the expression shall not include a manufacturer who cultivates sugar canes on his own land.

- “Factory” means any of the factories mentioned in the First Schedule to this Law, or any other factory which may be added to, or substituted for any factory mentioned in or added to, the said Schedule, at which sugar is manufactured.
- “Export” or “Exportation” means to take or cause to be taken out of the Island for a destination other than a Dependency of the Island, and the time at which any sugar shall be taken aboard any Export Vessel shall be deemed to be the time of the exportation of such sugar.
- “Import” or “Importation” has the same meaning assigned to that expression by Section 35 of the Customs Consolidation Law 1877 (Law 18 of 1877).
- “Island Quota” means the total number of tons of sugar permitted to be manufactured in the Island in a quota period by virtue of an order made under Part III of this Law.
- “Island Export Quota” “Island Local Consumption Quota” and “Island Reserve Quota” mean respectively such proportion, stated in tons, of the Island quota, permitted to be exported, or to be disposed of for local consumption, or to be held in reserve by virtue of an order made under Part III of this Law.
- “Quota Period” means any period in respect of which an Island quota has been fixed by an order made under Part III of this Law.
- “Manufacturer” means a person owning or having control of a factory.
- “Prescribed” means prescribed by regulations made under this Law.
- “Sugar” means sugar in any of its commercial forms, except the products known as wet sugar and final molasses, and includes such other products of the sugar cane, except wet sugar and final molasses, which the Governor by order in Privy Council may from time to time declare to be sugar for the purposes of this Law.
- “Ton” means a long ton of 2,240 lbs. avoirdupois.



Board and may also from time to time appoint a Chairman of the Board and fix his term of office : Provided that of the members of the Board one shall be a sugar manufacturer or a representative of sugar manufacturers and one other member shall be a cane farmer or a representative of cane farmers.

In addition to any express powers and duties of the Control Board that may be defined as aforesaid the Control Board may :—

- (a) demand from time to time from any manufacturer returns of all wages and labour bills paid by him with such particulars thereof as the Board may require;
- (b) fix and determine the grading of the several qualities of sugar for local consumption;
- (c) demand from time to time from any manufacturer a return of sugar manufactured by him during any quota period and from any manufacturer, wholesale or retail dealer of sugar locally manufactured or imported into Jamaica, a return of all stocks of sugar held or controlled by such manufacturer or dealer whether for export, local consumption or as part of the Island Reserve Quota. The correctness of all returns under this Law shall be certified by a Declaration made before a Justice of the Peace under the provisions of the Act 6 Victoria Chapter 24 by the manufacturer or dealer making the return;
- (d) summon to a meeting of the Board any manufacturer and any such wholesale or retail dealer and may question him for the purpose of obtaining information relative to any such manufacture or stocks of sugar. Such summons shall be issued by the Secretary of the Board on the order of the Chairman or Vice-Chairman and shall give at least three days clear notice to the person summoned of the time and place of the Board's meeting;
- (e) demand and obtain from the Collector General or any officer of Customs such information either written or verbal as the Board may from time to time deem necessary to enable it to exercise its powers or perform its duties under this Law;

- (f) order from time to time inspection of stocks of sugar held by or under the control of any manufacturer or held by or under the control of the Sugar Manufacturers' Association hereinafter mentioned, or by or under the control of any person whomsoever, by any officer of Customs or any officer or sub-officer of the Constabulary and may demand from time to time from the persons holding the same returns of all such stocks of sugar;
- (g) order from time to time inspection of stocks of sugar held by any retail dealer, by any officer of Customs or any officer or sub-officer of the Constabulary and may obtain from any such officer or sub-officer reports of the result of such inspections;
- (h) issue or refuse licences for the import of sugar into the Island;
- (i) obtain expert advice as to the grading of the several qualities of sugar and may determine such grades for the purpose of fixing the maximum prices of sugar for local consumption and for such purpose and for any other purpose whatsoever may obtain any samples as the Board may from time to time deem necessary;
- (j) demand and obtain from all persons concerned in the sale of, and all purchasers of, sugar damaged by water, fire or act of God or the King's enemies, full particulars of such sales and of the purchase price of such sugar;
- (k) appoint a Vice-Chairman from among the members of the Board;
- (l) from time to time advise the Governor as to the maximum retail prices which it is advisable for him to fix for the various grades of sugar for local consumption;
- (m) subject to the provisions of this Law issue—
  - (i) quota licences
  - (ii) export licences
  - (iii) cane farmers' licences;
- (n) perform such duties and exercise such powers as may from time to time be assigned to it or conferred on it by the Governor in Privy Council

for fully carrying into effect the provisions of this Law.

(2) Any person who—

- (a) fails to furnish any information required by the Board or to comply with any demand, summons or requirement by the Board under this section;
- (b) assaults, impedes or obstructs or aids or abets any other person in assaulting, impeding or obstructing any member of the Board or any person authorised by the Board in the exercise of any of the powers under this section

shall be guilty of an offence and shall be liable, on summary conviction before a Resident Magistrate, to a penalty not exceeding £10 and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding one month.

## PART II.

### RESTRICTION ON IMPORTATION OF SUGAR AND PROHIBITION OF EXPORTATION OF MUSCOVADO SUGAR.

4—No person shall—

- (a) import any sugar into the Island except under a licence first obtained for the purpose from the Control Board;
- (b) export from the Island any muscovado sugar,

Restriction on importation of all sugar and prohibition of exportation of Muscovado Sugar.

and every person who is concerned in importing or exporting any sugar contrary to the provisions of this section shall, on summary conviction before a Resident Magistrate, be liable to a penalty not exceeding £100 and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding three months.

5—Any sugar imported, or exported or attempted to be exported, contrary to the provisions of this Part of this Law may be seized as though it were prohibited goods within the meaning of Section 37 of the Customs Consolidation Law 1877, (Law 18 of 1877), and shall be forfeited and may be disposed of as the Governor may direct.

Seizure and forfeiture of Sugar.

Onus of proof.

6—In proceedings for the forfeiture of any sugar under this Part of this Law the onus of proof shall lie on the person claiming the sugar and it shall not be necessary for the person prosecuting the suit to prove that the sugar is liable to seizure or forfeiture.

Search of vessels.

7—The officers of Customs or any person acting with their concurrence may stop any ship or boat which they have reason to suspect has on board any sugar of which the importation or exportation is prohibited under this Part of this Law, and may detain such ship or boat until search has been made and such sugar if found has been seized and removed under this Part of this Law.

Powers of Governor.

8—The Governor may direct in any particular case that no suit for forfeiture or other proceedings under this Part of this Law shall be commenced, or if any such suit or proceedings have been commenced, may cause the same to be stopped by directing the Attorney General to enter a *nolle prosequi* or to take such steps as may be necessary to stop such suit or proceedings. The Governor may, if he think fit, after the condemnation of any sugar or payment of any penalty under this Part of this Law, return the whole or any portion of such sugar or penalty to the owner thereof or the person paying the penalty.

### PART III.

#### ISLAND QUOTAS AND EXCISE DUTY.

Island Quotas.

9—(1) The Governor may by order in Privy Council published in the Gazette fix—

- (a) the Island quota
- (b) the Island export quota
- (c) the Island local consumption quota
- (d) the Island reserve quota

for any quota period specified in the order.

(2) The Governor may at any time by like order vary any such quota fixed as aforesaid and revoke or amend any such order previously made.

10—The Governor may from time to time by Proclamation to be published in the Gazette order that there shall be raised and paid for the use of the Government a duty upon all refined granulated sugar manufactured in this Island at a rate not exceeding £7 per ton on such sugar. Excise duty.

The Governor may from time to time by like Proclamation vary any such rates of duty fixed as aforesaid and revoke any such Proclamation previously made. Such duty shall be ascertained and calculated in the prescribed manner: Provided that where the Control Board is satisfied in the case of any local product or manufacture that the same contains refined granulated sugar manufactured in this Island, the Collector General shall, on the recommendation of the Control Board and subject to the general or special directions of the Governor, exempt such sugar contained as aforesaid from the duty imposed under this section.

#### PART IV.

##### SPECIAL TO LOCAL CONSUMPTION SUGAR.

11—(1) The Governor in Privy Council may make regulations from time to time placing all sales for local consumption of all vacuum pan and refined sugar manufactured in any quota period under the control of the Sugar Manufacturers' Association (of Jamaica) Limited, a company duly incorporated under the Laws of this Island, subject to the rights, powers and duties of the Control Board. Sale of sugar  
for local con-  
sumption.

(2) No person who is or shall become a party to any agreement with the Sugar Manufacturers' Association (of Jamaica) Limited for the pooling of sales of local consumption quota sugars shall make available or cause to be made available for local consumption any vacuum pan or refined sugar during the continuance of any such agreement except through the Sugar Manufacturers' Association (of Jamaica) Limited, subject always to the rights, powers and duties of the Control Board.

(3) Any person who shall make any sugar available for local consumption, or cause the same to be made available for local consumption, contrary to this section or regulations made thereunder shall, on summary conviction

before a Resident Magistrate, be liable to a fixed penalty of £10 per ton or part of a ton of such sugar and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding three months.

(4) This section shall not apply to muscovado sugar or to any sale locally of sugar the exportation of which is *bona fide* prevented by damage from fire, water or act of God or the King's enemies.

Maximum prices of sugar for local consumption to be fixed by the Governor.

12—(1) It shall be lawful for the Governor from time to time by order published in the Gazette to fix the maximum retail prices of sugar for local consumption, and also by like order to vary such maximum prices and to revoke or amend any such order previously made.

(2) Any person selling sugar in excess of such maximum price fixed as aforesaid shall, on summary conviction before a Resident Magistrate, be liable to a penalty not exceeding £5 for every such offence and in default of payment thereof to imprisonment, with or without hard labour, for any period not exceeding one month.

## PART V.

### MANUFACTURERS' QUOTA LICENCES AND QUOTAS THEREUNDER—EXPORT LICENCES.

Factories may be added to or removed from the First Schedule.

13—(1) The Governor may by order in Privy Council add or remove any factory to or from the First Schedule to this Law, and may substitute any factory, mentioned in or added to the said Schedule, by any other factory.

(2) No person shall manufacture sugar unless he is a manufacturer and no manufacturer shall manufacture sugar unless there has been issued to him in respect of a factory, and prior to the manufacture by him of sugar, thereat, a licence (in this Law referred to as "quota licence") to manufacture sugar at that factory.

(3) Without prejudice to the provisions of Section 14 of this Law no person shall export sugar unless there has been issued to him a licence in respect of a factory (in this Law referred to as "export licence") to export sugar: Provided that no export licence shall be issued for the export of muscovado sugar.

Application for  
and issue of  
quotas and  
export licences.

14—(1) Application for a quota licence, or for an export licence, shall be made to the Control Board which is hereby empowered to issue a licence of either class and, in case of an application for a quota licence, to refuse to issue the licence.

(2) A quota licence, or an export licence, issued under this section shall be in the relevant form set forth in the Second Schedule to this Law, shall be issued in respect of the quota period specified in the licence, shall endure only so long as that quota period endures, and there shall be attached to a licence of either class such conditions as may be prescribed: Provided that it shall be a condition of every quota licence issued under this section that the manufacturer shall accept, subject to such conditions as may be prescribed, supplies of canes delivered at his factory by a cane farmer who is registered at that factory as a supplier of canes thereto: Provided further it shall be a condition of a licence issued in respect of the quota period 1937-38 that the manufacturer shall be compellable to accept all canes which are of the usual varieties, standard and quality of Jamaica cane farmers' canes free from tops, dirt and trash, delivered at his factory by an unregistered cane farmer prior to the date prescribed for registration under this Law.

(3) A quota licence shall fix the total number of tons of sugar which the manufacturer is permitted to manufacture under the licence (in this Law referred to as "manufacturer's quota") and shall fix in tons the several proportions of the manufacturer's quota which the manufacturer is permitted to export, to make available for local consumption, and to hold in reserve (in this Law referred to respectively as "manufacturer's export quota," "manufacturer's local consumption quota" and "manufacturer's reserve quota"): Provided, however, that the manufacturer's export, local consumption and reserve quotas fixed by quota licences, shall be so fixed as to ensure that each manufacturer shall in each quota period be allotted the same proportion of his manufacturer's quota as manufacturer's export, local consumption and reserve, quotas, as is allotted to every other manufacturer: Provided further that in the case of a quota licence for the

manufacture of muscovado sugar the only quota which the licence shall fix shall be the manufacturer's quota and the sugar manufactured thereunder shall be available for local consumption only: Provided nevertheless that where a manufacturer satisfies the Control Board that as a result of natural calamity to his cane cultivation, or to the cane cultivation of cane farmer suppliers to his factory, the production of sugar at his factory in any quota period falls short by not less than 25% of the manufacturer's quota fixed by his licence for that quota period, the Control Board shall, although all quota licences may have been issued for that quota period, amend such manufacturer's quota licence by increasing, commensurate with such shortage, the quantities, not exceeding, however, the quantities originally fixed by the licence for export or for local consumption, which the manufacturer may export or make available for local consumption, and the Control Board shall cancel the quantity fixed by the licence as the manufacturer's reserve quota, and shall amend the manufacturer's export licence accordingly.

For the purposes of this sub-section the expression "natural calamity" means storm, hurricane, flood, drought or other act of God.

(4) An export licence shall fix the total number of tons of sugar which the manufacturer is permitted to export under the licence: Provided that the tonnage fixed by the export licence shall in no case exceed the tonnage of the manufacturer's export quota fixed by his quota licence, and provided further that the aggregate of the tonnage fixed by all export licences issued in any quota period shall not exceed the tonnage of the Island export quota fixed under Part III of this Law for the same quota period.

(5) Any excess of the manufacturer's quota referred to in the proviso to sub-paragraph (1) of paragraph (c) of sub-section (1) of section 18 of this Law shall be deemed to form part of the manufacturer's reserve quota of the manufacturer at whose factory such excess was produced, and the Island reserve quota fixed under Part III of this Law shall be varied accordingly.

(6) Subject to the provisions of this section relating to the transfer of export licences, the Control Board may, in the prescribed manner and subject to such conditions as



may be prescribed, vary, amend, amalgamate or transfer quota licences and export licences.

(7) Where the Control Board transfers, wholly or partially, an export licence, the Board shall endorse such licence in the relevant form set forth in the Second Schedule to this Law. If the licence is wholly transferred the Board shall deliver the endorsed licence to the person to whom it is transferred, and, if only partially transferred, the Board shall deliver to the person to whom such licence is partially transferred a copy of the endorsement on the licence, signed by the Chairman of the Board, and any person to whom a licence has been wholly or partially transferred who shall export sugar in excess of the quantity specified in the transferred licence or of the quantity specified in the copy of the endorsement delivered to him as aforesaid, or in contravention of any of the terms or conditions attached to the licence wholly or partially transferred as aforesaid, shall be guilty of an offence under paragraph (d) of subsection (1) of section 18 of this Law, and shall be punishable accordingly.

(8) The Control Board, before issuing, varying, amending, amalgamating or transferring any licence under this section, shall in the case of a quota licence, and may, in the case of an export licence, refer the application or question to the Sugar Manufacturers' Association (of Jamaica) Limited for the advice of the Association thereon, but the Board shall not be bound by any advice tendered by the Association.

15—On representation by the said Association that hardship is experienced by any one or more manufacturers by reason of the quotas allotted to him or them and that his or their manufacturer's quota or quotas should be increased, the Board, if satisfied that it would be just so to do, may, subject to the approval of the Governor in Privy Council and notwithstanding anything contained in this Law and although all quota licences may have been issued for the current quota period, make proportional deductions from the manufacturer's quota of the remaining manufacturers and may re-allocate the quantity so obtained

In cases of hardship Control Board may increase manufacturer's quota of any manufacturer.

to the manufacturer or manufacturers in whose case or cases hardship is experienced, and the Board shall amend all quota licences accordingly: Provided always that such deductions shall not exceed one per cent. of the manufacturer's quota of any manufacturer.

Disposal and  
exportation of  
Island reserve  
quota.

16—(1) The Governor may by order published in the Gazette declare in what manner any sugar comprised in the Island reserve quota fixed under Part III of this Law for any quota period shall be disposed of and may by order similarly published (in this Law referred to as an "exportation order") authorise the exportation in any quota period of any sugar comprised in the Island reserve quota for the immediately preceding quota period.

(2) On the making of an exportation order under this section the sugar to which the order relates may be exported by the Sugar Manufacturers' Association (of Jamaica) Limited, or by any person duly authorised by the Association, under an export licence issued by the Control Board and subject to such conditions as may be prescribed, and the provisions of section 14 of this Law relating to an export licence under that section shall *mutatis mutandis*, apply to a licence under this section in like manner as they apply to a licence under that section: Provided that a licence under this section to export sugar in any quota period shall be issued only in respect of sugar comprised in the Island reserve quota fixed for the immediately preceding quota period.

Right of appeal  
of persons  
aggrieved.

17—(1) Any person who, being an applicant for the issue to him of a licence, or for the variation, amendment, amalgamation or transfer of any licence under this Law, is aggrieved by the refusal or failure of the Control Board to issue, vary, amend, amalgamate or transfer the licence or with any quotas or quantities specified in the licence, may within the prescribed time and in the prescribed manner appeal to the Governor in Privy Council.

(2) On any such appeal the Governor in Privy Council shall have power to make such order as he thinks fit, and any such order shall be final and conclusive and shall be binding upon the Control Board.

18—(1) Any person who,

(a) not being the holder of a quota licence, manufactures sugar, or,

(b) not being the holder of an export licence, exports sugar, or

(c) being the holder of a quota licence

(i) manufactures sugar in excess of the manufacturer's quota fixed by his licence or in contravention of any of the terms or conditions attached to his licence: Provided, however, that where the excess does not exceed ten per cent. of the production of the final week of the crop at the holder's factory such excess shall not be deemed to be in excess of the manufacturer's quota fixed by his licence;

(ii) makes available for local consumption any sugar in excess of the manufacturer's local consumption quota fixed by his licence, or in contravention of the provisions of Part IV of this Law or regulations made under that Part of this Law;

(iii) holds in reserve any sugar in excess of the manufacturer's reserve quota fixed by his licence; or deals with any sugar comprised in the Island Reserve Quota in contravention of any direction contained in a declaration under Section 16 of this Law;

(iv) refuses or fails to accept deliveries of cane farmers' canes in contravention of the conditions attached to his licence, or

(d) being the holder of an export licence exports any sugar in excess of the quantity fixed by his licence or in contravention of any of the terms or conditions attached to his licence.

Offence to manufacture or export sugar without relevant licence and offences by licence holders.

shall be guilty of an offence and shall, on summary conviction thereof before a Resident Magistrate, be liable to a penalty not exceeding £300 and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding six months, and in the case of a continuing offence, to a penalty not exceeding £500 in

respect of each day on which the offence continues after conviction, and in default of payment thereof, to imprisonment, with or without hard labour, for any term not exceeding twelve months, and any sugar manufactured, exported or attempted to be exported, made available for local consumption, or held in reserve, in contravention of the provisions of this section may be seized as though it were prohibited goods within the meaning of section 37 of the Customs Consolidation Law 1877 (Law 18 of 1877), and shall be forfeited and may be disposed of as the Governor may direct, and the provisions of sections 6 to 8, inclusive of both sections, of this Law shall, *mutatis mutandis*, apply to forfeiture proceedings and sugar under this section in like manner as they apply to forfeiture proceedings and sugar prohibited to be imported or exported under Part II of this Law.

(2) Every person who knowingly is a party to the contravention of any of the provisions of this section shall be guilty of an offence and shall, on summary conviction thereof before a Resident Magistrate, be liable to a penalty not exceeding £300 and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding six months.

## PART VI.

### CANE FARMERS.

#### REGISTRATION, LICENCES AND PRICES.

19—(1) After the date prescribed for registration as provided for in this Part of this Law no manufacturer shall purchase canes from, or accept canes delivered by, a cane farmer and no cane farmer shall sell or deliver canes to a manufacturer, unless the cane farmer is registered at the factory of the manufacturer for the supply of canes thereto.

(2) Any manufacturer or cane farmer who knowingly contravenes the provisions of this section shall be guilty of an offence and shall, on summary conviction thereof before a Resident Magistrate, be liable to a penalty not exceeding £100 for each such offence and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding three months.

Deliveries not to be accepted unless cane farmers are registered.

20—(1) Every cane farmer desirous of supplying canes to a factory shall, not later than the prescribed date, register himself as a cane farmer supplier at the factory at which he delivered canes during the 1936-37 crop year; and no manufacturer shall register at his factory any other cane farmer: Provided that if any cane farmer has not previously delivered canes to a factory that cane farmer shall not later than the prescribed date register himself as a cane farmer supplier at the factory of his selection.

Registration of  
cane farmers.

Provided further that after the expiration of the 1937-38 quota period a cane farmer who has not delivered canes to a factory during that period shall not be registered at any factory unless the Governor by order in Privy Council otherwise declares.

(2) Any manufacturer who knowingly registers a cane farmer in contravention of the provisions of this section shall be guilty of an offence and shall, on summary conviction thereof before a Resident Magistrate, be liable to a penalty not exceeding £50 and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding one month, and any manufacturer who after conviction accepts delivery of canes from any such cane farmer shall be guilty of an offence and shall, on summary conviction thereof before a Resident Magistrate, be liable to a penalty not exceeding £300, and, in default of payment thereof, to imprisonment, with or without hard labour, for any term not exceeding six months.

21—(1) On application for registration under this Part of this Law the manufacturer or his duly authorised agent shall, on being satisfied that the applicant is entitled to be registered at his factory as a cane farmer supplier, enter in a register to be kept for the purpose the name and address of the applicant with a statement that the applicant is registered as a cane farmer supplier of canes to the factory and within seven days from the date of such registration there shall be delivered to the registered cane farmer a certificate of registration in the prescribed form, signed by the manufacturer, or his duly authorised agent, and countersigned by such person as may be nominated for the purpose by the Governor.

Method of  
registration.

(2) A certificate of registration shall entitle the cane farmer named in the certificate to supply canes to the factory in respect of which he is registered from the date of the certificate until the completion of the 1941-42 crop.

(3) Any person who, being an applicant for registration under this Part of this Law, is aggrieved by the refusal or failure of the manufacturer to register him as a cane farmer supplier may, within the prescribed time and in the prescribed manner, appeal to the Governor in Privy Council, and on any such appeal the Governor in Privy Council shall have power to make such order as he thinks fit. Any such order shall be final and conclusive and shall be binding on the manufacturer, and if not complied with by the manufacturer the non-compliance shall be deemed a breach of the conditions of his quota licence and an offence under sub-paragraph (iv) of paragraph (c) of sub-section 1 of section 18 of this Law.

Returns by  
manufacturers.

22—Every manufacturer shall at the prescribed time, make and submit to the Control Board a return containing the name and address of every cane farmer registered as a supplier at his factory and the return shall distinguish between cane farmers who supplied canes to his factory prior to the quota period 1937-38 and cane farmers who are new suppliers: Provided that until the Control Board is appointed under this Law such returns shall be submitted to the Colonial Secretary.

Cane farmers'  
licences.

23—(1) Whenever the Governor is satisfied that it is expedient in the interests of the sugar industry that the supply of cane farmers' canes should be limited, he may by order in Privy Council published in the Gazette declare that from a date to be specified in the order no cane farmers' canes shall be delivered at a factory except under a licence (in this Law referred to as "cane farmer's licence").

(2) Where the cane farmer's licence fixes a less quantity of canes than the quantity which the cane farmer would be entitled to deliver at the factory and the manufacturer compellable to accept under any subsisting contract made between them, the quantity fixed by the contract shall be deemed to be varied accordingly and the

manufacturer shall not accept any quantity of canes in excess of the quantity fixed by the cane farmer's licence.

(3) Application for a cane farmer's licence shall be made to the Control Board which is hereby empowered to issue the licence: Provided that a cane farmer's licence shall not be issued to any cane farmer who is not a registered cane farmer.

(4) The cane farmer's licence shall be in the prescribed form, shall be issued in respect of the quota period specified in the licence, shall authorise delivery of canes to that factory only specified in the licence, shall fix the quantity of canes which may be delivered under the licence, shall endure only so long as that quota period endures and there shall be attached to the licence such conditions as may be prescribed: Provided that the quantities fixed by such licence shall be calculated on such basis and in accordance with such directions as may be prescribed: Provided further that in fixing the quantity in a cane farmer's licence the quantity shall be so fixed as to ensure that the manufacturer's supply of canes, grown by the manufacturer, to his factory, shall be reduced proportionally to the reduction of the supply of canes by the cane farmer to the factory. Such proportional reduction shall be calculated on the cane production of the manufacturer and cane farmer, respectively, for the crop year 1937-1938.

(5) The Control Board before issuing a cane farmer's licence may refer the application to the Sugar Manufacturers' Association (of Jamaica) Limited, or to any Association or Organization representative of cane farmers for the advice of the Association thereon, but the Board shall not be bound by any advice tendered by any such Association.

(6) Any cane farmer who delivers canes, and any manufacturer who accepts delivery of canes, in contravention of the provisions of this section or of any of the terms or conditions of the licence issued thereunder shall be guilty of an offence and shall, on summary conviction thereof before a Resident Magistrate, be liable to a penalty not exceeding £50 and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding three months.

Right of appeal  
of cane farmer.

24—Any person who, being the applicant for the issue to him of a cane farmer's licence, is aggrieved by the refusal or failure of the Control Board to issue the licence, or with any quantities fixed by the licence may, within the prescribed time and in the prescribed manner, appeal to the Arbitration Authority established under this Law and the Arbitration Authority shall have power to make such order as it thinks fit. Any such order shall be final and conclusive and shall be binding on the Control Board.

Governor may  
fix price of cane  
farmers' canes.

25—(1) Whenever the Governor is satisfied that it is expedient in the interests of the sugar industry that prices to be paid by manufacturers for cane farmers' canes should be fixed, the Governor may by order in Privy Council published in the Gazette fix the prices for cane farmers' canes accordingly, and such order may fix different prices for cane farmers' canes in different areas or localities to be specified in the order, and the Governor may by like order vary such prices and revoke or amend any such order previously made. In fixing prices for cane farmers' canes the following factors shall be taken into consideration, namely, the export, local market consumption and Colonial Sugar Quota Certificates, values of sugar: Provided that the value of Rum may be taken into consideration.

(2) Any manufacturer purchasing canes at a price less than the price fixed by an order under this section shall be guilty of an offence and shall, on summary conviction thereof before a Resident Magistrate, be liable to a penalty not exceeding £100 for every such offence and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding six months.

## PART VII.

### ESTABLISHMENT OF ARBITRATION AUTHORITY AND PROVISIONS RELATIVE THERETO.

Establishment of  
arbitration  
Authority.

26—(1) There shall be established in each parish of the Island an arbitration authority (in this Law referred to as "Arbitration Authority") which shall consist of a Chairman and two other members.

(2) The Chairman and the members of the Authority shall be appointed by the Governor who may fill any vacancy on the Authority caused by the death, resignation,



illness or absence from the Island, or inability to act of any member thereof, or in any manner whatsoever, and the Governor may revoke the appointment of any member of the Authority.

(3) Until appointments are made under the preceding sub-section the Authority shall consist of the Resident Magistrate for the parish as Chairman, an officer of the Department of Science and Agriculture nominated by the Governor, and such other person as the Governor shall appoint.

27—(1) All disputes between cane farmers and manufacturers arising out of any sale, purchase, delivery, acceptance or non-acceptance of cane farmers' canes to or by a manufacturer shall be determined by the Arbitration Authority for the parish in which the dispute arose, and all such disputes shall be referred to the Arbitration Authority on reference made to the Authority within such time and in such manner as may be prescribed.

Disputes to be referred to the Arbitration Authority.

(2) Subject to the provisions of this Part of this Law a cane farmer or a manufacturer shall not bring any action or proceeding in any Court of Law in respect of any such dispute or for any matter arising out of any such dispute.

28—(1) As soon as a reference is made to the Arbitration Authority the Authority shall forthwith cause a copy thereof to be served upon the respondent in the manner prescribed, together with a notice requiring the respondent to lodge with the Authority such answer as is prescribed in sub-section 2 of this section within the period therein prescribed, and that in default of compliance by the respondent therewith, or of his appearing at a time and place fixed in the notice, such order may be made as the Authority thinks just and proper.

Mode of dealing with reference to Authority.

(2) If the respondent intends to oppose an application he shall within seven days after service of notice, or within such extended period as the Arbitration Authority may upon special request allow, lodge with the Authority a written answer containing a concise statement of the extent and grounds of his opposition.

(3) At the hearing of a reference the Arbitration Authority may inform itself on any matters in dispute on the reference by any relevant evidence produced before it, or by the examination of any canes which may be the subject matter of dispute, or by the certificate of the Island Chemist or other duly qualified analytical chemist being an officer of the Department of Science and Agriculture nominated by the Island Chemist, as to the sucrose content of any canes which may be the subject of dispute.

(4) On the written request by any party to the reference, the Authority shall hear the reference in public and any such party shall whether the hearing takes place in public or in private be entitled to be heard by Solicitor or Counsel.

Orders by the  
Authority.

29—(1) In adjudicating on any dispute it shall be lawful for the Arbitration Authority to award such compensation, damages and costs to either party as to the Arbitration Authority may seem just, and to order either party to do or refrain from doing any act or thing which the Arbitration Authority may consider just so to order, and any such order of the Authority shall have the force of a judgment of a Resident Magistrate's Court in matters within the Court's jurisdiction.

(2) Any person aggrieved by an order made by the Arbitration Authority or by any determination of the Authority may, within the prescribed time and in the prescribed manner, appeal to the Governor in Privy Council. On any such appeal the Governor in Privy Council shall have power to make such order as he thinks fit, and any such order shall be final and conclusive and shall be binding on the Arbitration Authority and on the parties.

(3) On application in the prescribed form to the Resident Magistrate's Court for the parish in which the dispute arose by any person aggrieved by failure to carry out any such order of the Authority or of the Governor in Privy Council, the order may by leave of the Resident Magistrate's Court be enforced in the same manner as a judgment or order of such Court is enforced.

30—The provisions of this Part of this Law relating to the determination of disputes by the Arbitration Authority established thereunder shall not apply to cane farmers and manufacturers who have entered into or shall enter into written agreements whereunder provision is made for the settlement of any dispute by arbitration or otherwise.

This Part of this Law not to apply in certain cases

PART VIII.—GENERAL.

31—(1) The Governor in Privy Council may make regulations for prescribing anything which may be prescribed under this Law and generally for carrying into effect the provisions of this Law, and without prejudice to the generality of the foregoing provisions may make regulations for prescribing—

Regulations.

- (a) the forms of import licences, reports, returns and all other documents;
- (b) the method of examining or testing canes;
- (c) the standard of sucrose content of canes or the juices expressed therefrom;
- (d) the method of weighing cane farmers' canes and the examination and correction of scales at factories.

(2) Regulations made under this Law shall be published in the Gazette and shall come into operation on such publication or at such other time as may be fixed by such regulations.

(3) If any person acts in contravention of, or fails to comply with, any regulation made under this Law he shall for each offence, on summary conviction thereof before a Resident Magistrate be liable to a penalty not exceeding £50 and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding three months.

(4) Regulations made under this Law shall be of the same force and effect as if they were contained in and formed part of this Law.

32—Any person who acts in contravention of, or who fails to comply with, any of the provisions of this Law or order made thereunder, and any person guilty of an offence under this Law, for which no special penalty is provided

Punishment for offences not otherwise provided for.

shall be liable, in respect of each such contravention, failure or offence, to a penalty not exceeding £20 and in default of payment thereof to imprisonment, with or without hard labour, for any term not exceeding two months.

*Trial of offences.* 33—Every offence under, and every contravention of this Law or regulation or order made thereunder, shall be deemed to have been committed either at the place at which the same was actually committed or in the parish in which the offender resides.

*Offences by Companies.* 34—Where a person convicted of an offence against this Law is a company, the Chairman and every Director of the company, and every officer of the company concerned in the management thereof shall be guilty of a like offence unless he proves that the act constituting the offence took place without his knowledge or consent.

*Saving.* 35—Nothing in this Law contained shall operate to prejudice or prevent the Sugar Manufacturers' Association (of Jamaica) Limited from arranging with manufacturers for interchange between manufacturers of sugar subject to the several manufacturers' export quotas and sugar subject to the several manufacturers' local consumption quotas or shall prejudice or prevent, subject to the prior approval of the Control Board, interchanges between manufacturers of sugar subject to the several manufacturers' export quotas and sugar subject to the several manufacturers' reserve quotas.

*Termination of cane contracts by notice prior to commencement of Law.* 36—Notwithstanding anything in this Law contained, where under a written agreement entered into by a manufacturer with a cane farmer for the supply of canes by the farmer to the manufacturer either party has, prior to the commencement of this Law, given notice to the other in terms of the agreement of his intention to terminate the agreement or where, after the commencement of this Law, a cane farmer gives notice to a manufacturer in terms of any such agreement of his intention to terminate the agreement, the manufacturer shall not after the determination of the agreement be compellable to accept deliveries of canes

from the cane farmer, although, in either case, such cane farmer is a cane farmer registered at the factory of the manufacturer.

37—The Laws mentioned in the Third Schedule to this Law are hereby repealed: Repeal and Saving. Provided that all regulations and orders made in virtue of the said Laws, or any Law thereby repealed, and in force at the date of the commencement of this Law, shall remain in operation so far as they are not inconsistent with the provisions of this Law until they have been rescinded or replaced by regulations or orders made under this Law: Provided further that all appointments, notices, documents, proceedings, and generally all acts of authority which originated under any of the said Laws, or any Law thereby repealed, and are subsisting and in force at the commencement of this Law, shall enure for the purposes of this Law as fully and effectually as if they had originated under the provisions of this Law.

## FIRST SCHEDULE.

1. Jamaica Sugar Estates
2. Serge Island
3. Grays Inn
4. Llandoverly
5. Richmond
6. Cambridge
7. Georgia
8. Green Park
9. Long Pond
10. Vale Royal
11. Barnetts
12. Rose Hall
13. Ironshore
14. Hampden
15. Kew
16. Prospect
17. Blue Castle
18. Friendship
19. Frome
20. Masemure
21. Mint
22. Retreat
23. Shrewsbury
24. Appleton
25. Holland
26. Raheen
27. Bog
28. Monymusk
29. Sevens
30. Caymanas
31. Worthy Park
32. Innswood
33. Bernard Lodge
34. United Estates
35. Manningsfield
36. Low Ground

SECOND SCHEDULE.

FORM OF QUOTA LICENCE.

A.B. is hereby licenced, subject to the prescribed conditions during the period fixed under section 9 of the Sugar Industry Control Law 1937 as the quota period.....to manufacture..... tons of sugar (state whether vacuum pan or muscovado) at..... (state name of factory) and may thereout, subject to such licences, conditions or regulations as may be required, prescribed or made under the provisions of the Sugar Industry Control Law 1937, during the said quota period

- (a) export.....tons of vacuum pan sugar
- (b) make available for local consumption.....tons of..... (state nature sugar)
- (c) hold in reserve.....tons of vacuum pan sugar.

This Licence is issued subject to the further following conditions:—

(1) A. B. shall, subject to such conditions as may be prescribed, accept all supplies of canes, or (if an order has been made under Section 23 of the Sugar Industry Control Law 1937) all supplies of canes specified in a cane farmer's licence, delivered at the above mentioned factory during the said quota period by a cane farmer who is registered at the factory.

(2) A.B. shall, (if this licence is issued for the quota period 1937-38), accept all canes which are of the usual varieties, standard and quality of Jamaica cane farmers' canes free from tops, dirt and trash, delivered at the above mentioned factory by an unregistered cane farmer prior to the date prescribed for registration under the Sugar Industry Control Law 1937.

This licence shall endure from the date thereof until the expiration of the quota period.....fixed under Section 9 of the Sugar Industry Control Law 1937.

Dated this.....day of.....19.....

Signed.....  
Chairman of the Sugar Control Board.

FORM OF EXPORT LICENCE.

A.B. is hereby licenced, subject to the prescribed conditions, during the period fixed under Section 9 of the Sugar Industry Control Law 1937 as the quota period.....to export.....tons of vacuum pan sugar.

Dated the.....day of.....19.....

Signed.....  
Chairman of the Sugar Control Board.

FORM OF ENDORSEMENT ON TRANSFER OF EXPORT LICENCE.

This licence is hereby transferred to A.B. or, (where the licence is only partially transferred) licence to export.....tons of sugar under this licence is hereby transferred to A.B.

Signed.....  
Chairman of the Sugar Control Board.

THIRD SCHEDULE.

No. and date of Law.	Title.
31 of 1933	Sugar Industry Control Law 1933.
19 of 1936	Sugar Industry Control Amendment Law 1936.
32 of 1937	Sugar Industry Control Amendment Law 1937.





JAMAICA.

No. 44----1937.

I assent,

[L.S.]

C. C. WOOLLEY,

*Acting Governor.*

29th December, 1937.

A LAW to amend the Sale of Drugs and Poisons Law 1926  
(Law 20 of 1926).

[1st July, 1938.]

BE it enacted by the Governor and Legislative Council of  
Jamaica as follows:—

1—This Law may be cited as the Sale of Drugs and  
Poisons Amendment Law 1937 and shall be read and con-  
strued as one with the Sale of Drugs and Poisons Law 1926  
(in this Law referred to as the Principal Law).

Short Title and  
Construction.

2—The provisions of the Principal Law specified in the  
first column of the Schedule to this Law shall have effect  
subject to the amendments specified in the second column  
of that Schedule.

Amendment of  
Principal Law.

3—This Law shall come into operation on the First day  
of July, 1938.

Commencement.

## SCHEDULE.

Provisions of  
Principal Law.

Amendments to be made.

- Section 3. For the Section there shall be substituted the following Section:—  
 “3—Subject to the provisions of this Law no person shall keep open any shop for selling, retailing, dispensing, or compounding, or shall sell, retail, dispense, or compound, drugs or poisons, or patent or proprietary medicines, unless those drugs or poisons or patent or proprietary medicines are sold, retailed, dispensed, or compounded, in a shop which is under the immediate personal control, management, and supervision of a person duly licensed under this Law employed therein for the purpose, who is not acting in a similar capacity for any other person or in any other shop, and unless the drugs, poisons or medicines aforesaid are sold, retailed, dispensed, or compounded by or under the direct charge and supervision of that duly licensed person.”
- Section 4. Paragraph (d) of the Section. For the paragraph there shall be substituted the following paragraph:—  
 “(d) having been engaged for at least three years in the study of Pharmacy under a registered Medical Practitioner or a person licensed under this Law, the last year of which shall have been devoted to dispensing.”
- Section 8. The expression “or as an Apothecary,” which occurs in the third line of the Section is hereby repealed.
- Section 10. The proviso to the Section. For the proviso there shall be substituted the following proviso:—  
 “Provided that the Director of Medical Services may cause notification to be published in the Gazette on two occasions, the second notification to be published at an interval of not less than three months from the date of the publication of the first notification, of the names of all persons registered of whom the Director of Medical Services may be in doubt as to their existence, and stating that their names will be removed from the Register and thereupon their names shall be removed accordingly. Any person whose name has been removed from the Register who shall establish his identity within twelve months to the satisfaction of the Director of Medical Services shall be entitled to have his name replaced on the Register on payment of a fee of one guinea.”
- Section 13. For the Section there shall be substituted the following Section:—  
 “13 (1)—Any person who, not being licensed under this Law, shall hold himself out as, or pretend to be, licensed under this Law, or shall use or take the name or title of Chemist and Druggist, or of Chemist or Druggist or of Dispensing Chemist or Druggist, or any name, title or addition implying such qualification, or that he is a person duly licensed under

Provisions of  
Principal Law.

Amendments to be made.

this Law, shall be guilty of a misdemeanour and shall on summary conviction thereof before a Resident Magistrate be liable to a penalty not exceeding ten pounds.

(2) Notwithstanding the provisions of the preceding sub-section, a body corporate, a firm or partnership, may carry on the business of a Chemist or Druggist or of Dispensing Chemist or Druggist, and may use the description of Chemist and Druggist or of Chemist or Druggist, or Dispensing Chemist or Druggist if:—

- (a) the requirements of Section 3 of this Law are complied with in relation to such business; and
- (b) in the premises where such business is carried on the license of the person duly licensed under this Law is conspicuously exhibited in the shop or place in which such business is carried on."

Section 15. Sub-section 2. For the sub-section there shall be substituted the following sub-section:—

"(2) That in the keeping of poisons, each poison be kept in a bottle, vessel, box or package in a cupboard set apart for dangerous articles, the cupboard to be kept locked."

Section 16. To the Section and at the end thereof there shall be added the following paragraph:—

"In any prosecution under this Section the particulars set forth on any label affixed to a container purporting to indicate the contents of such container shall be prima facie evidence of the contents of such container."

Section 21. To the Section and at the end thereof there shall be added the following proviso:—

"Provided that the provisions of this section shall apply only to those poisons mentioned in the first part of Schedule A to this Law."

Section 23. For the Section there shall be substituted the following Section:—

"23—It shall be lawful for the Governor in Privy Council from time to time to make, alter, or revoke Regulations enabling the Department of Agriculture to dispense arsenite of soda to penkeepers."

Section 26. For the word "Sergeant" which occurs in the eighth line of the Section the word "Corporal" is hereby substituted.

Provisions of  
Principal Law.

## Amendments to be made.

## Section 30.

For the Section there shall be substituted the following Section:—

“30 (1)—Nothing in this Law shall extend or apply to:—

- (a) Single medicinal substances mentioned in Schedule B to this Law or any other substances which the Governor may declare by notice in the Gazette.
- (b) Articles, not being poisons, which are to be used for flavouring foods or drinks or for perfumery, painting, tanning, dyeing, soap-making or any other industrial art or manufacture.
- (c) The sale of opium under and in accordance with the Dangerous Drugs Law 1924 (Law 40 of 1924.)
- (d) Mineral or artificial waters or the salts or other material employed in their preparation.
- (e) Any herb, vegetable, gum, oil or seed, except poisons, in their natural state, though the same may be employed in medicine.

(2) Notwithstanding anything contained in this Law the Governor may, whenever satisfied that it is for the convenience of the public in any area so to do, by Order in Privy Council, authorise the sale in that area of such drugs and patent or proprietary medicines as may be specified in such Order by persons not duly licensed under this Law, and may by any subsequent Order similarly made revoke or vary any such authority.

The drugs or medicines that may be sold in any area, the boundaries of any area, and the names of the persons authorised to sell, shall be published in the Gazette.

(3) The Governor may, by Order in Privy Council, make Rules regulating the sale of drugs and medicines under the preceding sub-section and may by any subsequent Order similarly made, revoke or amend any such Rule.

(4) Any person who contravenes the provisions of any Rules made under this Section shall on summary conviction thereof before a Resident Magistrate, or two Justices of the Peace, be liable to a penalty not exceeding five pounds.”

## Schedule B.

For the Schedule there shall be substituted the following Schedule:—

"SCHEDULE B.

"Asafetida.

Camphor.

Castor Oil.

Epsom Salts.

Senna.

Rhubarb.

Glauber Salts.

Bicarbonate of Soda.

Cream of Tartar.

Friar's Balsam.

Magnesia (Lump).

Camomile Flowers.

Quassia.

Infant foods which bear no claims for  
treatment of sick children."



No. 45---1937.

I assent,

[L.S.]

C. C. WOOLLEY,  
*Acting Governor.*

29th December, 1937.

A LAW to Amend The Kingston and St. Andrew Corporation Law 1931 (Law 12 of 1931) and to Validate the Imposition and Collection of Certain Fees.

[30th December, 1937.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—This Law may be cited as The Kingston and St. Andrew Corporation Amendment and Validation Law 1937 and shall be read and construed as one with the Kingston and St. Andrew Corporation Law 1931 (in this Law referred to as the Principal Law).

Short Title and Construction.

2—The Principal Law is hereby amended as follows:—  
(1) Section 52. The section is hereby repealed and in lieu thereof the following section is hereby substituted:—

Amendment of Principal Law.

“52—At every election of Councillors the Governor shall appoint some fit and proper person to be a

Returning Officer and if such Officer is from any cause whatsoever incapacitated and rendered incapable of fully performing the duties of his office the Governor shall appoint some fit and proper person in the place of such Officer as Returning Officer : Provided that all acts of the Officer first appointed under this section which were validly done in the discharge of his duties as Returning Officer under this Law shall enure for the purposes of the election as fully and effectually as if the Officer had not been incapacitated and had fully discharged the duties of his office."

(2) Section 122—

(i) Paragraphs (a) and (b) of sub-section 1 of the Section are hereby repealed and in lieu thereof the following paragraph is hereby substituted and lettered "(a)"—

"(a) For the use of stalls, for permission to bring articles into any public market, or to expose articles for sale within any public market, in the Corporate Area, and for fixing the fees to be paid therefor."

(ii) The subsequent paragraphs of sub-section 1 of the Section lettered (c) to (1) inclusive shall be re-lettered (b) to (k) inclusive.

**Validation.**

3—All fees imposed or collected under the Principal Law which would have been validly and properly imposed or collected under the Principal Law, if Section 122 of the Principal Law had been as provided by this Law, shall be deemed to be and to have been validly and properly imposed or collected thereunder.



No. 46-----1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

6th January, 1938.

A LAW to Allow and Confirm Certain Expenditure  
incurred in the financial year 1936-37.

[13th January, 1938.]

**W**HEREAS expenditure was necessarily incurred Preamble.  
during the financial year 1936-1937, on certain  
services not provided for by Law 13 of 1936 :

Be it enacted by the Governor and Legislative Council  
of Jamaica as follows :—

1—This Law may be cited as the Supplementary Short Title.  
Appropriation (1936-1937) Law, 1937.

2—The expenditure during the financial year 1936-1937 Amount  
authorised for  
the financial  
year 1936-37.  
to the amount of Eighty-three Thousand Nine Hundred and  
Ten Pounds Seven Shillings and Two Pence on certain  
services set forth in the Schedule to this Law and not  
provided for or not fully provided for by Law 13 of 1936 is  
hereby allowed and confirmed.

## SCHEDULE.

	£	s.	d.
II. Pensions ... ..	3,557	10	6
IV. His Excellency the Governor and Staff	23	11	4
VI. Legislative Council ... ..	355	18	9
XI. Currency Commissioners ... ..	370	12	1
XIV. Collector General's Department ... ..	350	8	2
XVI. Supreme Court ... ..	192	7	1
XVII. Law Officers ... ..	226	16	10
XXI. Medical—General Administration ... ..	1,410	19	6
XXI. II—Medical—Health Service ... ..	947	10	4
XXXI. Local Forces ... ..	491	1	0
XXXV. Board of Supervision ... ..	77	0	11
XXXVI. Department of Science and Agriculture	2,314	3	10
XXXVIII. Subventions ... ..	4,439	10	1
XXXIX. Miscellaneous ... ..	11,122	14	10
XL. Jamaica Government Railway—Deficit on the transactions of the Railway	47,755	13	7
XLII. Public Works—Annually Recurrent ... ..	7,196	9	4
XLIV. Colonial Development Fund ... ..	3,077	19	0
	<hr/>		
	£83,910	7	2

No. 47---1937.

I assent,

[L.S.]

EDWARD DENHAM,

*Governor.*

18th January, 1938

A LAW relating to Pilots and Pilotage.

[The day of the date of any Proclamation notifying that  
His Majesty will not exercise his powers of disallowance.]

**B**E it enacted by the Governor and Legislative Council of Jamaica as follows:—

1—It shall be compulsory for all vessels, other than the vessels excepted by Section 3 of this Law to have a pilot on board within the Pilotage Limits of the several harbours of Jamaica as defined by rules under this Law.

Pilotage—Com-  
pulsory.

2—The Government of Jamaica, the Marine Board, the Pilot Master or any member of his Staff, shall not be liable for any delay, loss, damage, or expense, occasioned by through, or in consequence of the fault or negligence or otherwise, of anyone connected with the Pilotage Service.

Neither Govt.  
nor Pilotage  
Service respon-  
sible for loss  
or damage.

3—(1) For the purposes of this Law and any rules made under it, the following vessels are excepted from Compulsory Pilotage:—

Vessels exempt  
ed from Com-  
pulsory Pilotage.

(a) Vessels belonging to His Majesty.

- (b) War Vessels belonging to any foreign Government.
- (c) Pleasure Yachts.
- (d) Coasting ships as defined by the Customs Consolidation Law 1877 engaged solely in the coasting trade as therein defined.
- (e) Vessels not exceeding 100 tons gross tonnage.
- (f) Vessels not exceeding 200 tons gross tonnage owned and registered in Jamaica, or owned and registered in the Dependencies, and engaged in trade between the Dependencies and Jamaica or proceeding between ports in Jamaica.
- (g) Tugs, dredgers, sludge vessels, barges and other similar craft belonging to or hired by the Government or any local Authority, or belonging to or hired by any Contractor to the Government or any local Authority, while employed within any pilotage district, which includes within its limits the whole or any part of the area of the Pilotage Authority.

(2) For the purposes of this Section "Local Authority" means the Kingston and St. Andrew Corporation, a Parochial Board or the Water Commission constituted under Law 34 of 1936.

Application for  
a Kingston  
pilot.

4—(1) Subject to the provisions of Section 34 of this Law pilots for vessels arriving at or moving within the Pilotage Limits of Kingston Harbour will be detailed by the Pilot Master. Application for the services of a Kingston pilot must be sent, in writing, to the Pilot Master stating the hour required, tonnage of vessel, and place where the pilot is required to board the vessel.

(2) At harbours other than Kingston the Master of an in-coming vessel with no pilot on board, shall take the first pilot who shall offer his services as pilot within the Pilotage Limits of the harbours. In case any such Master shall refuse the services of such pilot, such Master or Agent or Owner or Consignee of the vessel shall nevertheless pay to the pilot the dues appointed by this Law for the pilotage of such vessel.

5. No vessel, other than an excepted vessel, shall be moved within Pilotage Limits or proceed to sea from any harbour in the Island without a pilot. The Master of any vessel contravening the provisions of this Section shall be liable to a penalty not exceeding Fifty Pounds and in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding six months unless the Master proves that there was no pilot available.

No vessel to be moved without a pilot.

6—No pilot shall be taken to sea in any vessel beyond such Pilotage Limits as may be fixed by any rules under this Law, without such pilot's consent, except under circumstances of unavoidable necessity. Whenever any pilot is so taken beyond the Pilotage Limits or whenever any pilot shall be detained on board a vessel for any cause, the Master, Owner, Agent or Consignee shall pay in addition to the regular pilotage charges, One Pound per diem, to be computed from and inclusive of the day on which the vessel shall pass the Pilotage Limit or be detained for any reason within Pilotage Limits, and until he shall be returned to the harbour where he was taken on board, or until he shall have been discharged from the vessel including the time necessary for him to return to the harbour at which engaged, and in case of quarantine, One Pound for each day of detention in quarantine, and in addition travelling expenses to enable the pilot to return to Kingston or to the harbour at which engaged. In the case of a Kingston pilot the above dues and expenses shall be paid to the Pilotage Authority, in other cases to the pilot direct.

Pilot not to be taken outside limits.

7—(1) The Master, Owner, Agent or Consignee of any vessel shall be responsible for payment of the pilotage dues at the rate prescribed in the Third Schedule to this Law.

Persons responsible for payment of pilotage dues.

(2) The Governor in Privy Council shall have power from time to time to alter or amend the said Schedule of rates and prescribe a new Schedule of rates and also to add harbours to the Schedule.

8—(1) Pilotage dues shall be paid by the Master of the vessel, or by the Owner, Agent or Consignee, on completion of the pilotage services, in the case of a Kingston

Payment of pilotage dues.

pilot to the Pilotage Authority, in other cases to the pilot entitled: Provided that as against the Master, Owner, Agent or Consignee any proceedings to recover pilotage dues must be brought by the Pilotage Authority, who shall have power to sue in that name, or by the pilot entitled, within three months of the time the pilotage services were rendered.

(2) At harbours other than Kingston, the Harbour Master or Collector of Customs shall collect the pilotage dues payable by any vessel within the area of his administrative harbour limits in case of a vessel being liable to pilotage dues when a pilot has not been employed and no pilot is entitled to such dues under Section 4 sub-section 2 of this Law. The dues so collected shall be sent to the Pilotage Authority who shall dispose of such dues as they shall decide.

(3) A licensed pilot shall not demand or receive, and the Master, Owner, Agent or Consignee shall not pay any licensed pilot dues in respect of pilotage services at any other rates than the rates set out in the Schedule to this Law, and if a pilot or Master, Owner, Agent or Consignee acts in contravention of this Section, he shall be liable in respect of each offence to a penalty not exceeding Twenty Pounds

Pilotage dues when payable.

9—Subject to rules under this Law, all pilotage dues for outward bound vessels are due and payable before clearance.

Agents or Consignees have power to retain sufficient money to pay pilotage dues.

10—The Consignee or Agent of any vessel from whom any sum of money, due to any pilot or Pilotage Authority shall have been recovered or shall be recoverable, or by whom any such money shall have been paid, are hereby authorised to retain in their hands out of any monies which they may have received, or shall thereafter receive, for or on account of such vessel, or the owners thereof, so much as shall be sufficient to pay for such pilotage and any expenses attending the recovery thereof.

Marine Board the Pilotage Authority.

11—(1) The Marine Board as constituted by Law shall be the Pilotage Authority for Jamaica.

(2) The Pilotage Authority shall have full control of the Pilotage Service and all pilots and pilots' apprentices in the Island and all business connected with pilotage in all harbours and territorial waters in this Island, and shall decide, subject to the provisions of this Law, all matters arising under this Law.

12—(1) The Pilotage Authority may by rules made under this Law—

Pilotage Authority—power to make rules.

- (a) Provide for the licensing of pilots and apprentices and determine the qualification in respect of age, physical fitness, time of service, local knowledge, skill, character and otherwise to be required from persons applying to be licensed by them as pilots or apprentices.
- (b) Provide for the examination of such persons and appoint an Examining Committee for this purpose.
- (c) Fix the term for which a licence is to be in force and the conditions under which a licence may be granted or renewed.
- (d) Determine from time to time the number of first and second-class pilots and the number of pilots to be licensed for each harbour and the age at which pilots' licences shall not be renewed.
- (e) Provide for the licensing and training of apprentices for the Kingston Pilotage Service and determine the number of apprentices and the qualifications for such licence.
- (f) Determine the system to be adopted with respect to the supply and employment of pilots, and provide, so far as necessary, for the provision, and working of pilots' boats in the Island.
- (g) Make rules as to the colour and marking of pilot boats and to prohibit any boat being painted so as to be mistaken for a pilot boat, and provide penalties for breach of this rule.
- (h) Prescribe the signals to be shown by pilot boats and by a ship with a pilot on board, and provide for penalties for the use of such signals by unauthorised persons.

- (i) Provide for leave of absence to Kingston pilots and provide for penalties for absence from duty without leave.
- (j) Provide for the punishment of any breach of any rules made by them for the control of pilots and of apprentices by the infliction of fines not exceeding Ten Pounds without prejudice to their powers under this Law to revoke or suspend any licences. Such rules may provide for suspension of licences until any fine imposed by virtue of such rules shall be paid.
- (k) Provide for the collection and distribution of pilotage dues.
- (l) Provide for the detailing of Kingston pilots and apprentices for any duties connected with the Pilotage Service, and fix the dues to be paid for special services.
- (m) Provide for the regulation of the pooling of pilotage dues as hereinafter provided and the method of distribution of the monies of the Pool among Kingston pilots.
- (n) Provide for bonds (the penalty of which shall not in any case exceed Three Hundred Pounds) being given by pilots for the purposes of the provision of this Law limiting pilots' liability.
- (o) Establish pilots' benefit funds.
- (p) Provide for any matter for which provision is to be made or may be made under this Law by rule.
- (q) Define the limits of any harbour of the Island within which it is compulsory for vessels other than excepted vessels to have a pilot on board.
- (r) Fix a distance from the entrance of any harbour within which it shall not be lawful for a pilot, without the consent of the person having the command of an outward bound vessel of which such pilot has pilotage charge, or without the consent of the Owner or Agent of such vessel, to quit such vessel.



(2) Rules made by the Pilotage Authority under this Law shall not take effect until they have been approved by the Governor in Privy Council and published in the Gazette, and shall take effect from the date of such publication, or such other date as shall be stated in the publication.

13—From and after thirty days after the coming into force of this Law, no person shall act as a pilot in Jamaica unless he holds a licence issued under this Law, and all licences issued under the Pilotage Law 1891, are hereby revoked and declared to be of no force or effect.

Pilots required to be licensed under this Law.

14—The Pilotage Authority shall be responsible for the licensing of pilots and apprentices as hereinafter provided and shall keep a register of all licences issued under this Law.

Pilotage Authority power to license pilots and apprentices.

15—(1) Upon the coming into force of this Law the Pilotage Authority shall grant licences to all persons who on such date are *bona fide* and actively engaged in the profession of pilotage and who hold licences as such and who shall apply to be licensed under this Law, and shall pay such fees as are set out in the Second Schedule to this Law. The Pilotage Authority shall in their discretion grant a first or second-class licence to such applicants: Provided always that persons now holding licences under the Pilotage Law 1891, or any other Law shall be exempt from payment of the original licence fee as specified in the Second Schedule to this Law.

Grant of First and Second-Class Licences.

(2) Such licences shall be for the harbour or harbours for which the pilot holds a licence at the date when this Law comes into operation.

(3) No pilot with less than five years' active service as a pilot shall be entitled to hold a first-class licence except those entitled to a licence under sub-section 4 of this Section.

(4) Where a pilot who has served as a licensed pilot for a period of five years prior to the coming into effect of this Law is licensed as a second-class pilot, he shall be

entitled to make application to the Pilotage Authority within one month of the issue of such licence, to be granted a licence as a first-class pilot, and the Pilotage Authority shall hear and determine such application, and in the event of a refusal to grant such application, the pilot may appeal to the Governor whose decision shall be final.

(5) Any pilot whose licence has been suspended prior to the coming into force of this Law, shall, at the expiry of the period of suspension, have the right to apply for a licence under this Law.

Granting of  
future licences  
under this Law.

16—The Pilotage Authority shall, after the first grant of licences as aforesaid, have power to grant licences as hereinafter set out to any pilot.

Second-class  
pilots eligible to  
become first-  
class pilots.

17—(1) Kingston pilots who have been granted a first-class licence under this Law may be granted a Coastwise pilot's licence to pilot ships between the harbours of Jamaica for which they hold such licences: Provided they pass the necessary examination, and on payment of the fees prescribed in the Second Schedule to this Law.

Pilots granted a first-class pilot's licence under Section 15 sub-section 1 of this Law shall be eligible to sit for such examination and other pilots shall be required to serve for one year as a first-class pilot before they shall become eligible as aforesaid.

(2) All pilots who have served for less than five years shall be second-class pilots and shall be eligible to become first-class pilots after they have served five years as second-class pilots to the satisfaction of the Pilotage Authority. Second-class pilots shall not be entitled to take pilotage charge of, or pilot, ships of greater tonnage than 4,000 tons gross.

(3) Second-class pilots will be entitled to promotion to first-class pilots as vacancies occur in order of seniority of service: Provided that the Pilotage Authority shall have power to refuse to promote any second-class pilot who shall in the opinion of the Pilotage Authority be unfit for any reason to be granted a first-class licence.

18—No person, other than a British subject, shall be eligible to enter the Pilotage Service.

Only British subjects eligible to become pilots.

19—Every person desirous of being apprenticed to the Pilotage Service or to an outport pilot or of being examined for a licence as pilot for any harbour or harbours in Jamaica, shall make application to the Pilotage Authority in writing stating fully his name, age, birth-place, nationality, present residence, previous occupation, the grounds on which he claims to be qualified to be apprenticed or examined under the rules made under this Law, and the name of the harbour or harbours in respect of which he desires to be examined. The Pilotage Authority after such examination and enquiry may grant or refuse such application.

Apprenticeship to the Pilotage Service.

20—In case of application to the Pilotage Authority for a pilot's licence under this Law, by a person eligible under this Law, the Pilotage Authority is hereby authorised, subject to any rules made under this Law, after the candidate has been examined and has satisfied the Examining Committee appointed by the Pilotage Authority as to his professional qualifications, and on the Pilotage Authority being satisfied that such candidate in its belief is a person of good character and of sober habits, and provided that there is a vacancy for a licence for the harbour or harbours for which application is made, and on a medical certificate being produced to the Pilotage Authority from a Medical Practitioner appointed by the Pilotage Authority that he is medically fit to carry out his duties as a pilot, to grant him a second-class licence in such form as is prescribed in the First Schedule to this Law.

Granting pilot's licence to apprentices.

21—Such examination as aforesaid shall not be held until the candidate shall have paid, in the manner that may be prescribed by rules under this Law, the examination fees fixed in the Second Schedule to this Law, and such licence shall not be granted until he has paid the licence fee fixed in the Second Schedule to this Law.

Payment of fees by apprentices and pilots for examinations and licences.

22—Every pilot to whom a licence is granted shall give a bond to the Pilotage Authority in approved sureties in the sum of Three Hundred Pounds for the faithful performance of his duties.

Bonds required to be given by pilots.

Duration of  
licence.

23—(1) A pilot's licence under this Law shall have effect from the date of granting same till the close of the thirty-first day of March following, and unless superseded by a new licence and unless renewed within one month thereafter shall lapse.

(2) Whenever an order suspending a pilot's licence is made, such licence shall cease to be of any effect during the term of suspension; and whenever a pilot's licence is revoked, such licence shall cease to have any effect whatever.

Renewal of  
licence.

24—All licences granted under this Law shall, on application made to the Pilotage Authority on or within one month before the thirty-first day of March in each year, and on payment of the renewal fee fixed in the Second Schedule to this Law, be renewed by the Pilotage Authority unless the same shall have been revoked or suspended or shall be revoked or suspended under the powers contained in this Law, or regulations made under this Law, by the Pilotage Authority prior to the grant of such renewal licence. All grants of renewal licences shall be made after the thirty-first day of March and before the first day of May in each year.

Suspension of  
licences for un-  
fitness.

25—If at any time the Pilotage Authority shall consider that any pilot for any harbours within the Island is unfit for any reason to be any longer entrusted with pilotage charge of vessels altogether or within any particular harbour or harbours, it shall be lawful for the Pilotage Authority to suspend the licence of such pilot either altogether or for any particular harbour or harbours, or if a first-class pilot to reduce him to a second-class pilot and to refuse to renew such licence, in which case the Pilotage Authority shall state in writing to the pilot the grounds upon which they have suspended or refused to renew such licence. Before exercising their powers under this Section the Pilotage Authority shall give the pilot an opportunity to appear before them and make representations on his own behalf, and if the suspension or revocation is on the grounds of his professional skill as a pilot he may, if he desires, be re-examined by the Examining Committee on

payment of the prescribed fee. A pilot shall have the right to be represented by Solicitor or Counsel at any such enquiry.

26—It shall be lawful for the Pilotage Authority from time to time to require any pilot to submit to a medical examination as the Pilotage Authority may deem necessary as to his physical or mental capacity to take pilotage charge of vessels; and, if any such pilot shall refuse to submit to such examination or if, whether as the result of such examination or otherwise, it be made to appear to the Pilotage Authority that there is reason to believe that he is physically or mentally unfit to be entrusted with the pilotage charge of vessels as mentioned in Section 25, it shall be lawful for the Pilotage Authority to make a formal enquiry respecting the qualifications and fitness of such pilot as aforesaid; and unless it be thereupon established to its satisfaction that such pilot is fit as aforesaid, the Pilotage Authority is hereby empowered and required to suspend the licence of such pilot, until the pilot has satisfied such Authority as to his fitness as aforesaid, when it shall be lawful for such Authority in its discretion to reinstate the pilot accordingly.

Medical examination.

27—Any person who having held a pilot's licence and having allowed such licence to lapse, may on his applying for a renewal of such licence be granted a renewal of such licence on the payment of a renewal fee: Provided there is a vacancy for a licence for the harbour or harbours for which application is made: Provided further that any person who shall apply for a renewal of any licence which has lapsed for a longer period than twelve months, shall undergo the examination and pay the same fee as any person who has never held a pilot's licence.

Renewal of licence which has lapsed.

28—A pilot's licence under this Law shall authorise the holder thereof for the time therein specified, to pilot any vessel of a tonnage not greater than the tonnage specified in such licence, in any harbour, or entering or leaving any harbour, specified in the licence; and it shall be unlawful for any person not holding a licence to act as pilot for any vessel in any harbour, or entering or leaving any harbour in Jamaica; and it shall be unlawful for the holder of any licence to pilot any vessel in any harbour, or entering or

Scope of licence

leaving any harbour in Jamaica to which his licence does not apply, or pilot vessels of a greater tonnage than that specified in his licence; and it shall be unlawful for any pilot not holding a coastwise licence to pilot any vessel other than within the Pilotage Limits of the ports for which he is licensed.

Licence to be delivered to the Authority on revocation or suspension.

29—(1) A licensed pilot shall, in case his licence is revoked or suspended, deliver up his licence to the Authority.

(2) On the death of a licensed pilot, the person into whose hands his licence comes shall without delay transmit it to the Pilotage Authority.

(3) If any licensed pilot or other person fails to comply with the requirements of this Section he shall be liable in respect of each offence to a penalty not exceeding Ten Pounds.

Limit of liability of pilot to extent of bond.

30—(1) A licensed pilot who has given a bond in conformity with the provisions of this Law or any rules made under it, shall not be liable for neglect or want of skill beyond the amount of the bond and the amount payable to him on account of pilotage in respect of the voyage in which he was engaged when he became so liable.

(2) Where any proceedings are taken against a pilot for any neglect or want of skill in respect of which his liability is limited as provided by this Section, and other claims are made or apprehended in respect of the same neglect or want of skill, the Court in which the proceedings are taken may determine the amount of the pilot's liability, and upon payment by the pilot of that amount into Court, may distribute that amount among the several claimants, and may stay any proceedings pending in any other Court, in relation to the same matter, and may proceed in such manner and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the pilot, and as to payment of any costs as the Court thinks just.

Exemption from Service on Jury or in Militia.

31—All pilots shall be exempted from serving on any Jury or in the Militia.

32—(1) Every apprentice accepted for the Kingston Pilotage Service shall pay an Apprenticeship Fee of Fifty Pounds in such sums as the Pilotage Authority may direct and such sums shall be paid into the Kingston Pilots' Pool.

Fees and salaries to apprentices.

Every apprentice shall be entitled to be paid a salary after one year of service and such salary shall be fixed from time to time by the Pilotage Authority and paid from the Kingston Pilots' Pool.

(2) The Pilotage Authority may without payment of any fee license any apprentice who at the date of the coming into force of this Law shall be *bona fide* serving as such and shall within thirty days of the coming into force of this Law make written application for such licence. The Pilotage Authority shall examine such applicants and grant or refuse such applications as they think fit. No person except as herein provided shall be granted a licence as a pilot unless he has served as an apprentice to the Kingston Pilotage Service.

33—There shall be two denominations of pilots, viz:— Kingston pilots (first and second-class), and outport pilots.

Two denominations of pilots.

34—(1) Kingston pilots shall be those pilots who are licensed for the Kingston Pilotage Area. They may also hold licences for other harbours.

Definition of and rules for Kingston pilots

(2) They shall reside within the boundaries of Kingston, St. Andrew, or Port Royal.

(3) Kingston pilots shall be placed on a roster by the Pilotage Authority and shall perform their duties subject to rules made under this Law.

(4) All dues and fees earned by Kingston pilots shall be paid to the Pilotage Authority.

(5) Kingston pilots in possession of the necessary licence or licences may be selected by the Master, Owner, Agent or Consignee of any vessel or by the Pilot Master, for the pilotage of any vessel into in or out of any harbours, ports, roadsteads or shipping places other than Kingston Harbour. The pilots performing such services shall be entitled to the due or dues paid for such services, and such dues shall not be accounted as part of the Kingston Pilots' Pool.

(6) Kingston pilots may be selected for the pilotage of vessels of or above 5,000 tons gross tonnage into, in or out of Kingston Harbour, by the Master, Owner, Agent, or Consignee of such vessel, or by the Pilot Master, and the pilot having pilotage charge of such vessel shall be entitled to forty per cent. of the pilotage dues paid for such vessel in addition to his share of the Pilotage Pool.

(7) The Pilot Master is hereby empowered to select pilots for the pilotage of any vessel of or above 5,000 tons gross tonnage, in cases where no pilot has been selected, or for any special duty connected with the Pilotage Service.

(8) Fees paid to the Pilotage Authority for any special duty, other than the pilotage of ships, shall be disposed of as the Pilotage Authority may determine.

Definition of  
outport pilots.

35—"Outport pilots" shall be all other pilots not being Kingston pilots.

#### BOATS.

Pilotage Authority to provide offices and boats

36—(1) The Pilotage Authority shall provide a proper office and sufficient service of boats for use by Kingston pilots when engaged in pilotage duties in respect of the harbour of Kingston.

(2) The expenses of the provision upkeep and maintenance of such office and service and the replacement of boats shall be paid out of the monies received by the Kingston Pilots' Pool.

(3) The service of boats shall be subject to regulations made by the Pilotage Authority.

Harbour Master for Kingston to be Pilot Master.

37—(1) The Harbour Master for Kingston shall be the Pilot Master.

(2) The Pilot Master shall detail Kingston pilots for pilotage duties in accordance with this Law and any regulations under this Law.

Pilotage Authority to regulate service of boats and duties of Pilot Master and pilots.

38—(1) The Pilotage Authority shall frame regulations to secure or provide for—

(a) The proper operation of the service of boats for pilots in the port of Kingston.

(b) The distribution of work among Kingston pilots.



(c) Any matter or thing necessary to the proper working of the system of pilotage provided in this Law.

(2) The Pilot Master shall perform such duties connected with the Pilotage Service as the Pilotage Authority may direct.

(3) The Pilot Master shall be paid a non-pensionable allowance of One Hundred and Fifty Pounds per annum. Such allowance being paid out of the Kingston Pilots' Pool.

39—In the absence of the Pilot Master the Pilotage Authority may appoint a fit and proper person to carry out the duties of Pilot Master.

Appointment of substitute in the absence of the Pilot Master.

40—When the Governor in Privy Council has made a rule prescribing any form or pattern of flag for a vessel to fly in token of its having a pilot on board, it shall be the duty of every pilot to provide himself with such flag, and on taking pilotage charge of any vessel, to cause the same to be hoisted in token that such vessel has a pilot on board, and such flag is to be kept flying in the manner and for the time prescribed by rule made under this Law. Every pilot failing in this duty shall be liable to a penalty not exceeding Ten Pounds: Provided that if the Master of the vessel prevents the pilot from having the said flag hoisted and kept flying, the Master and not the pilot shall be liable to pay the said penalty. The hoisting of such flag in any ship shall be deemed to be complete proof that the pilot whose flag is so hoisted is on board such ship in his capacity as a pilot.

Flag to be flown by ship with a pilot on board.

41—It shall be the duty of every pilot having pilotage charge of any inward bound vessel to put such vessel in a safe and convenient berth and if any pilot shall place such vessel in an unsafe or inconvenient berth, he shall, at the request of the Master of the vessel or the Harbour Master, place the vessel in a suitable berth, and such pilot shall not be entitled to any pilotage dues for this service, and on failure to perform such services shall be liable to a penalty not exceeding Ten Pounds.

Berthing of ships by pilots.

Duty of pilot to obey rules made by Officer Commanding Troops on certain occasions.

42—(1) It shall be the duty of every pilot to obey and conform to such rules with respect to the pilotage of vessels as the Military Officer in command of His Majesty's Troops stationed in this Island may on any special occasion (to be determined by such officer) make, and any pilot acting in contravention of any such rule shall be liable to a penalty not exceeding Fifty Pounds, and in default of payment of such penalty, to imprisonment, with or without hard labour, for a term not exceeding six months.

(2) Rules made under this Section by the Military Officer aforesaid shall be submitted for the approval of the Governor, and when approved by the Governor shall be of the same effect as if they were contained in and formed part of this Law.

(3) The Pilotage Authority may revoke or suspend for a time to be fixed by the Authority, the licence of any pilot acting in contravention of any rule made under this Section.

(4) Rules made under this Section shall continue in force for a period of time to be named in such rules, but the Military Officer aforesaid may with the approval of the Governor extend the said time.

Unlawful for anyone other than a licensed pilot "to pilot" vessels.

43—Every person who shall pilot any vessel in contravention of this Law, shall be liable to a penalty not exceeding Fifty Pounds, and in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding six months.

Orders of Pilot Master to be obeyed by all pilots.

44—Every Kingston pilot disobeying any lawful orders or directions of the Pilot Master without sufficient cause, may be charged before the Pilotage Authority with such disobedience and if found guilty shall be liable to a fine not exceeding Fifty Pounds for each offence, and shall be liable to have his licence revoked or suspended. Where any fine imposed under this Section is not paid forthwith, or not paid within such time as may be specified by the Pilotage Authority, the Authority may suspend the licence of the pilot until such fine is paid.

45—Every outport pilot who shall, when not actually engaged in his capacity of pilot, refuse, or wilfully omit or delay to go on board and to take pilotage charge of any vessel requiring a pilot, upon the usual signal for a pilot being displayed from any such vessel, or upon being hailed and required by the Master of any vessel or by any officer belonging to any vessel, or required by the Agent, Owner or Consignees thereof, or by the Harbour Master or the Pilot Master of or the Collector or other Principal Officers of Customs at any port or place, to take pilotage charge thereof unless it be unsafe for such a pilot to obey such signal or comply with such requisition, or unless he shall be prevented from taking pilotage charge by illness or by reason of such vessel being bound to and needing pilotage for a harbour for which he is not a pilot, or by other sufficient cause, shall be guilty of an offence, and be liable to a penalty not exceeding Fifty Pounds for each offence, and in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding six months and in addition shall be liable to have his licence revoked or suspended.

Offences by  
Outport pilots.

46—Every pilot, who having taken charge of any inward bound vessel, shall, except in cases of necessity, without the consent in writing of the person having the command of such vessel, quit such vessel before it shall have arrived at the place to which it is bound, and before it shall have been safely moored or anchored, or who, having taken charge of any outward bound vessel, shall quit such vessel without the consent of the person having the command thereof, or of the Owner or Agent of the vessel, before it shall have arrived at the place where according to the rules pilots are allowed to quit outward bound vessels, shall be liable to a penalty not exceeding Fifty Pounds and in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding six months.

Penalties for  
improperly  
quitting vessel  
under pilotage  
charge.

47—Every pilot who, when taking pilotage charge of a vessel, or when in pilotage charge of a vessel, shall be in a state of intoxication, shall be liable to a penalty not exceeding Fifty Pounds and in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding six months.

Penalty for  
being intoxicated  
when in pilotage  
charge.

Every pilot who, when it shall be his duty to take pilotage charge of a vessel, shall be in a state of intoxication, shall be liable to a penalty not exceeding Fifty Pounds and in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding six months.

Offences by  
pilots—penalties  
for.

48—If a pilot commits any of the following offences, that is to say:—

- (a) commits any fraud or other offence against the Revenue of Customs or Excise, or the Laws relating thereto;
- (b) lends his licence;
- (c) acts as pilot while suspended;
- (d) wilfully declares the wrong tonnage of any ship with intent to deceive;
- (e) unnecessarily cuts, or slips, or causes to be cut or slipped any cable belonging to any ship;
- (f) refuses, on the request of the Master, to conduct the ship of which he has the charge, into any harbour or shipping place into which he is qualified to conduct the same except on reasonable ground of danger to the ship;

he shall for each such offence, in addition to any liability for damages at the suit of the person aggrieved, or any other penalty to which he may be liable under any other Law in respect of such offence, incur a penalty not exceeding Fifty Pounds; and shall also be liable to have his licence revoked or suspended; and every person who procures, abets or connives at the commission of any such offences shall likewise, in addition to any such liability for damages as aforesaid, be liable to a penalty not exceeding Fifty Pounds, and if such person be a licensed pilot he shall be further liable to have his licence revoked or suspended. In default of payment of any penalty imposed under this Section the person convicted shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months.

Act tending to  
loss or damage  
of vessel—  
Penalties.

49—If any pilot when in charge of any ship, by wilful breach of duty or neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruc-

tion, or serious damage of such ship, or tending immediately to endanger the life or limb of any person on board such ship; or if any pilot by wilful breach of duty, or neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from loss, destruction or serious damage, or for preserving any person belonging to, or on board of such ship, from danger to life and limb, the pilot so offending shall for each offence be deemed guilty of a misdemeanour, and on conviction thereof shall be punishable by imprisonment for a period not exceeding six months, with or without hard labour, or by a penalty not exceeding One Hundred Pounds, or in default of payment thereof to imprisonment, with or without hard labour, for a term not exceeding six months, and shall also be liable to have his licence revoked or suspended, or if a first-class pilot to be reduced to a second-class pilot.

50—Any pilot showing any signal at night, when not in the proper recognised channels, or showing any light or signal when his boat is in such a position as would lead a vessel, approaching such light or signal, into danger, shall be guilty of an offence; and shall, in addition to any liability for damages at the instance of any person aggrieved, or any other penalty to which he may be liable under any other Law, be liable to a penalty not exceeding One Hundred Pounds and shall also be liable to have his licence revoked or suspended. Every person who procures, abets, or connives at the commission of any such offence, shall likewise, in addition to any such liability for damages as aforesaid, be guilty of an offence and be liable to a penalty not exceeding One Hundred Pounds, and if such person be a licensed pilot he shall be further liable to have his licence revoked or suspended. In default of payment of any penalty imposed under this Section the person convicted shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months.

Improperly showing signals at night.

51—Any misdemeanour created by this Law shall be tried on indictment in the Resident Magistrate's Court for the parish in which is situated the harbour or place into or out of which the ship was bound in relation to which the offence is charged to have been committed.

Misdemeanour where triable.

Offence—where  
triable.

52—(1) Any offence under this Law not being a misdemeanour created by this Law shall be triable summarily by the Resident Magistrate for the parish in which is situated the harbour or place into or out of which the ship was bound in relation to which the offence is charged to have been committed, or by the Resident Magistrate for the parish where the offence was committed, and all penalties for breaches of this Law shall be recoverable on summary conviction before the Resident Magistrate for the parish as aforesaid.

(2) For the purposes of this Section the expression “penalties” does not include a “fine” imposed by the Pilotage Authority.

Pilotage Authority required to make formal enquiry in certain cases.

53—(1) The Pilotage Authority is hereby required to make a formal enquiry in every case in which any vessel under pilotage charge occasions or receives any damage or touches the ground or runs foul of any other vessel or of any buoy or beacon.

(2) The pilot in pilotage charge of any vessel which occasions or receives any damage as stated above shall forthwith report personally to the Pilot Master or, if in an outport to the Harbour Master, who shall if he sees fit require the pilot to surrender his licence and he shall cease to act as a pilot until the case has been further investigated: Provided that the Pilotage Authority may at its discretion issue a temporary licence to the pilot concerned to permit him to act as a pilot for ports other than that in respect of which the accident occurred and for which he is licensed.

(3) The Pilotage Authority is also empowered, at its discretion, whenever it thinks fit to do so, to make a formal enquiry respecting the conduct of any pilot or pilots for any harbours in his capacity of pilot, whether or not such pilot has been charged with any offence under this Law: Provided that any pilot whose conduct forms the subject of such enquiry shall have due notice of such enquiry, and shall have the right to appear thereat personally or with the permission of the Pilotage Authority by his Counsel or Attorney and to cross-examine any witness called thereat otherwise than by himself, and to call and examine witnesses in his own behalf.

(4) Whenever an enquiry is made by the Pilotage Authority under this Section, it shall be the duty of the Authority to pronounce upon the conduct of the pilot in the matter forming the subject of the enquiry; and if it shall think that the conduct of any pilot which has been made the subject of enquiry under this Section requires such punishment, the Authority is hereby empowered to inflict a fine not exceeding Fifty Pounds and to suspend or revoke the licence of the pilot whose conduct has been enquired into or in the case of a first-class pilot to reduce him to a second-class pilot. Where any fine imposed under this Section is not paid forthwith, or is not paid within such time as may be specified by the Pilotage Authority, the Authority may suspend the licence of the pilot until such fine is paid.

54—Should the Pilotage Authority refuse to grant any application for a licence or suspend or revoke the licence of any pilot under this Law, or refuse to renew the same, such pilot or such applicant for a licence shall have the right of appeal to the Governor against such refusal, suspension or revocation, or refusal of renewal: Provided such appeal shall be made in writing within fourteen days from the day on which the Pilotage Authority declared such refusal, suspension, or revocation, or refusal of renewal to the pilot in writing, and it shall be lawful for the Governor to vary or reverse the decision of the Pilotage Authority regarding any such matter as aforesaid.

Right of appeal by pilot on suspension or revocation of licence.

55—The Pilotage Authority, when any matter is coming before it requiring the advice of persons specially experienced in such matter, shall have power to call in one or more of such persons to act as Assessors to give their opinion and advice to the Pilotage Authority in dealing with such matter.

Pilotage Authority empowered to appoint Assessors.

When such Assessors are so called in they may be required by the Pilotage Authority to give their opinion or advice on any question involving the matter before the Authority, but the Authority shall exercise its own judgment as to the effect to be given to such opinion or advice in the decision to be arrived at.

Power to examine witnesses and administer oaths.

56—The Pilotage Authority shall have the powers of summoning and examining witnesses, administering oaths and calling for documents in any matter coming before it under this Law, and of adjourning any hearing or enquiry from time to time which are possessed by Commissioners appointed under any Law for the time being in force relating to the appointment of Commissions of Enquiry and of Commissioners thereunder. The Pilotage Authority shall have power to allow in their discretion expenses of witnesses summoned by the Authority, not exceeding the scale allowed by the Supreme Court, and such expenses shall be paid by the Marine Board.

Every person who in any examination upon oath or affirmation taken by the Pilotage Authority, wilfully gives false testimony, shall be deemed guilty of perjury, and shall be liable to be proceeded against and punished accordingly.

No member of the Pilotage Authority shall be precluded from taking part in any enquiry under this Law by reason of having previously seen any papers in connection with such enquiry or is otherwise in possession of any information connected with the case.

Pilot suspended not entitled to share of Kingston Pilots' Pool.

57—No pilot shall be entitled to any remuneration from the Kingston Pilots' Pool while his licence is suspended.

Senior Naval Officer to detail Pilots for ships chartered by Admiralty.

58—No ship under charter to the Admiralty shall be compelled to take a pilot on board unless the pilot offering his services as pilot is a pilot authorised in writing by the officer for the time being performing the duties of Senior Naval Officer in Jamaica or Harbour Master of Jamaica or as provided by Section 42 of this Law.

Clerk to Pilotage Authority and allowances to members.

59—It shall be lawful for the Governor to make an allowance to a Clerk to the Pilotage Authority to be appointed by him and to make an allowance for each day's attendance at a meeting of the Pilotage Authority of each member thereof, and of each Assessor called in, and to authorise the payment of any petty contingent expenses incurred by the Pilotage Authority in the carrying out of this Law. Allowances and expenses under this Section shall not exceed in any one year the sum of Two Hundred Pounds.



60—The Pilotage Authority may borrow monies for the purpose of providing the service of boats or for providing or acquiring any offices or furniture as required by Section 36 of this Law and shall provide a sinking fund for the repayment of any monies so borrowed out of the funds of the Kingston Pilots' Pool.

Pilotage Authority empowered to borrow monies.

61—The Kingston Pilots' Pool shall consist of:—

- (a) all pilotage dues earned by Kingston pilots.
- (b) all dues and charges incurred under Section 6 by Kingston pilots.
- (c) fees paid by apprentices to the Kingston Pilotage Service.
- (d) all fines paid by Kingston pilots for breach of this Law or regulations made under this Law imposed by the Pilotage Authority.
- (e) all sums not specifically mentioned which may be earned for any services which may be rendered by Kingston pilots.

Payments to Kingston Pilots' Pool.

62—The monies in the Pool shall be used as follows:—

- (a) payment of dues earned by Kingston pilots selected for pilotage into, in, and out of harbours other than Kingston Harbour.
- (b) payments under Section 6.
- (c) part pilotage for ships of or above 5,000 tons into, in and out of Kingston Harbour as stated in Section 34 sub-section 6.
- (d) payments for services other than the pilotage of ships within the Kingston Pilotage Limits as fixed by the Pilotage Authority.
- (e) to defray the expenses of the Kingston Pilotage Service.
- (f) pay salaries to apprentices to the Kingston Pilotage Service as fixed by the Pilotage Authority.
- (g) establish pilots' benefit funds.
- (h) pay salaries to Kingston pilots at the rate of three shares to each first-class Kingston pilot and two shares to each second-class Kingston pilot.

Payments from Kingston Pilots' Pool.

Audit of accounts.

63—The Accounts of the Kingston Pilots' Pool shall be audited at least once in every year by the Auditor General and the Report published in the Gazette.

Interpretation Clause.

64—In the construction of this Law and of rules made under this Law, unless where the context requires a different construction—

The words "pilots" and "pilot" shall mean any persons or person holding a licence under this Law to act as pilots or pilot.

The "Examining Committee" shall consist of a Board of three Examiners appointed by the Pilotage Authority to undertake the examination of pilots and apprentices as required by this Law.

The expression "The Admiralty" shall mean the Lord High Admiral of the United Kingdom of Great Britain and Northern Ireland for the time being, or the Commissioners for the time being executing the office of Lord High Admiral.

The word "vessel" includes any ship or boat or any other description of vessel used in navigation.

"Harbour" includes harbours properly so called, piers, jetties and other works in or at which ships can obtain shelter, or ship and unship goods or passengers.

"Drunkness" or "state of intoxication" shall mean a state in which any pilot who shall have taken or had administered alcohol or any form of drug shall be less fit to perform all the duties of a pilot than if he had not taken or had administered such alcohol or drug.

Repeal of Laws

65—The Laws set out in the Fourth Schedule to this Law are hereby repealed to the extent mentioned in the third column of the said Schedule.

Short Title.

66—This Law may be cited as the Pilotage Law, 1937.

Coming into operation of this Law.

67—This Law shall not come into operation unless and until the Governor notifies by Proclamation published in the Gazette that it is His Majesty's pleasure not to disallow the same and thereafter it shall come into operation on such day as the Governor shall notify by the same or any other Proclamation.

## FIRST SCHEDULE.

## PILOT'S LICENCE.

This is to certify that (Name in full) is hereby granted a licence as a pilot (first or second) class for the port (or ports) in Jamaica as stated hereon for all ships (of or under

tons gross tonnage) from the day of

19 to the day of

19 .

Given under my hand and seal this day of 19 .

President, Pilotage Authority.

## SECOND SCHEDULE.

## FEES FOR EXAMINATIONS.

(To be paid to the Examining Committee.)

	£	s.	d.
Examination for an Apprentice's Licence .. ..	3	3	0
Examination for an original Pilot's Licence .. ..	6	6	0
Examination for a Pilot's Licence for additional harbours— for each harbour .. ..	1	1	0
Examination for Coastwise Pilot's Licence .. ..	2	2	0

## FEES FOR LICENCES.

For a Pilot's original licence for any harbour .. ..	10	0	0
For every additional harbour .. ..	2	10	0
Renewal of licence for one harbour .. ..	1	0	0
Renewal of licence for every additional harbour .. ..	0	5	0
Renewal of licence under Section 27 after lapse of one month and less than twelve months—			
For one harbour .. ..	1	10	0
For every additional harbour .. ..	0	7	6
For a Coastwise Pilot's Licence .. ..	1	0	0

## THIRD SCHEDULE.

## PILOTAGE DUES.

Until altered by rules under this Law the following dues shall be paid by all vessels, (other than excepted vessels who shall pay the dues only if a pilot is engaged).

INTO OR OUT OF KINGSTON HARBOUR.	Dues Payable
Up to 200 tons	£1 10 0
Above 200 tons and not exceeding 300 tons	1 16 0
“ 300 “ “ “ 400 “	2 2 0
“ 400 “ “ “ 500 “	2 6 0
“ 500 “ “ “ 600 “	2 10 0
“ 600 “ “ “ 800 “	2 14 0
“ 800 “ “ “ 1,000 “	2 18 0
“ 1,000 “ “ “ 1,200 “	3 1 0
“ 1,200 “ “ “ 1,400 “	3 4 0
“ 1,400 “ “ “ 1,600 “	3 7 0
“ 1,600 “ “ “ 1,800 “	3 10 0
“ 1,800 “ “ “ 2,000 “	3 12 6
“ 2,000 “ “ “ 3,000 “	4 5 0
“ 3,000 “ “ “ 4,000 “	5 0 0
“ 4,000 “ “ “ 5,000 “	5 15 0
“ 5,000 “ “ “ 6,000 “	6 10 0
“ 6,000 “ “ “ 7,000 “	7 5 0
“ 7,000 “ “ “ 8,000 “	8 0 0
“ 8,000 “ “ “ 9,000 “	8 15 0
“ 9,000 “ “ “ 10,000 “	9 10 0

Above 10,000 tons 1s. 3d. for each additional 100 tons.

1. Into or out of Port Royal only, half of the above dues shall be paid. If ship berths at Port Royal two-thirds of the above dues shall be paid.

2. From Port Royal to Kingston or vice versa half of the above dues shall be paid.

3. Into or out of any harbour, port, or roadstead round the coast of Jamaica, two-thirds of the above dues shall be paid.

4. For piloting any vessel from one part of a harbour to another the dues shall (subject to the provision of paragraphs 1 and 2 of this Schedule as to the dues payable for piloting vessels into or out of Port Royal and between Kingston and Port Royal) be one-quarter the dues for the inward pilotage of such harbours, but not to exceed £2 for any one move.

5. (a) Pilots for companies whose ships are employed regularly in the carriage of bananas or other Island produce requiring to call at outports for the collection of same, may be engaged at a daily rate of £5 per day or a monthly rate of £30 per month. Pilotage Dues into and out of Kingston Harbour (if visited) or dues for the first port of entry, if any other harbour than Kingston is the first port of entry, to be paid in addition.

(b) If engaged by the day the time for such pilot's services to be reckoned from the time the ship leaves the original port of entry until the pilot leaves the ship. Where Kingston is the original port of entry or departure the time to be reckoned from passing East Middle Buoy or Three Fathom Bank Buoy outward or inwards.

(c) Pilots engaged as above can be employed by the Pilot Master for other services when not actually engaged, or about to be engaged, in piloting ships for these Companies.

6. No extra fees are payable for Coastwise Pilotage.

## FOURTH SCHEDULE.

No. of Law.	Short Title.	Extent of Repeal.
21 of 1891	Pilotage Law 1891.	The whole Law
11 of 1894	.. The Pilotage Law 1891 Amendment Law 1894	The whole Law
36 of 1903	.. The Marine Board Law 1903	Section 52
28 of 1906	.. The Pilotage Laws Amendment Law 1906	The whole Law
30 of 1911	.. The Pilotage Amendment Law 1911	The whole Law
4 of 1914	.. The Compulsory Pilotage Law 1914	The whole Law
12 of 1916	.. The Pilotage (Admiralty Charter) Exemption Law 1916	The whole Law
16 of 1920	.. The Pilotage (Apprentices) Law 1920	The whole Law
44 of 1920	.. The Pilotage Law, 1920	The whole Law











