



THE
ACTS OF JAMAICA

PASSED IN THE YEAR 1964

PUBLISHED BY AUTHORITY

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55. The Kingston and St. Andrew (Water Commission) (Amendment) Act, 1964.

ACTS OF 1964

(Came into operation on 5.3.64)

1. An Act for the Protection of witnesses before either House of Parliament, Commissions of Enquiry and other Public Enquiries.

(Came into operation on 5.3.64)

2. An Act to Amend the Adoption of Children Law, 1956.

(Came into operation on 5.3.64)

3. An Act to Provide for acceptance by the Government of an international Agreement for the establishment and operation of an International Finance Corporation, and for purposes connected therewith.

(Came into operation on 5.3.64)

4. An Act to Provide for the acceptance by the Government of an international Agreement for the establishment and operation of an International Development Association, and for purposes connected therewith.

(Came into operation on 5.3.64)

5. An Act to Amend the Road Traffic Law.

(Came into operation on 5.3.64)

6. An Act to Amend the Electric Lighting Law.

(Came into operation on 5.3.64)

7. An Act to Amend the Stamp Duty Law.

(Came into operation on 5.3.64)

8. An Act to Amend the Excise Duty Law.

(Came into operation on 5.3.64)

9. An Act to Give effect to the Conventions concerning international carriage by air known as "the Warsaw Convention as amended at The Hague, 1955" and "the Guadalajara Convention, 1961"; and for connected purposes.

(Came into operation on 5.3.64)

10. An Act to Amend the Dangerous Drugs Law.

(Came into operation on 1.4.64)

11. An Act Relating to Poor Relief Officers.

(Came into operation on)

12. An Act to Amend the Kingston and St. Andrew Corporation Law.

(Came into operation on 5.3.64)

13. An Act to Validate the College of Arts, Science and Technology Scheme, 1959, and the acts done by certain persons under that Scheme and to indemnify those persons from legal proceedings in respect of the said acts.

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(Came into operation on 5.3.64)

14. An Act to Amend the Beach Control Law, 1955.

(Came into operation on 5.3.64)

15. An Act to Amend the Old Age Pensions and Superannuation Schemes Law, 1958

(Came into operation on 9.3.64)

16. An Act to Amend the Tonnage Tax Law.

(Came into operation on 1.1.62)

17. An Act to Amend the International Business Companies (Exemption from Income Tax) Law, 1956.

(Came into operation on 9.3.64)

18. An Act to Amend The United Presbyterians in Jamaica Incorporation and Vesting Law.

(Came into operation on 9.3.64)

19. An Act for the Incorporation of the Baptist Mid-Mission (*sic*) in Jamaica.

(Came into operation on 1.4.64)

20. An Act Further to Amend the Road Traffic Law.

(Came into operation on 20.3.64)

21. An Act to Amend the Licences on Trades and Business (Valuation Roll) (Special Provisions) Law, 1959.

(Came into operation on 28.5.64)

22. An Act to Apply a sum out of the Consolidated Fund to the service of the year ending on the 31st day of March, 1965, and to appropriate the supplies granted in this Session of Parliament.

(Came into operation on 30.5.64)

23. An Act to Amend the Kingston and St. Andrew Corporation General Election (Postponement) Act, 1963.

(Came into operation on 30.5.64)

24. An Act to Amend the Parish Councils General Election (Postponement) Act, 1963.

(Came into operation on 11.6.64)

25. An Act Relating to the attendance of witnesses at enquiries into the conduct of persons in the Public Service.

(Came into operation on 11.6.64)

26. An Act to Amend the Juveniles Law.

(Came into operation on 22.6.64)

27. An Act to Amend the Constabulary Force Law.

(Came into operation on 22.6.64)

28. An Act Relating to fees of consular officers.

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- (Came into operation on 6.8.64)
29. An Act to Confer immunities, powers and privileges on diplomatic and consular representatives and representatives of international organisations and certain other persons; and for purposes ancillary to or connected with the matters aforesaid.
- (Came into operation on 7.7.64)
30. An Act to Amend the Poor Prisoners' Defence Law, 1961.
- (Came into operation on 1.10.63)
31. An Act to make provision as to the operation of the law consequent on Nigeria having become a Republic within the Commonwealth.
- (Came into operation on 7.7.64)
32. An Act to Amend the Customs Law.
- (Came into operation on 1.1.63)
33. An Act to Amend the Income Tax Law, 1954.
- (Came into operation on 1.1.64)
34. An Act Further to Amend the Income Tax Law, 1954.
- (Came into operation on)
35. An Act to Repeal the Midwifery Law and the Nurses Registration Law and to provide for control of the training and practice of nurses, midwives and assistant nurses, for the registration of nurses and midwives and the enrolment of assistant nurses and for matters incidental to or connected with the matters aforesaid.
- (Came into operation on 9.10.63)
36. An Act to make provision as to the operation of the law consequent on Uganda having ceased to be part of Her Majesty's dominions.
- (Came into operation on 31.7.64)
37. An Act to Amend the Bank of Jamaica Law, 1960.
- (Came into operation on 31.7.64)
38. An Act to Amend the Banking Law, 1960.
- (Came into operation on 10.7.64)
39. An Act to Confer power to raise by loan a sum not exceeding twenty-five million pounds and the cost of issue and for matters connected therewith.
- (Came into operation on)
40. An Act to Incorporate the Jamaica Red Cross Society and to provide for matters related thereto.
- (Came into operation on 10.7.64)
41. A Law (*sic*) for the Incorporation of the Church of God of Prophecy and the Vesting of Property in the Body so Incorporated.

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- (*Came into operation on 18.7.64*)
 42. An Act to Amend the Land Taxation (Relief) Law, 1960.
- (*Came into operation on 10.8.64*)
 43. An Act to Amend the Travel Tax Act, 1963.
- (*Came into operation on 18.7.64*)
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- (*Came into operation on 18.7.64*)
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- (*Came into operation on*)
 46. An Act Relating to foods, drugs, cosmetics and therapeutic devices.
- (*Came into operation on 1.11.64*)
 47. An Act to Amend the King George VI Memorial Park Law, 1956.
- (*Came into operation on 1.12.64*)
 48. An Act Relating to the employment of persons who are not citizens of Jamaica, and matters incidental thereto or connected therewith.
- (*Came into operation on 19.11.64*)
 49. An Act to make temporary modifications in the Law as respects the holding of elections of members to serve in the House of Representatives and the preparation of official lists.
- (*Came into operation on*)
 50. An Act to Apply the West Indies (Retirement and Compensation) (Amendment) Order in Council, 1963 and the West Indies (Retirement and Compensation) (Amendment) (No. 2) Order in Council, 1963 as part of the law of Jamaica.
- (*Came into operation on 21.11.64*)
 51. An Act to Amend the Coroners Law.
- (*Came into operation on 21.11.64*)
 52. An Act to Amend the Agricultural Small Holdings Law.
- (*Came into operation on 12.12.64*)
 53. An Act to Amend the Interpretation Law.
- (*Came into operation on 24.12.64*)
 54. An Act to Amend the Towns and Communities Law.
- (*Came into operation on 24.12.64*)
 55. An Act to Amend the Kingston and St. Andrew (Water Commission) Law.

Statutes Repealed, Amended or otherwise Affected by Acts 1 to 55 of 1964

Statutes repealed or affected	How affected	Number of Act
Cap. 8	Read and construed as one with Section 2 amended by Section 4 amended by Section 10 amended by Section 18 repealed and replaced by Section 19 amended by Section 20 amended by Section 31 amended by Section 47 amended by Section 48 amended by Amended by the insertion next after section 49 of new section as section 50, by First Schedule amended by	Act 52 of 1964
Cap. 9	Reference made to by Reference made to by Section 6 amended by	Act 43 of 1964 Act 48 of 1964
Cap. 15	Repealed by	Act 46 of 1964
Cap. 68	Reference made to by	Act 1 of 1964
Cap. 72	Read and construed as one with Sections 30 and 74 amended by Amended by the insertion next after section 76 of new sections as sections 77 and 78, by Second Schedule amended by	Act 27 of 1964
Cap. 77	Read and construed as one with Section 3 amended by Section 6 amended by Section 14 amended by Amended by the insertion next after section 16 of new section as section 16A, by Section 18 amended by Section 20 amended by	Act 51 of 1964

Statutes Repealed, Amended or otherwise Affected by Acts 1 to 55 of 1964

Statutes repealed or affected	How affected	Number of Act
Cap. 89	Read and construed as one with Section 2 amended by Section 9A amended by Section 11 amended by Section 12 amended by Section 16 amended by Section 17 amended by Section 18 amended by Section 38 amended by Section 39 amended by Section 40 amended by Section 41 amended by Section 42 amended by Section 127B amended by Sections 208 and 209 repealed by	Act 32 of 1964
Cap. 90	Read and construed as one with Section 21 amended by Section 22 amended by Amended by the insertion therein next after section 23 of new section as section 23A, by	Act 10 of 1964
	Reference made to by	Act 30 of 1964
Cap. 92	Reference made to by	Act 39 of 1964
Cap. 98	Reference made to by Repealed by	Act 29 of 1964
Cap. 105	Section 13 repealed by Section 14 amended by Section 16 amended by Section 17 repealed by	Act 46 of 1964
Cap. 106	Reference made to by	Act 13 of 1964
Cap. 108	Read and construed as one with Section 29 amended by	Act 6 of 1964
Cap. 119	Read and construed as one with Section 2 amended by	Act 8 of 1964
Cap. 125	Section 3 amended by	Act 9 of 1964
Cap. 132	Repealed by	Act 46 of 1964
Cap. 137	Reference made to by	Act 7 of 1964

Statutes Repealed, Amended or otherwise Affected by Acts 1 to 55 of 1964

Statutes repealed or affected	How affected	Number of Act
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Cap. 159	Reference made to by	Act 33 of 1964
Cap. 165	Reference made to by Reference made to by Reference made to by Reference made to by	Act 40 of 1964 Act 45 of 1964 Act 46 of 1964 Act 48 of 1964
Cap. 189	Read and construed as one with Section 32 amended by Read and construed as one with Amended by the insertion next after section 43 of new section as section 43A, by Section 45 amended by	Act 53 of 1964 Act 26 of 1964
Cap. 192	Read and construed as one with Section 110 repealed and replaced by	Act 12 of 1964
Cap. 194	Read and construed as one with Section 3 amended by	Act 55 of 1964
Cap. 213	Section 3 amended by	Act 9 of 1964
Cap. 229	Reference made to by	Act 39 of 1964
Cap. 248	Reference made to by Repealed by	Act 35 of 1964
Cap. 257	Read and construed as one with Section 2 amended by Section 4 amended by Section 5 amended by Section 6 amended by Section 18 amended by Amended by the insertion next after section 19 of new sections as sections 19A, 19B, 19C, 19D, 19E and 19F, by Section 20 amended by	Act 45 of 1964
Cap. 262	Reference made to by Repealed by	Act 35 of 1964

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Statutes Repealed, Amended or otherwise Affected by Acts 1 to 55 of 1964

Statutes repealed or affected	How affected	Number of Act
Cap. 268	Reference made to by	Act 30 of 1964
Cap. 299	Section 18 amended by Section 20 amended by Section 22 amended by Section 26 amended by Section 27 amended by Section 28 amended by	Act 11 of 1964
Cap. 320	Section 30 repealed by	Act 46 of 1964
Cap. 342	Reference made to by	Act 49 of 1964
Cap. 346	Read and construed as one with Section 14 amended by Section 99A amended by	Act 5 of 1964
	Read and construed as one with Section 7 amended by Section 9 amended by Amended by the insertion next after section 9 of new section as section 9A, by Section 13 amended by Section 51 amended by Section 66 amended by	Act 20 of 1964
Cap. 366	Read and construed as one with Section 26 amended by Schedule amended by	Act 7 of 1964
Cap. 375	Reference made to by	Act 20 of 1964
Cap. 382	Read and construed as one with Section 8 repealed by	Act 16 of 1964
Cap. 384	Read and construed as one with Section 12 amended by	Act 54 of 1964
Cap. 405	Reference made to by	Act 6 of 1964
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Law 59 of 1954	Reference made to by	Act 17 of 1964

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Statutes Repealed, Amended or otherwise Affected by Acts 1 to 55 of 1964

Statutes repealed or affected	How affected	Number of Act
Law 59 of 1954 (<i>contd.</i>)	Read and construed as one with Section 2 amended by Section 7 amended by Section 8 amended by Section 18A amended by Section 22 amended by Section 27 amended by Amended by the insertion next after section 27 of new section as section 27A, by Second Schedule amended by	} Act 33 of 1964
	Read and construed as one with Amended by the insertion next after section 62 of new heading and section as section 62A, by	} Act 34 of 1964
Law 63 of 1955	Read and construed as one with Section 11 amended by Section 24 amended by	} Act 14 of 1964
Law 67 of 1955	Reference made to by	} Act 33 of 1964
Law 20 of 1956	Reference made to by Second Schedule amended by	} Act 11 of 1964
Law 24 of 1956	Reference made to by Section 2 amended by Section 5 amended by	} Act 29 of 1964
Law 29 of 1956	Read and construed as one with Section 8 amended by	} Act 47 of 1964
Law 35 of 1956	Reference made to by Section 10 amended by Second Schedule amended by	} Act 11 of 1964
Law 36 of 1956	Read and construed as one with Long title amended by Section 2 amended by Sections 3 and 4 repealed and replaced by Section 6 amended by Schedule repealed by	} Act 17 of 1964

Statutes Repealed, Amended or otherwise Affected by Acts 1 to 55 of 1964

Statutes repealed or affected	How affected	Number of Act
Law 73 of 1956	Read and construed as one with Section 17 amended by Sections 20, 22 and 23 amended by Section 24 repealed and replaced by	Act 44 of 1964
Law 75 of 1956	Read and construed as one with Section 2 amended by Section 6 amended by Section 10 amended by Section 11 amended by Section 18 amended by Section 19 amended by Section 23 amended by Section 24 amended by First Schedule amended by Second Schedule amended by Third Schedule amended by Amended by the addition next after the Fourth Schedule of new Schedule as Fifth Schedule, by	Act 2 of 1964
Law 48 of 1958	Repealed by	Act 29 of 1964
Law 63 of 1958	Read and construed as one with Section 6 amended by	Act 15 of 1964
Law 23 of 1959	Reference made to by	Act 44 of 1964
Law 28 of 1959	Read and construed as one with Section 4 amended by	Act 21 of 1964
Law 4 of 1960	Read and construed as one with Section 1 amended by	Act 42 of 1964
Law 31 of 1960	Read and construed as one with Section 12 amended by	Act 38 of 1964
Law 32 of 1960	Read and construed as one with Section 2 amended by Section 3 amended by Section 6 amended by Section 7 amended by	

Statutes Repealed, Amended or otherwise Affected by Acts 1 to 55 of 1964

Statutes repealed or affected	How affected	Number of Act
Law 32 of 1960 (<i>contd.</i>)	Section 16 amended by Section 21 amended by Section 22 amended by Section 23 repealed by Section 25 amended by Section 29 amended by Amended by the insertion next after section 30 of new section as section 30A, by Section 31 amended by Amended by the insertion next after section 37 of new section as section 37A, by Section 42 amended by Schedule amended by	Act 37 of 1964
Law 7 of 1961	Read and construed as one with Section 2 amended by First Schedule amended by	Act 30 of 1964
Act 8 of 1962	Reference made to by	Act 37 of 1964
Act 6 of 1963	Reference made to by	Act 12 of 1964
Act 13 of 1963	Read and construed as one with Section 2 amended by Section 3 amended by	Act 24 of 1964
Act 14 of 1963	Read and construed as one with Section 2 amended by Section 3 amended by	Act 23 of 1964
Act 26 of 1963	Read and construed as one with Section 2 amended by Section 3 amended by Section 4 amended by Section 5 amended by Section 6 amended by	Act 43 of 1964
Act 54 of 1963	Reference made to by	Act 49 of 1964
1938 <i>Edition</i> Cap. 146	Read as one with Section 11 repealed and replaced by Section 17 repealed and replaced by	Act 18 of 1964

XVII

*List of Laws and Acts passed in previous years and not proclaimed up to 31st December, 1964***1950**

Law 19 of 1950 The Phosphates (Control of Exportation) Law, 1950

1951

Law 6 of 1951 The Stamp Duty (Bills of Exchange) (Higher Rate) (No. 2) Law, 1951

1959

Law 13 of 1959 The Port Authority Law, 1959

1962

Law 7 of 1962 The Traffic Court (Amendment) Law, 1962

Act 2 of 1962 The West Indies Shipping Corporation (Application of Interim Commissioner Order) Act, 1962

Act 5 of 1962 The Dental (Amendment) Act, 1962.

List of Laws and Acts proclaimed or brought into operation by Gazette Notices in 1964

		Gazette	Operation
Law 32 of 1961	The Clean Air Law, 1961 ..	29.6.64	1.7.64
Law 35 of 1961	The Harbour Lights and Lighthouses (Amendment) Law, 1961 ..	18.4.64	20.4.64
Act 21 of 1963	The Processed Food (Amendment) Act, 1963 ..	5.3.64	9.3.64
Act 34 of 1963	The Jamaica Social Welfare Commission (Amendment) Act, 1963 ..	4.2.64	5.2.64
Act 48 of 1963	The Banking (Amendment) Act, 1963 ..	30.1.64	1.2.64
Act 11 of 1964	The Poor Relief Officers (Unified Service) Act, 1964 —	26.3.64	1.4.64
Act 37 of 1964	The Bank of Jamaica (Amendment) Act, 1964 ..	30.7.64	31.7.64
Act 38 of 1964	The Banking (Amendment) Act, 1964 (<i>Gazette</i> bringing into operation the Bank of Jamaica (Amendment) Act, 1964) ..	30.7.64	31.7.64
Act 43 of 1964	The Travel Tax (Amendment) Act, 1964 ..	6.8.64	10.8.64
Act 48 of 1964	The Foreign Nationals and Commonwealth Citizens (Employment) Act, 1964	26.11.64	1.12.64

XVIII

List of Acts passed in 1964 but not proclaimed up to 31st December, 1964

- | | |
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| Act 12 of 1964 | The Kingston and St. Andrew Corporation (Amendment) Act, 1964. |
| Act 35 of 1964 | The Nurses and Midwives Act, 1964. |
| Act 40 of 1964 | The Jamaica Red Cross Society Act, 1964. |
| Act 46 of 1964 | The Food and Drugs Act, 1964. |
| Act 50 of 1964 | The West Indies (Retirement and Compensation) (Application of Orders in Council) Act, 1964. |

No. 1—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd March, 1964.

AN ACT for the Protection of witnesses before either House of Parliament, Commissions of Enquiry and other Public Enquiries.

[5th March, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Witnesses (Public Enquiries) Protection Act, 1964. Short title.

2—In this Act “enquiry” means any proceedings— Interpretation.

(a) in the Senate, or the House of Representatives, or a joint committee of both Houses of Parliament, or a committee of either House; or

(b) before any Commission appointed under the Commissions of Enquiry Law; or Cap. 68.

(c) before any statutory body or authority having power to summon and examine witnesses, whether the evidence in such proceedings is or is not given on oath, but shall not include any proceedings before any court.

Obstruction or intimidation of witnesses.

3—(1) Every person who threatens or in any way punishes, injures, or causes any damage to, any other person—

- (a) for having given evidence in any enquiry; or
- (b) on account of the evidence which such other person has given in any enquiry,

shall, except where such evidence was given in bad faith, be guilty of an offence and be liable upon summary conviction before a Resident Magistrate to a fine not exceeding one hundred pounds and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding six months.

(2) Every person who dissuades, intimidates, prevents, or tries to dissuade, intimidate, or prevent, any other person who has been summoned to give evidence in any enquiry from giving such evidence, shall be guilty of an offence and be liable upon summary conviction before a Resident Magistrate to a fine not exceeding one hundred pounds and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding six months.

Costs and compensation.

4—(1) The court before which any person is convicted of an offence against this Act may, in addition to imposing a fine or imprisonment upon such person—

- (a) order him to pay the whole or any part of the cost and expenses incurred in and about the prosecution and conviction of the offence of which he is convicted; and

- (b) upon the application of the complainant, and immediately after such conviction, award to the complainant any sum of money which the court thinks reasonable, having regard to all the circumstances of the case, by way of satisfaction or compensation for any loss of employment, wages or status or for any injury or damage suffered through or by means of the offence of which such person was convicted.

(2) Any amount awarded under this section for satisfaction or compensation shall be a judgment debt due to the person entitled to receive it from the person so convicted and shall be recoverable accordingly.

5—Nothing in this Act shall be construed as in any way lessening or affecting any power or privilege of the Senate or House of Representatives. Savings

No. 2—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd March, 1964.

AN ACT to Amend the Adoption of Children Law, 1956.

[5th March, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Adoption of Children (Amendment) Act, 1964, and shall be read and construed as one with the Adoption of Children Law, 1956 (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Law 75 of
1956.

2—Section 2 of the principal Law is hereby amended—

Amendment
of section 2
of principal
Law.

(a) by inserting therein next after the definition of "Court" the following definition—

“ “father” in relation to an illegitimate child means the natural father;”;

- (b) by deleting the definition of "relative" and substituting therefor the following—

““relative” in relation to a child, means a grandparent, brother, sister, aunt or uncle, whether of the full blood or half blood or by affinity, and includes—

- (a) where an adoption order has been made in respect of the child or any other person, any person who would be a relative of the child within the meaning of this definition if the adopted person were the child of the adopter born in lawful wedlock;
- (b) where the child is illegitimate, the father of the child and any person who would be a relative of the child within the meaning of this definition if the child were the legitimate child of his mother and father.”.

Amendment
of section 6
of principal
Law.

3—Section 6 of the principal Law is hereby amended by deleting the words “six months” wherever they appear in subsections (1), (2) and (3) of the section and substituting therefor the words “three months”.

Amendment
of section 10
of principal
Law.

4—Section 10 of the principal Law is hereby amended—

- (a) by deleting from subsection (5) the word “An” and substituting therefor the words “Subject to subsection (6), an”; and
- (b) by adding thereto as subsection (6) the following—

“(6) An adoption order may be made on the application of a person who, although domiciled in Jamaica, is not ordinarily resident in Jamaica; so, however, that in relation to such an application the provisions of this Law shall

be modified by the substitution in subsections (1), (2) and (3) of section 6 of the words "period of six months" for the words "period of three months".

5—Subsection (1) of section 11 of the principal Law is hereby amended by adding to paragraph (a) thereof immediately after the words "ill-treated the child" the words "or has persistently failed without reasonable cause—

Amendment
of section 11
of principal
Law.

- (i) to discharge the obligations of a parent or guardian of the child; or
- (ii) to demonstrate interest in the child;"

6—Section 18 of the principal Law is hereby amended—

Amendment
of section 18
of principal
Law.

- (a) by deleting subsection (2) and substituting therefor the following—

"(2) For the purposes of subsection (2) of section 17 and of subsection (4) of this section a disposition made by will or codicil shall be treated as made on the date of the death of the testator."

- (b) by inserting in subsection (4) immediately after the words "disposition of property made" the words ", or taking effect on the death of a person dying,"; and

- (c) by adding thereto next after subsection (4) the following as subsections (5) and (6)—

"(5) Subsection (2) shall not apply in relation to a disposition made by will or codicil executed before the commencement of the Adoption of Children (Amendment) Act, 1964 unless the will or codicil is confirmed by codicil executed after the commencement of the said Act.

Act 2 of
1964.

(6) Where an adoption order is made prior to the commencement of the Adoption of Children

Act 2 of 1964. (Amendment) Act, 1964, a disposition made by will or codicil executed before the date of such adoption order shall, notwithstanding any rule of law, not be treated for the purposes of section 17 as made after the date of the adoption order by reason only that, before the commencement of the Adoption of Children (Amendment) Act, 1964, the will or codicil was confirmed by a codicil executed after the date of the adoption order.”.

Amendment of section 19 of principal Law.

7—Section 19 of the principal Law is hereby amended by deleting therefrom the words “, if living,”.

Amendment of section 23 of principal Law.

8—Section 23 of the principal Law is hereby amended—

- (a) by deleting from subsection (1) the words “British subject” where, in two places, those words appear and substituting therefor in the first place the words “citizen of Jamaica” and in the second place the words “citizen of a scheduled country”;
- (b) by deleting from subsection (2) the words “British subject” and substituting therefor the words “citizen of a scheduled country”; and
- (c) by adding to the section next after subsection (4) the following as subsections (5) and (6)—

Fifth Schedule.

“(5) For the purposes of this section and of section 24 “scheduled country” means a country specified in the Fifth Schedule.

(6) The Minister may from time to time by order amend the Fifth Schedule.”.

Amendment of section 24 of principal Law.

9—Section 24 of the principal Law is hereby amended by deleting from subsection (1) the words “British subject” and substituting therefor the words “citizen of a scheduled country”.

10—The Adoption of Children Regulations, 1956 (set out in the First Schedule to the principal Law) are hereby amended—

Amendment
of First
Schedule to
principal
Law.

- (a) by substituting a colon for the fullstop at the end of regulation 3 and adding next thereafter the following proviso—

“Provided that where the adopter is the natural father or mother of the child he or she shall not be required to submit a certificate as aforesaid unless requested by the Board so to do.”; and

- (b) by deleting from regulation 7 the words “six months prescribed by section 6 of the Law” and substituting therefor the words “three months or six months, as the case may be, prescribed by section 6 or section 10 of the Law”.

11—The Appendix to the Second Schedule to the principal Law is hereby amended in the following respects—

Amendment
of Second
Schedule to
principal
Law.

- (a) by deleting from paragraph (4) of “Form C” the words “is a British subject and”;
- (b) by deleting from “Form F” and from “Form G” the words—

“See Note (3). to adopt _____, a child of the _____ sex, aged _____ years, resident at _____, in the Island, a British subject”—

and substituting therefor in each case the words—

“See Note (3). to adopt _____ (formerly _____) a child of the sex, aged _____ years, resident at _____, in Jamaica.”;

- (c) by deleting from the first column in the Schedule to “Form F” the words “(See Note (3).)” and

substituting therefor the words “(See Note (1).)”;
and

- (d) by adding to the Notes to “Form F” next after Note (5) the following as Note (6)—

“(6) Delete where there is no change of name. Where there is change of name insert former names not including sur-name.”.

Amendment
of Third
Schedule to
principal
Law.

12—The Third Schedule to the principal Law is hereby amended in the following respects—

- (a) by deleting the words “British subject” where, in two places, those words appear in Rule 2 and substituting therefor in the first place the words “citizen of Jamaica” and in the second place the word “person”;
- (b) by deleting in the Appendix—
- (i) the words “British subject” where, in two places, those words appear in Form “1” (under Rule 3) and substituting therefor in the first place the words “citizen of Jamaica” and in the second place the words “citizen of a scheduled country as defined in section 23 of the Law”;
 - (ii) the words “British subject” from Form “2” (under Rule 5) and substituting therefor the words “citizen of a scheduled country as defined in section 23 of the Law”;
 - (iii) the words “British subject” from Form “3” (under Rule 7) and substituting therefor the words “citizen of a scheduled country as defined in section 23 of the Law”;
 - (iv) the words “British subject” from Form “5” (under Rule 9) and substituting therefor the words “citizen of a scheduled country as defined in section 23 of the Law”; and

- (v) the words "a British subject resident outside the Island, that is to say, at :'" from Form "6" (under Rule 11) and substituting therefor the words "to be transferred to a citizen of a scheduled country as defined in section 23 of the Law resident outside Jamaica, that is to say, at :".

13—The principal Law is hereby amended by adding thereto next after the Fourth Schedule the following as the Fifth Schedule—

Addition of Fifth Schedule to principal Law.

“ FIFTH SCHEDULE (Section 23)

Any Commonwealth country

The United States of America.”

JAMAICA

No. 3—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd March, 1964.

AN ACT to Provide for acceptance by the Government of an international Agreement for the establishment and operation of an International Finance Corporation, and for purposes connected therewith.

[5th March, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the International Finance Corporation Agreement Act, 1964. Short title.

2—In this Act—

“the Corporation” means the International Finance Corporation established by the Corporation Agreement;

Interpreta-
tion.

Schedule.

“the Corporation Agreement” means the Agreement, as amended, for the establishment and operation of an international body to be called the International Finance Corporation, and of which the text of the Articles is set out in the Schedule to this Act;

“the Membership Resolution” means the Resolution adopted by the Board of Governors of the Corporation, specifying the terms and conditions upon which Jamaica shall be admitted to membership of the Corporation.

Approval of acceptance of Corporation Agreement.

3—Acceptance by the Government of the Corporation Agreement is hereby approved.

Financial provisions.

4—(1) The Minister of Finance is authorized to pay for the account of Jamaica the amounts payable from time to time to the Corporation under the Membership Resolution and the Corporation Agreement:

Provided that the Bank of Jamaica may from time to time, subject to the terms of any agreement made by that Bank with the Government, pay from its own funds such of the amounts aforesaid as may be specified in the agreement.

(2) The Minister of Finance may borrow from any person, any sum or sums required for payments under this section and, for the purpose of such borrowing, he may create and issue any securities bearing such rate of interest and subject to such conditions as to repayment, redemption or otherwise as he thinks fit.

(3) The principal and interest of any securities issued under subsection (2) and the expenses incurred in connection with their issue shall be charged on the Consolidated Fund.

(4) Subject to the terms of any agreement to the contrary made by the Bank of Jamaica with the

Government pursuant to the proviso to subsection (1), any moneys received by the Government from the Corporation or raised by securities under subsection (2) shall be paid into the Consolidated Fund Account and shall form part of the Consolidated Fund and be available in any manner in which that Fund is available.

(5) The Bank of Jamaica shall act as a depository for the holdings of currency of Jamaica and other assets of the Corporation.

5—The provisions of sections 2, 3, 4, 5, 6, 7, 8 and 9 of Article VI of the Corporation Agreement shall have the force of law in Jamaica, subject to the proviso that nothing in section 9 of Article VI of the Corporation Agreement shall be construed—

Status,
immunities
and priv-
ileges of the
Corporation.

- (i) as entitling the Corporation to import goods free of customs duty without any restriction on their subsequent sale in the country to which they were imported;
- (ii) as conferring on the Corporation any exemption from duties or taxes which form part of the price of goods sold; or
- (iii) as conferring on the Corporation any exemption from taxes or duties which are in fact no more than charges for services rendered.

SCHEDULE

(Section 2)

ARTICLES OF AGREEMENT OF THE INTERNATIONAL FINANCE CORPORATION

The Governments on whose behalf this Agreement is signed agree as follows:

INTRODUCTORY ARTICLE

THE INTERNATIONAL FINANCE CORPORATION (hereinafter called the Corporation) is established and shall operate in accordance with the following provisions:

ARTICLE I

Purpose

The purpose of the Corporation is to further economic development by encouraging the growth of productive private enterprise in member countries, particularly in the less developed areas, thus supplementing the activities of the International Bank for Reconstruction and Development (hereinafter called the Bank). In carrying out this purpose, the Corporation shall:

- (i) in association with private investors, assist in financing the establishment, improvement and expansion of productive private enterprises which would contribute to the development of its member countries by making investments, without guarantee of repayment by the member government concerned, in cases where sufficient private capital is not available on reasonable terms;
- (ii) seek to bring together investment opportunities, domestic and foreign private capital, and experienced management; and
- (iii) seek to stimulate, and to help create conditions conducive to, the flow of private capital, domestic and foreign, into productive investment in member countries.

The Corporation shall be guided in all its decisions by the provisions of this Article.

ARTICLE II

*Membership and Capital*SECTION 1. *Membership*

(a) The original members of the Corporation shall be those members of the Bank listed in Schedule A hereto which shall, on or before the date specified in Article IX, section 2(c), accept membership in the Corporation.

(b) Membership shall be open to other members of the Bank at such times and in accordance with such terms as may be prescribed by the Corporation.

SECTION 2. *Capital Stock*

(a) The authorized capital stock of the Corporation shall be \$100,000,000, in terms of United States dollars.

(b) The authorized capital stock shall be divided into 100,000 shares having a par value of one thousand United States dollars each. Any such shares not initially subscribed by original members shall be available for subsequent subscription in accordance with section 3(d) of this Article.

(c) The amount of capital stock at any time authorized may be increased by the Board of Governors as follows:

- (i) by a majority of the votes cast, in case such increase is necessary for the purpose of issuing shares of capital stock on

initial subscription by members other than original members, provided that the aggregate of any increases authorized pursuant to this subparagraph shall not exceed 10,000 shares;

(ii) in any other case, by a three-fourths majority of the total voting power.

(d) In case of an increase authorized pursuant to paragraph (c) (ii) above, each member shall have a reasonable opportunity to subscribe, under such conditions as the Corporation shall decide, to a proportion of the increase of stock equivalent to the proportion which its stock theretofore subscribed bears to the total capital stock of the Corporation, but no member shall be obligated to subscribe to any part of the increased capital.

(e) Issuance of shares of stock, other than those subscribed either on initial subscription or pursuant to paragraph (d) above, shall require a three-fourths majority of the total voting power.

(f) Shares of stock of the Corporation shall be available for subscription only by, and shall be issued only to, members.

SECTION 3. *Subscriptions*

(a) Each original member shall subscribe to the number of shares of stock set forth opposite its name in Schedule A. The number of shares of stock to be subscribed by other members shall be determined by the Corporation.

(b) Shares of stock initially subscribed by original members shall be issued at par.

(c) The initial subscription of each original member shall be payable in full within 30 days after either the date on which the Corporation shall begin operations pursuant to Article IX, section 3 (b), or the date on which such original member becomes a member, whichever shall be later or at such date thereafter as the Corporation shall determine. Payment shall be made in gold or United States dollars in response to a call by the Corporation which shall specify the place or places of payment.

(d) The price and other terms of subscription of shares of stock to be subscribed, otherwise than on initial subscription by original members, shall be determined by the Corporation.

SECTION 4. *Limitation on Liability*

No member shall be liable, by reason of its membership, for obligations of the Corporation.

SECTION 5. *Restriction on Transfers and Pledges of Shares*

Shares of stock shall not be pledged or encumbered in any manner whatever, and shall be transferable only to the Corporation.

ARTICLE III

*Operations*SECTION 1. *Financing Operations*

The Corporation may make investments of its funds in productive private enterprises in the territories of its members. The existence of a government or other public interest in such an enterprise shall not necessarily preclude the Corporation from making an investment therein.

SECTION 2. *Forms of Financing*

The Corporation may make investments of its funds in such form or forms as it may deem appropriate in the circumstances.

SECTION 3. *Operational Principles*

The operations of the Corporation shall be conducted in accordance with the following principles:

- (i) the Corporation shall not undertake any financing for which in its opinion sufficient private capital could be obtained on reasonable terms;
- (ii) the Corporation shall not finance an enterprise in the territories of any member if the member objects to such financing;
- (iii) the Corporation shall impose no conditions that the proceeds of any financing by it shall be spent in the territories of any particular country;
- (iv) the Corporation shall not assume responsibility for managing any enterprise in which it has invested and shall not exercise voting rights for such purpose or for any other purpose which, in its opinion, properly is within the scope of managerial control;
- (v) the Corporation shall undertake its financing on terms and conditions which it considers appropriate, taking into account the requirements of the enterprise, the risks being undertaken by the Corporation and the terms and conditions normally obtained by private investors for similar financing;
- (vi) the Corporation shall seek to revolve its funds by selling its investments to private investors whenever it can appropriately do so on satisfactory terms;
- (vii) the Corporation shall seek to maintain a reasonable diversification in its investments.

SECTION 4. *Protection of Interests*

Nothing in this Agreement shall prevent the Corporation, in the event of actual or threatened default on any of its investments, actual or threatened insolvency of the enterprise in which such investment shall have been made, or other situations which, in the opinion

of the Corporation, threaten to jeopardize such investment, from taking such action and exercising such rights as it may deem necessary for the protection of its interests.

SECTION 5. Applicability of Certain Foreign Exchange Restrictions

Funds received by or payable to the Corporation in respect of an investment of the Corporation made in any member's territories pursuant to section 1 of this Article shall not be free, solely by reason of any provision of this Agreement, from generally applicable foreign exchange restrictions, regulations and controls in force in the territories of that member.

SECTION 6. Miscellaneous Operations

In addition to the operations specified elsewhere in this Agreement, the Corporation shall have the power to:

- (i) borrow funds, and in that connection to furnish such collateral or other security therefor as it shall determine; provided, however, that before making a public sale of its obligations in the markets of a member, the Corporation shall have obtained the approval of that member and of the member in whose currency the obligations are to be denominated;
- (ii) invest funds not needed in its financing operations in such obligations as it may determine and invest funds held by it for pension or similar purposes in any marketable securities, all without being subject to the restrictions imposed by other sections of this Article;
- (iii) guarantee securities in which it has invested in order to facilitate their sale;
- (iv) buy and sell securities it has issued or guaranteed or in which it has invested;
- (v) exercise such other powers incidental to its business as shall be necessary or desirable in furtherance of its purposes.

SECTION 7. Valuation of Currencies

Whenever it shall become necessary under this Agreement to value any currency in terms of the value of another currency, such valuation shall be as reasonably determined by the Corporation after consultation with the International Monetary Fund.

SECTION 8. Warning to be Placed on Securities

Every security issued or guaranteed by the Corporation shall bear on its face a conspicuous statement to the effect that it is not an obligation of the Bank or, unless expressly stated on the security, of any government.

SECTION 9. Political Activity Prohibited

The Corporation and its officers shall not interfere in the political affairs of any member; nor shall they be influenced in their decisions by the political character of the member or members concerned. Only

economic considerations shall be relevant to their decisions, and these considerations shall be weighed impartially in order to achieve the purposes stated in this Agreement.

ARTICLE IV

Organization and Management

SECTION 1. *Structure of the Corporation*

The Corporation shall have a Board of Governors, a Board of Directors, a Chairman of the Board of Directors, a President and such other officers and staff to perform such duties as the Corporation may determine.

SECTION 2. *Board of Governors*

(a) All the powers of the Corporation shall be vested in the Board of Governors.

(b) Each Governor and Alternate Governor of the Bank appointed by a member of the Bank which is also a member of the Corporation shall *ex officio* be a Governor or Alternate Governor, respectively, of the Corporation. No Alternate Governor may vote except in the absence of his principal. The Board of Governors shall select one of the Governors as Chairman of the Board of Governors. Any Governor or Alternate Governor shall cease to hold office if the member by which he was appointed shall cease to be a member of the Corporation.

(c) The Board of Governors may delegate to the Board of Directors authority to exercise any of its powers, except the power to:

- (i) admit new members and determine the conditions of their admission;
- (ii) increase or decrease the capital stock;
- (iii) suspend a member;
- (iv) decide appeals from interpretations of this Agreement given by the Board of Directors;
- (v) make arrangements to co-operate with other international organizations (other than informal arrangements of a temporary and administrative character);
- (vi) decide to suspend permanently the operations of the Corporation and to distribute its assets;
- (vii) declare dividends;
- (viii) amend this Agreement.

(d) The Board of Governors shall hold an annual meeting and such other meetings as may be provided for by the Board of Governors or called by the Board of Directors.

(e) The annual meeting of the Board of Governors shall be held in conjunction with the annual meeting of the Board of Governors of the Bank.

(f) A quorum for any meeting of the Board of Governors shall be a majority of the Governors, exercising not less than two-thirds of the total voting power.

(g) The Corporation may by regulation establish a procedure whereby the Board of Directors may obtain a vote of the Governors on a specific question without calling a meeting of the Board of Governors.

(h) The Board of Governors, and the Board of Directors to the extent authorized, may adopt such rules and regulations as may be necessary or appropriate to conduct the business of the Corporation.

(i) Governors and Alternate Governors shall serve as such without compensation from the Corporation.

SECTION 3. *Voting*

(a) Each member shall have two hundred fifty votes plus one additional vote for each share of stock held.

(b) Except as otherwise expressly provided, all matters before the Corporation shall be decided by a majority of the votes cast.

SECTION 4. *Board of Directors*

(a) The Board of Directors shall be responsible for the conduct of the general operations of the Corporation, and for this purpose shall exercise all the powers given to it by this Agreement or delegated to it by the Board of Governors.

(b) The Board of Directors of the Corporation shall be composed *ex officio* of each Executive Director of the Bank who shall have been either (i) appointed by a member of the Bank which is also a member of the Corporation, or (ii) elected in an election in which the votes of at least one member of the Bank which is also a member of the Corporation shall have counted toward his election. The Alternate to each such Executive Director of the Bank shall *ex officio* be an Alternate Director of the Corporation. Any Director shall cease to hold office if the member by which he was appointed, or if all the members whose votes counted toward his election, shall cease to be members of the Corporation.

(c) Each Director who is an appointed Executive Director of the Bank shall be entitled to cast the number of votes which the member by which he was so appointed is entitled to cast in the Corporation. Each Director who is an elected Executive Director of the Bank shall be entitled to cast the number of votes which the member or members of the Corporation whose votes counted toward his election in the Bank are entitled to cast in the Corporation. All the votes which a Director is entitled to cast shall be cast as a unit.

(d) An Alternate Director shall have full power to act in the absence of the Director who shall have appointed him. When a Director is present, his Alternate may participate in meetings but shall not vote.

(e) A quorum for any meeting of the Board of Directors shall be a majority of the Directors exercising not less than one-half of the total voting power.

(f) The Board of Directors shall meet as often as the business of the Corporation may require.

(g) The Board of Governors shall adopt regulations under which a member of the Corporation not entitled to appoint an Executive

Director of the Bank may send a representative to attend any meeting of the Board of Directors of the Corporation when a request made by, or a matter particularly affecting, that member is under consideration.

SECTION 5. *Chairman, President and Staff*

(a) The President of the Bank shall be *ex officio* Chairman of the Board of Directors of the Corporation, but shall have no vote except a deciding vote in case of an equal division. He may participate in meetings of the Board of Governors but shall not vote at such meetings.

(b) The President of the Corporation shall be appointed by the Board of Directors on the recommendation of the Chairman. The President shall be chief of the operating staff of the Corporation. Under the direction of the Board of Directors and the general supervision of the Chairman, he shall conduct the ordinary business of the Corporation and under their general control shall be responsible for the organization, appointment and dismissal of the officers and staff. The President may participate in meetings of the Board of Directors but shall not vote at such meetings. The President shall cease to hold office by decision of the Board of Directors in which the Chairman concurs.

(c) The President, officers and staff of the Corporation, in the discharge of their offices, owe their duty entirely to the Corporation and to no other authority. Each member of the Corporation shall respect the international character of this duty and shall refrain from all attempts to influence any of them in the discharge of their duties.

(d) Subject to the paramount importance of securing the highest standards of efficiency and of technical competence, due regard shall be paid, in appointing the officers and staff of the Corporation, to the importance of recruiting personnel on as wide a geographical basis as possible.

SECTION 6. *Relationship to the Bank*

(a) The Corporation shall be an entity separate and distinct from the Bank and the funds of the Corporation shall be kept separate and apart from those of the Bank. The Corporation shall not lend to or borrow from the Bank. The provisions of this section shall not prevent the Corporation from making arrangements with the Bank regarding facilities, personnel and services and arrangements for reimbursement of administrative expenses paid in the first instance by either organization on behalf of the other.

(b) Nothing in this Agreement shall make the Corporation liable for the acts or obligations of the Bank, or the Bank liable for the acts or obligations of the Corporation.

SECTION 7. *Relations with other International Organizations*

The Corporation, acting through the Bank, shall enter into formal arrangements with the United Nations and may enter into such arrangements with other public international organizations having specialized responsibilities in related fields.

SECTION 8. *Location of Offices*

The principal office of the Corporation shall be in the same locality as the principal office of the Bank. The Corporation may establish other offices in the territories of any member.

SECTION 9. *Depositors*

Each member shall designate its central bank as a depository in which the Corporation may keep holdings of such member's currency or other assets of the Corporation or, if it has no central bank, it shall designate for such purpose such other institution as may be acceptable to the Corporation.

SECTION 10. *Channel of Communication*

Each member shall designate an appropriate authority with which the Corporation may communicate in connection with any matter arising under this Agreement.

SECTION 11. *Publication of Reports and Provision of Information*

(a) The Corporation shall publish an annual report containing an audited statement of its accounts and shall circulate to members at appropriate intervals a summary statement of its financial position and a profit and loss statement showing the results of its operations.

(b) The Corporation may publish such other reports as it deems desirable to carry out its purposes.

(c) Copies of all reports, statements and publications made under this section shall be distributed to members.

SECTION 12. *Dividends*

(a) The Board of Governors may determine from time to time what part of the Corporation's net income and surplus after making appropriate provision for reserves, shall be distributed as dividends.

(b) Dividends shall be distributed *pro rata* in proportion to capital stock held by members.

(c) Dividends shall be paid in such manner and in such currency or currencies as the Corporation shall determine.

ARTICLE V

Withdrawal; Suspension of Membership; Suspension of Operations

SECTION 1. *Withdrawal by Members*

Any member may withdraw from membership in the Corporation at any time by transmitting a notice in writing to the Corporation at its principal office. Withdrawal shall become effective upon the date such notice is received.

SECTION 2. *Suspension of Membership*

(a) If a member fails to fulfill any of its obligations to the Corporation, the Corporation may suspend its membership by decision of a majority of the Governors, exercising a majority of the total voting power. The member so suspended shall automatically cease to be

a member one year from the date of its suspension unless a decision is taken by the same majority to restore the member to good standing.

(b) While under suspension, a member shall not be entitled to exercise any rights under this Agreement except the right of withdrawal, but shall remain subject to all obligations.

SECTION 3. Suspension or Cessation of Membership in the Bank

Any member which is suspended from membership in, or ceases to be a member of, the Bank shall automatically be suspended from membership in, or cease to be a member of, the Corporation, as the case may be.

SECTION 4. Rights and Duties of Governments Ceasing to be Members

(a) When a government ceases to be a member it shall remain liable for all amounts due from it to the Corporation. The Corporation shall arrange for the repurchase of such government's capital stock as a part of the settlement of accounts with it in accordance with the provisions of this section, but the government shall have no other rights under this Agreement except as provided in this section and in Article VIII (c).

(b) The Corporation and the government may agree on the repurchase of the capital stock of the government on such terms as may be appropriate under the circumstances, without regard to the provisions of paragraph (c) below. Such agreement may provide, among other things, for a final settlement of all obligations of the government to the Corporation.

(c) If such agreement shall not have been made within six months after the government ceases to be a member or such other time as the Corporation and such government may agree, the repurchase price of the government's capital stock shall be the value thereof shown by the books of the Corporation on the day when the government ceases to be a member. The repurchase of the capital stock shall be subject to the following conditions:

- (i) payments for shares of stock may be made from time to time, upon their surrender by the government, in such instalments, at such times and in such available currency or currencies as the Corporation reasonably determines, taking into account the financial position of the Corporation;
- (ii) any amount due to the government for its capital stock shall be withheld so long as the government or any of its agencies remains liable to the Corporation for payment of any amount and such amount may, at the option of the Corporation, be set off, as it becomes payable, against the amount due from the Corporation;
- (iii) if the Corporation sustains a net loss on the investments made pursuant to Article III, section 1, and held by it on the date when the government ceases to be a member, and the amount of such loss exceeds the amount of the reserves provided therefor on such date, such government shall repay on demand the amount by which the repurchase price of its

shares of stock would have been reduced if such loss had been taken into account when the repurchase price was determined.

(d) In no event shall any amount due to a government for its capital stock under this section be paid until six months after the date upon which the government ceases to be a member. If within six months of the date upon which any government ceases to be a member the Corporation suspends operations under section 5 of this Article, all rights of such government shall be determined by the provisions of such section 5 and such government shall be considered still a member of the Corporation for purposes of such section 5, except that it shall have no voting rights.

SECTION 5. *Suspension of Operations and Settlement of Obligations*

(a) The Corporation may permanently suspend its operations by vote of a majority of the Governors exercising a majority of the total voting power. After such suspension of operations the Corporation shall forthwith cease all activities, except those incident to the orderly realization, conservation and preservation of its assets and settlement of its obligations. Until final settlement of such obligations and distribution of such assets, the Corporation shall remain in existence and all mutual rights and obligations of the Corporation and its members under this Agreement shall continue unimpaired, except that no member shall be suspended or withdraw and that no distribution shall be made to members except as in this section provided.

(b) No distribution shall be made to members on account of their subscriptions to the capital stock of the Corporation until all liabilities to creditors shall have been discharged or provided for and until the Board of Governors, by vote of a majority of the Governors exercising a majority of the total voting power, shall have decided to make such distribution.

(c) Subject to the foregoing, the Corporation shall distribute the assets of the Corporation to members *pro rata* in proportion to capital stock held by them, subject, in the case of any member, to prior settlement of all outstanding claims by the Corporation against such member. Such distribution shall be made at such times, in such currencies, and in cash or other assets as the Corporation shall deem fair and equitable. The shares distributed to the several members need not necessarily be uniform in respect of the type of assets distributed or of the currencies in which they are expressed.

(d) Any member receiving assets distributed by the Corporation pursuant to this section shall enjoy the same rights with respect to such assets as the Corporation enjoyed prior to their distribution.

ARTICLE VI

Status, Immunities and Privileges

SECTION 1. *Purposes of Article*

To enable the Corporation to fulfil the functions with which it is entrusted, the status, immunities and privileges set forth in this

Article shall be accorded to the Corporation in the territories of each member.

SECTION 2. Status of the Corporation

The Corporation shall possess full juridical personality and, in particular, the capacity:

- (i) to contract;
- (ii) to acquire and dispose of immovable and movable property;
- (iii) to institute legal proceedings.

SECTION 3. Position of the Corporation with regard to Judicial Process

Actions may be brought against the Corporation only in a court of competent jurisdiction in the territories of a member in which the Corporation has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Corporation shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Corporation.

SECTION 4. Immunity of Assets from Seizure

Property and assets of the Corporation, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

SECTION 5. Immunity of Archives

The archives of the Corporation shall be inviolable.

SECTION 6. Freedom of Assets from Restrictions

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of Article III, section 5, and the other provisions of this Agreement, all property and assets of the Corporation shall be free from restrictions, regulations, controls and moratoria of any nature.

SECTION 7. Privilege for Communications

The official communications of the Corporation shall be accorded by each member the same treatment that it accords to the official communications of other members.

SECTION 8. Immunities and Privileges of Officers and employees

All Governors, Directors, Alternates, officers and employees of the Corporation:

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity;
- (ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same

facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;

- (iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

SECTION 9. *Immunities from Taxation*

(a) The Corporation, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Corporation shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Corporation to Directors, Alternates, officials or employees of the Corporation who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Corporation (including any dividend or interest thereon) by whomsoever held:

- (i) which discriminates against such obligation or security solely because it is issued by the Corporation; or
- (ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Corporation.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Corporation (including any dividend or interest thereon) by whomsoever held:

- (i) which discriminates against such obligation or security solely because it is guaranteed by the Corporation; or
- (ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Corporation.

SECTION 10. *Application of Article*

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Corporation of the detailed action which it has taken.

SECTION 11. *Waiver*

The Corporation in its discretion may waive any of the privileges and immunities conferred under this Article to such extent and upon such conditions as it may determine.

ARTICLE VII

Amendments

(a) This Agreement may be amended by vote of three-fifths of the Governors exercising four-fifths of the total voting power.

(b) Notwithstanding paragraph (a) above, the affirmative vote of all Governors is required in the case of any amendment modifying:

- (i) the right to withdraw from the Corporation provided in Article V, section 1;
- (ii) the pre-emptive right secured by Article II, section 2 (d);
- (iii) the limitation on liability provided in Article II, section 4.

(c) Any proposal to amend this Agreement, whether emanating from a member, a Governor or the Board of Directors, shall be communicated to the Chairman of the Board of Governors who shall bring the proposal before the Board of Governors. When an amendment has been duly adopted, the Corporation shall so certify by formal communication addressed to all members. Amendments shall enter into force for all members three months after the date of the formal communication unless the Board of Governors shall specify a shorter period.

ARTICLE VIII

Interpretation and Arbitration

(a) Any question of interpretation of the provisions of this Agreement arising between any member and the Corporation or between any members of the Corporation shall be submitted to the Board of Directors for its decision. If the question particularly affects any member of the Corporation not entitled to appoint an Executive Director of the Bank, it shall be entitled to representation in accordance with Article IV, section 4 (g).

(b) In any case where the Board of Directors has given a decision under (a) above, any member may require that the question be referred to the Board of Governors, whose decision shall be final. Pending the result of the reference to the Board of Governors, the Corporation may, so far as it deems necessary, act on the basis of the decision of the Board of Directors.

(c) Whenever a disagreement arises between the Corporation and a country which has ceased to be a member, or between the Corporation and any member during the permanent suspension of the Corporation, such disagreement shall be submitted to arbitration by a tribunal of three arbitrators, one appointed by the Corporation, another by the country involved and an umpire who, unless the parties otherwise agree, shall be appointed by the President of the International Court of Justice or such other authority as may have been prescribed by regulation adopted by the Corporation. The umpire shall have full power to settle all questions of procedure in any case where the parties are in disagreement with respect thereto.

ARTICLE IX

Final Provisions

SECTION 1. *Entry into Force*

This Agreement shall enter into force when it has been signed on behalf of not less than 30 governments whose subscriptions comprise not less than 75 percent of the total subscriptions set forth in Schedule A and when the instruments referred to in section 2 (a) of this Article have been deposited on their behalf, but in no event shall this Agreement enter into force before October 1, 1955.

SECTION 2. *Signature*

(a) Each government on whose behalf this Agreement is signed shall deposit with the Bank an instrument setting forth that it has accepted this Agreement without reservation in accordance with its law and has taken all steps necessary to enable it to carry out all of its obligations under this Agreement.

(b) Each government shall become a member of the Corporation as from the date of the deposit on its behalf of the instrument referred to in paragraph (a) above except that no government shall become a member before this Agreement enters into force under section 1 of this Article.

(c) This Agreement shall remain open for signature until the close of business on December 31, 1956, at the principal office of the Bank on behalf of the governments of the countries whose names are set forth in Schedule A.

(d) After this Agreement shall have entered into force, it shall be open for signature on behalf of the government of any country whose membership has been approved pursuant to Article II, section 1 (b).

SECTION 3. *Inauguration of the Corporation*

(a) As soon as this Agreement enters into force under section 1 of this Article the Chairman of the Board of Directors shall call a meeting of the Board of Directors.

(b) The Corporation shall begin operations on the date when such meeting is held.

(c) Pending the first meeting of the Board of Governors, the Board of Directors may exercise all the powers of the Board of Governors except those reserved to the Board of Governors under this Agreement.

Done at Washington, in a single copy which shall remain deposited in the archives of the International Bank for Reconstruction and Development, which has indicated by its signature below its agreement to act as depository of this Agreement and to notify all governments whose names are set forth in Schedule A of the date when this Agreement shall enter into force under Article IX, section 1 hereof.

SCHEDULE A

Subscriptions to Capital Stock of the International Finance Corporation

<i>Country</i>	<i>Number of Shares</i>	<i>Amount (in United States dollars)</i>
Australia	2,215	2,215,000
Austria	554	554,000
Belgium	2,492	2,492,000
Bolivia	78	78,000

SCHEDULE A, *contd.*

<i>Country</i>	<i>Number of Shares</i>	<i>Amount (in United States dollars)</i>
Brazil	1,163	1,163,000
Burma	166	166,000
Canada	3,600	3,600,000
Ceylon	166	166,000
Chile	388	388,000
China	6,646	6,646,000
Colombia	388	388,000
Costa Rica	22	22,000
Cuba	388	388,000
Denmark	753	753,000
Dominican Republic	22	22,000
Ecuador	35	35,000
Egypt	590	590,000
El Salvador	11	11,000
Ethiopia	33	33,000
Finland	421	421,000
France	5,815	5,815,000
Germany	3,655	3,655,000
Greece	277	277,000
Guatemala	22	22,000
Haiti	22	22,000
Honduras	11	11,000
Iceland	11	11,000
India	4,431	4,431,000
Indonesia	1,218	1,218,000
Iran	372	372,000
Iraq	67	67,000
Israel	50	50,000
Italy	1,994	1,994,000
Japan	2,769	2,769,000
Jordan	33	33,000
Lebanon	50	50,000
Luxembourg	111	111,000
Mexico	720	720,000
Netherlands	3,046	3,046,000
Nicaragua	9	9,000
Norway	554	554,000
Pakistan	1,108	1,108,000
Panama	2	2,000
Paraguay	16	16,000
Peru	194	194,000
Philippines	166	166,000
Sweden	1,108	1,108,000
Syria	72	72,000
Thailand	139	139,000

SCHEDULE A, *contd.*

<i>Country</i>	<i>Number of Shares</i>	<i>Amount (in United States dollars)</i>
Turkey	476	476,000
Union of South Africa	1,108	1,108,000
United Kingdom	14,400	14,400,000
United States	35,168	35,168,000
Uruguay	116	116,000
Venezuela	116	116,000
Yugoslavia	443	443,000
Total:	100,000	\$100,000,000

No. 4—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd March, 1964.

AN ACT to Provide for the acceptance by the Government of an international Agreement for the establishment and operation of an International Development Association, and for purposes connected therewith.

[5th March, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the International Development Association Agreement Act, 1964. Short title.

2—In this Act—

“the Association” means the International Development Association established under the Association Agreement;

Interpretation.

Schedule.

“the Association Agreement” means the Agreement, as amended, for the establishment and operation of an international body to be called the International Development Association, and of which the text of the Articles is set out in the Schedule to this Act;

“the Membership Resolution” means the Resolution adopted by the Board of Governors of the Association, specifying the terms and conditions upon which Jamaica shall be admitted to membership in the Association.

Approval
of accept-
ance of
Association
Agreement.
Financial
provisions.

3—Acceptance by the Government of the Association Agreement is hereby approved.

4—(1) The Minister of Finance is authorized to pay for the account of Jamaica the amounts payable from time to time to the Association under the Membership Resolution and the Association Agreement:

Provided that the Bank of Jamaica may from time to time, subject to the terms of any agreement made by that Bank with the Government and except where payments are required to be made pursuant to subsection (2), pay from its own funds such of the amounts aforesaid as may be specified in the agreement.

(2) The Minister of Finance may create and issue to the Association any such non-interest bearing and non-negotiable notes or other obligations as are provided for by section 2 of Article II of the Association Agreement, and any payments in respect of any such notes or obligations so created and issued shall be charged on the Consolidated Fund.

(3) The Minister of Finance may borrow from any person, any sum or sums required for payments under this section and, for the purpose of such borrowing, he

may create and issue any securities bearing such rate of interest and subject to such conditions as to repayment, redemption or otherwise as he thinks fit.

(4) The principal and interest of any securities issued under subsection (3) and the expenses incurred in connection with their issue shall be charged on the Consolidated Fund.

(5) Subject to the terms of any agreement to the contrary made by the Bank of Jamaica with the Government pursuant to the proviso to subsection (1), any moneys received by the Government from the Association or raised by securities under subsection (3) shall be paid into the Consolidated Fund Account and shall form part of the Consolidated Fund and be available in any manner in which that Fund is available.

(6) The Bank of Jamaica shall act as a depository for the holdings of currency of Jamaica and other assets of the Association.

5—The provisions of sections 2, 3, 4, 5, 6, 7, 8 and 9 of Article VIII of the Association Agreement shall have the force of law in Jamaica, subject to the proviso that nothing in section 9 of Article VIII of the Association Agreement shall be construed—

Status,
immunities
and privi-
leges of the
Association.

- (i) as entitling the Association to import goods free of customs duty without any restriction on their subsequent sale in the country to which they were imported;
- (ii) as conferring on the Association any exemption from duties or taxes which form part of the price of goods sold; or
- (iii) as conferring on the Association any exemption from taxes or duties which are in fact no more than charges for services rendered.

SCHEDULE

(Section 2)

ARTICLES OF AGREEMENT OF THE INTERNATIONAL
DEVELOPMENT ASSOCIATION.

The Governments on whose behalf this Agreement is signed,

Considering:

That mutual cooperation for constructive economic purposes, healthy development of the world economy and balanced growth of international trade foster international relationships conducive to the maintenance of peace and world prosperity;

That an acceleration of economic development which will promote higher standards of living and economic and social progress in the less-developed countries is desirable not only in the interests of those countries but also in the interests of the international community as a whole;

That achievement of these objectives would be facilitated by an increase in the international flow of capital, public and private, to assist in the development of the resources of the less-developed countries,

do hereby agree as follows:

INTRODUCTORY ARTICLE

The International Development Association (hereinafter called "the Association") is established and shall operate in accordance with the following provisions:

ARTICLE I

Purposes

The purposes of the Association are to promote economic development, increase productivity and thus raise standards of living in the less-developed areas of the world included within the Association's membership, in particular by providing finance to meet their important developmental requirements on terms which are more flexible and bear less heavily on the balance of payments than those of conventional loans, thereby furthering the developmental objectives of the International Bank for Reconstruction and Development (hereinafter called "the Bank") and supplementing its activities.

The Association shall be guided in all its decisions by the provisions of this Article.

ARTICLE II

*Membership; Initial Subscriptions*SECTION 1. *Membership*

(a) The original members of the Association shall be those members of the Bank listed in Schedule A hereto which, on or before the date specified in Article XI, section 2 (c), accept membership in the Association.

(b) Membership shall be open to other members of the Bank at

such times and in accordance with such terms as the Association may determine.

SECTION 2. *Initial Subscriptions*

(a) Upon accepting membership, each member shall subscribe funds in the amount assigned to it. Such subscriptions are herein referred to as initial subscriptions.

(b) The initial subscriptions assigned to each original member shall be in the amount set forth opposite its name in Schedule A, expressed in terms of United States dollars of the weight and fineness in effect on January 1, 1960.

(c) Ten percent of the initial subscription of each original member shall be payable in gold or freely convertible currency as follows: fifty percent within thirty days after the date on which the Association shall begin operations pursuant to Article XJ, section 4, or on the date on which the original member becomes a member, whichever shall be later; twelve and one-half percent one year after the beginning of operations of the Association; and twelve and one-half percent each year thereafter at annual intervals until the ten percent portion of the initial subscription shall have been paid in full.

(d) The remaining ninety percent of the initial subscription of each original member shall be payable in gold or freely convertible currency in the case of members listed in Part I of Schedule A, and in the currency of the subscribing member in the case of members listed in Part II of Schedule A. This ninety percent portion of initial subscriptions of original members shall be payable in five equal annual instalments as follows: the first such instalment within thirty days after the date on which the Association shall begin operations pursuant to Article XI, section 4, or on the date on which the original member becomes a member, whichever shall be later; the second instalment one year after the beginning of operations of the Association, and succeeding instalments each year thereafter at annual intervals until the ninety percent portion of the initial subscription shall have been paid in full.

(e) The Association shall accept from any member, in place of any part of the member's currency paid in or payable by the member under the preceding subsection (d) or under section 2 of Article IV and not needed by the Association in its operations, notes or similar obligations issued by the government of the member or the depository designated by such member, which shall be non-negotiable, non-interest-bearing and payable at their par value on demand to the account of the Association in the designated depository.

(f) For the purposes of this Agreement the Association shall regard as "freely convertible currency":

(i) currency of a member which the Association determines, after consultation with the International Monetary Fund, is adequately convertible into the currencies of other members for the purposes of the Association's operations; or

- (ii) currency of a member which such member agrees, on terms satisfactory to the Association, to exchange for the currencies of other members for the purposes of the Association's operations.

(g) Except as the Association may otherwise agree, each member listed in Part I of Schedule A shall maintain, in respect of its currency paid in by it as freely convertible currency pursuant to subsection (d) of this section, the same convertibility as existed at the time of payment.

(h) The conditions on which the initial subscriptions of members other than original members may be made, and the amounts and the terms of payment thereof, shall be determined by the Association pursuant to section 1 (b) of this Article.

SECTION 3. *Limitation on Liability*

No member shall be liable, by reason of its membership, for obligations of the Association.

ARTICLE III

Additions to Resources

SECTION 1. *Additional Subscriptions*

(a) The Association shall at such time as it deems appropriate in the light of the schedule for completion of payments on initial subscriptions of original members, and at intervals of approximately five years thereafter, review the adequacy of its resources and, if it deems desirable, shall authorize a general increase in subscriptions. Notwithstanding the foregoing, general or individual increases in subscriptions may be authorized at any time, provided that an individual increase shall be considered only at the request of the member involved. Subscriptions pursuant to this section are herein referred to as additional subscriptions.

(b) Subject to the provisions of paragraph (c) below, when additional subscriptions are authorized, the amounts authorized for subscription and the terms and conditions relating thereto shall be as determined by the Association.

(c) When any additional subscription is authorized, each member shall be given an opportunity to subscribe, under such conditions as shall be reasonably determined by the Association, an amount which will enable it to maintain its relative voting power, but no member shall be obligated to subscribe.

(d) All decisions under this section shall be made by a two-thirds majority of the total voting power.

SECTION 2. *Supplementary Resources Provided by a Member in the Currency of Another Member*

(a) The Association may enter into arrangements, on such terms and conditions consistent with the provisions of this Agreement as may be agreed upon, to receive from any member, in addition to the amounts payable by such member on account of its initial or

any additional subscription, supplementary resources in the currency of another member, provided that the Association shall not enter into any such arrangement unless the Association is satisfied that the member whose currency is involved agrees to the use of such currency as supplementary resources and to the terms and conditions governing such use. The arrangements under which any such resources are received may include provisions regarding the disposition of earnings on the resources and regarding the disposition of the resources in the event that the member providing them ceases to be a member or the Association permanently suspends its operations.

(b) The Association shall deliver to the contributing member a Special Development Certificate setting forth the amount and currency of the resources so contributed and the terms and conditions of the arrangement relating to such resources. A Special Development Certificate shall not carry any voting rights and shall be transferable only to the Association.

(c) Nothing in this section shall preclude the Association from accepting resources from a member in its own currency on such terms as may be agreed upon.

ARTICLE IV

Currencies

SECTION 1. *Use of Currencies*

(a) Currency of any member listed in Part II of Schedule A, whether or not freely convertible, received by the Association pursuant to Article II, section 2(d), in payment of the ninety percent portion payable thereunder in the currency of such member, and currency of such member derived therefrom as principal, interest or other charges, may be used by the Association for administrative expenses incurred by the Association in the territories of such member and, insofar as consistent with sound monetary policies, in payment for goods and services produced in the territories of such member and required for projects financed by the Association and located in such territories; and in addition when and to the extent justified by the economic and financial situation of the member concerned as determined by agreement between the member and the Association, such currency shall be freely convertible or otherwise usable for projects financed by the Association and located outside the territories of the member.

(b) The usability of currencies received by the Association in payment of subscriptions other than initial subscriptions of original members, and currencies derived therefrom as principal, interest or other charges, shall be governed by the terms and conditions on which such subscriptions are authorized.

(c) The usability of currencies received by the Association as supplementary resources other than subscriptions, and currencies derived therefrom as principal, interest or other charges, shall be governed by the terms of the arrangements pursuant to which such currencies are received.

(d) All other currencies received by the Association may be freely used and exchanged by the Association and shall not be subject to any restriction by the member whose currency is used or exchanged; provided that the foregoing shall not preclude the Association from entering into any arrangements with the member in whose territories any project financed by the Association is located restricting the use by the Association of such member's currency received as principal, interest or other charges in connection with such financing.

(e) The Association shall take appropriate steps to ensure that, over reasonable intervals of time, the portions of the subscriptions paid under Article II, section 2(d) by members listed in Part I of Schedule A shall be used by the Association on an approximately *pro rata* basis, provided, however, that such portions of such subscriptions as are paid in gold or in a currency other than that of the subscribing member may be used more rapidly.

SECTION 2. *Maintenance of Value of Currency Holdings*

(a) Whenever the par value of a member's currency is reduced or the foreign exchange value of a member's currency has, in the opinion of the Association, depreciated to a significant extent within that member's territories, the member shall pay to the Association within a reasonable time an additional amount of its own currency sufficient to maintain the value, as of the time of subscription, of the amount of the currency of such member paid in to the Association by the member under Article II, section 2(d), and currency furnished under the provisions of the present paragraph, whether or not such currency is held in the form of notes accepted pursuant to Article II, section 2(e), provided, however, that the foregoing shall apply only so long as and to the extent that such currency shall not have been initially disbursed or exchanged for the currency of another member.

(b) Whenever the par value of a member's currency is increased, or the foreign exchange value of a member's currency has, in the opinion of the Association, appreciated to a significant extent within that member's territories, the Association shall return to such member within a reasonable time an amount of that member's currency equal to the increase in the value of the amount of such currency to which the provisions of paragraph (a) of this section are applicable.

(c) The provisions of the preceding paragraphs may be waived by the Association when a uniform proportionate change in the par value of the currencies of all its members is made by the International Monetary Fund.

(d) Amounts furnished under the provisions of paragraph (a) of this section to maintain the value of any currency shall be convertible and usable to the same extent as such currency.

ARTICLE V

Operations

SECTION 1. *Use of Resources and Conditions of Financing*

(a) The Association shall provide financing to further development in the less-developed areas of the world included within the Association's membership.

(b) Financing provided by the Association shall be for purposes which in the opinion of the Association are of high developmental priority in the light of the needs of the area or areas concerned and, except in special circumstances, shall be for specific projects.

(c) The Association shall not provide financing if in its opinion such financing is available from private sources on terms which are reasonable for the recipient or could be provided by a loan of the type made by the Bank.

(d) The Association shall not provide financing except upon the recommendation of a competent committee, made after a careful study of the merits of the proposal. Each such committee shall be appointed by the Association and shall include a nominee of the Governor or Governors representing the member or members in whose territories the project under consideration is located and one or more members of the technical staff of the Association. The requirement that the committee include the nominee of a Governor or Governors shall not apply in the case of financing provided to a public international or regional organization.

(e) The Association shall not provide financing for any project if the member in whose territories the project is located objects to such financing, except that it shall not be necessary for the Association to assure itself that individual members do not object in the case of financing provided to a public international or regional organization.

(f) The Association shall impose no conditions that the proceeds of its financing shall be spent in the territories of any particular member or members. The foregoing shall not preclude the Association from complying with any restrictions on the use of funds imposed in accordance with the provisions of these Articles, including restrictions attached to supplementary resources pursuant to agreement between the Association and the contributor.

(g) The Association shall make arrangements to ensure that the proceeds of any financing are used only for the purposes for which the financing was provided, with due attention to considerations of economy, efficiency and competitive international trade and without regard to political or other non-economic influences or considerations.

(h) Funds to be provided under any financing operation shall be made available to the recipient only to meet expenses in connection with the project as they are actually incurred.

SECTION 2. *Form and Terms of Financing*

(a) Financing by the Association shall take the form of loans. The Association may, however, provide other financing, either

(i) out of funds subscribed pursuant to Article III, section 1, and funds derived therefrom as principal, interest or other charges, if the authorization for such subscriptions expressly provides for such financing;

or

(ii) in special circumstances, out of supplementary resources furnished to the Association, and funds derived therefrom

as principal, interest or other charges, if the arrangements under which such resources are furnished expressly authorize such financing.

(b) Subject to the foregoing paragraph, the Association may provide financing in such forms and on such terms as it may deem appropriate, having regard to the economic position and prospects of the area or areas concerned and to the nature and requirements of the project.

(c) The Association may provide financing to a member, the government of a territory included within the Association's membership, a political subdivision of any of the foregoing, a public or private entity in the territories of a member or members, or to a public international or regional organization.

(d) In the case of a loan to an entity other than a member, the Association may, in its discretion, require a suitable governmental or other guarantee or guarantees.

(e) The Association, in special cases, may make foreign exchange available for local expenditures.

SECTION 3. *Modifications of Terms of Financing*

The Association may, when and to the extent it deems appropriate in the light of all relevant circumstances, including the financial and economic situation and prospects of the member concerned, and on such conditions as it may determine, agree to a relaxation or other modification of the terms on which any of its financing shall have been provided.

SECTION 4. *Cooperation with Other International Organizations and Members Providing Development Assistance*

The Association shall cooperate with those public international organizations and members which provide financial and technical assistance to the less-developed areas of the world.

SECTION 5. *Miscellaneous Operations*

In addition to the operations specified elsewhere in this Agreement, the Association may:

- (i) borrow funds with the approval of the member in whose currency the loan is denominated;
- (ii) guarantee securities in which it has invested in order to facilitate their sale;
- (iii) buy and sell securities it has issued or guaranteed or in which it has invested;
- (iv) in special cases, guarantee loans from other sources for purposes not inconsistent with the provisions of these Articles;
- (v) provide technical assistance and advisory services at the request of a member; and
- (vi) exercise such other powers incidental to its operations as shall be necessary or desirable in furtherance of its purposes.

SECTION 6. *Political Activity Prohibited*

The Association and its officers shall not interfere in the political affairs of any member; nor shall they be influenced in their decisions by the political character of the member or members concerned. Only economic considerations shall be relevant to their decisions, and these considerations shall be weighed impartially in order to achieve the purposes stated in this Agreement.

ARTICLE VI

Organization and Management

SECTION 1. *Structure of the Association*

The Association shall have a Board of Governors, Executive Directors, a President and such other officers and staff to perform such duties as the Association may determine.

SECTION 2. *Board of Governors*

(a) All the powers of the Association shall be vested in the Board of Governors.

(b) Each Governor and Alternate Governor of the Bank appointed by a member of the Bank which is also a member of the Association shall *ex officio* be a Governor and Alternate Governor, respectively, of the Association. No Alternate Governor may vote except in the absence of his principal. The Chairman of the Board of Governors of the Bank shall *ex officio* be Chairman of the Board of Governors of the Association except that if the Chairman of the Board of Governors of the Bank shall represent a state which is not a member of the Association, then the Board of Governors shall select one of the Governors as Chairman of the Board of Governors. Any Governor or Alternate Governor shall cease to hold office if the member by which he was appointed shall cease to be a member of the Association.

(c) The Board of Governors may delegate to the Executive Directors authority to exercise any of its powers, except the power to:

- (i) admit new members and determine the conditions of their admission;
- (ii) authorize additional subscriptions and determine the terms and conditions relating thereto;
- (iii) suspend a member;
- (iv) decide appeals from interpretations of this Agreement given by the Executive Directors;
- (v) make arrangements pursuant to section 7 of this Article to co-operate with other international organizations (other than informal arrangements of a temporary and administrative character);
- (vi) decide to suspend permanently the operations of the Association and to distribute its assets;

- (vii) determine the distribution of the Association's net income pursuant to section 12 of this Article; and
 - (viii) approve proposed amendments to this Agreement.
- (d) The Board of Governors shall hold an annual meeting and such other meetings as may be provided for by the Board of Governors or called by the Executive Directors.
- (e) The annual meeting of the Board of Governors shall be held in conjunction with the annual meeting of the Board of Governors of the Bank.
- (f) A quorum for any meeting of the Board of Governors shall be a majority of the Governors, exercising not less than two-thirds of the total voting power.
- (g) The Association may by regulation establish a procedure whereby the Executive Directors may obtain a vote of the Governors on a specific question without calling a meeting of the Board of Governors.
- (h) The Board of Governors, and the Executive Directors to the extent authorized, may adopt such rules and regulations as may be necessary or appropriate to conduct the business of the Association.
- (i) Governors and Alternate Governors shall serve as such without compensation from the Association.

SECTION 3. *Voting*

- (a) Each original member shall, in respect of its initial subscription, have 500 votes plus one additional vote for each \$5,000 of its initial subscription. Subscriptions other than initial subscriptions of original members shall carry such voting rights as the Board of Governors shall determine pursuant to the provisions of Article II, section 1(b) or Article III, section 1(b) and (c), as the case may be. Additions to resources other than subscriptions under Article II, section 1(b) and additional subscriptions under Article III, section 1, shall not carry voting rights.
- (b) Except as otherwise specifically provided, all matters before the Association shall be decided by a majority of the votes cast.

SECTION 4. *Executive Directors*

- (a) The Executive Directors shall be responsible for the conduct of the general operations of the Association, and for this purpose shall exercise all the powers given to them by this Agreement or delegated to them by the Board of Governors.
- (b) The Executive Directors of the Association shall be composed *ex officio* of each Executive Director of the Bank who shall have been (i) appointed by a member of the Bank which is also a member of the Association, or (ii) elected in an election in which the votes of at least one member of the Bank which is also a member of the Association shall have counted toward his election. The Alternate to each such Executive Director of the Bank shall *ex officio* be an Alternate Director of the Association. Any Director shall cease to hold office if the member by which he was appointed, or if all the

members whose votes counted toward his election, shall cease to be members of the Association.

(c) Each Director who is an appointed Executive Director of the Bank shall be entitled to cast the number of votes which the member by which he was appointed is entitled to cast in the Association. Each Director who is an elected Executive Director of the Bank shall be entitled to cast the number of votes which the member or members of the Association whose votes counted toward his election in the Bank are entitled to cast in the Association. All the votes which a Director is entitled to cast shall be cast as a unit.

(d) An Alternate Director shall have full power to act in the absence of the Director who shall have appointed him. When a Director is present, his Alternate may participate in meetings but shall not vote.

(e) A quorum for any meeting of the Executive Directors shall be a majority of the Directors exercising not less than one-half of the total voting power.

(f) The Executive Directors shall meet as often as the business of the Association may require.

(g) The Board of Governors shall adopt regulations under which a member of the Association not entitled to appoint an Executive Director of the Bank may send a representative to attend any meeting of the Executive Directors of the Association when a request made by, or a matter particularly affecting, that member is under consideration.

SECTION 5. *President and Staff*

(a) The President of the Bank shall be *ex officio* President of the Association. The President shall be Chairman of the Executive Directors of the Association but shall have no vote except a deciding vote in case of an equal division. He may participate in meetings of the Board of Governors but shall not vote at such meetings.

(b) The President shall be chief of the operating staff of the Association. Under the direction of the Executive Directors he shall conduct the ordinary business of the Association and under their general control shall be responsible for the organization, appointment and dismissal of the officers and staff. To the extent practicable, officers and staff of the Bank shall be appointed to serve concurrently as officers and staff of the Association.

(c) The President, officers and staff of the Association, in the discharge of their offices, owe their duty entirely to the Association and to no other authority. Each member of the Association shall respect the international character of this duty and shall refrain from all attempts to influence any of them in the discharge of their duties.

(d) In appointing officers and staff the President shall, subject to the paramount importance of securing the highest standards of efficiency and of technical competence, pay due regard to the importance of recruiting personnel on as wide a geographical basis as possible.

SECTION 6. *Relationship to the Bank*

(a) The Association shall be an entity separate and distinct from the Bank and the funds of the Association shall be kept separate and apart from those of the Bank. The Association shall not borrow from or lend to the Bank, except that this shall not preclude the Association from investing funds not needed in its financing operations in obligations of the Bank.

(b) The Association may make arrangements with the Bank regarding facilities, personnel and services and arrangements for reimbursement of administrative expenses paid in the first instance by either organization on behalf of the other.

(c) Nothing in this Agreement shall make the Association liable for the acts or obligations of the Bank, or the Bank liable for the acts or obligations of the Association.

SECTION 7. *Relations with Other International Organizations*

The Association shall enter into formal arrangements with the United Nations and may enter into such arrangements with other public international organizations having specialized responsibilities in related fields.

SECTION 8. *Location of Offices*

The principal office of the Association shall be the principal office of the Bank. The Association may establish other offices in the territories of any member.

SECTION 9. *Depositories*

Each member shall designate its central bank as a depository in which the Association may keep holdings of such member's currency or other assets of the Association, or, if it has no central bank, it shall designate for such purpose such other institution as may be acceptable to the Association. In the absence of any different designation, the depository designated for the Bank shall be the depository for the Association.

SECTION 10. *Channel of Communication*

Each member shall designate an appropriate authority with which the Association may communicate in connection with any matter arising under this Agreement. In the absence of any different designation, the channel of communication designated for the Bank shall be the channel for the Association.

SECTION 11. *Publication of Reports and Provision of Information*

(a) The Association shall publish an annual report containing an audited statement of its accounts and shall circulate to members at appropriate intervals a summary statement of its financial position and of the results of its operations.

(b) The Association may publish such other reports as it deems desirable to carry out its purposes.

(c) Copies of all reports, statements and publications made under this section shall be distributed to members.

SECTION 12. *Disposition of Net Income*

The Board of Governors shall determine from time to time the disposition of the Association's net income, having due regard to provision for reserves and contingencies.

ARTICLE VII

Withdrawal; Suspension of Membership; Suspension of Operations

SECTION 1. *Withdrawal by Members*

Any member may withdraw from membership in the Association at any time by transmitting a notice in writing to the Association at its principal office. Withdrawal shall become effective upon the date such notice is received.

SECTION 2. *Suspension of Membership*

(a) If a member fails to fulfill any of its obligations to the Association, the Association may suspend its membership by decision of a majority of the Governors, exercising a majority of the total voting power. The member so suspended shall automatically cease to be a member one year from the date of its suspension unless a decision is taken by the same majority to restore the member to good standing.

(b) While under suspension, a member shall not be entitled to exercise any rights under this Agreement except the right of withdrawal, but shall remain subject to all obligations.

SECTION 3. *Suspension or Cessation of Membership in the Bank*

Any member which is suspended from membership in, or ceases to be a member of, the Bank shall automatically be suspended from membership in, or cease to be a member of, the Association, as the case may be.

SECTION 4. *Rights and Duties of Governments Ceasing to be Members*

(a) When a government ceases to be a member, it shall have no rights under this Agreement except as provided in this section and in Article X (c), but it shall, except as in this section otherwise provided, remain liable for all financial obligations undertaken by it to the Association, whether as a member, borrower, guarantor or otherwise.

(b) When a government ceases to be a member, the Association and the government shall proceed to a settlement of accounts. As part of such settlement of accounts, the Association and the government may agree on the amounts to be paid to the government on account of its subscription and on the time and currencies of payment. The term "subscription" when used in relation to any member government shall for the purposes of this Article be deemed to include both the initial subscription and any additional subscription of such member government.

(c) If no such agreement is reached within six months from the date when the government ceased to be a member, or such other

time as may be agreed upon by the Association and the government, the following provisions shall apply:

- (i) The government shall be relieved of any further liability to the Association on account of its subscription, except that the government shall pay to the Association forthwith amounts due and unpaid on the date when the government ceased to be a member and which in the opinion of the Association are needed by it to meet its commitments as of that date under its financing operations.
- (ii) The Association shall return to the government funds paid in by the government on account of its subscription or derived therefrom as principal repayments and held by the Association on the date when the government ceased to be a member, except to the extent that in the opinion of the Association such funds will be needed by it to meet its commitments as of that date under its financing operations.
- (iii) The Association shall pay over to the government a *pro rata* share of all principal repayments received by the Association after the date on which the government ceases to be a member on loans contracted prior thereto, except those made out of supplementary resources provided to the Association under arrangements specifying special liquidation rights. Such share shall be such proportion of the total principal amount of such loans as the total amount paid by the government on account of its subscription and not returned to it pursuant to clause (ii) above shall bear to the total amount paid by all members on account of their subscriptions which shall have been used or in the opinion of the Association will be needed by it to meet its commitments under its financing operations as of the date on which the government ceases to be a member. Such payment by the Association shall be made in instalments when and as such principal repayments are received by the Association, but not more frequently than annually. Such instalments shall be paid in the currencies received by the Association except that the Association may in its discretion make payment in the currency of the government concerned.
- (iv) Any amount due to the government on account of its subscription may be withheld so long as that government, or the government of any territory included within its membership, or any political subdivision or any agency of any of the foregoing remains liable, as borrower or guarantor, to the Association, and such amount may, at the option of the Association, be applied against any such liability as it matures.
- (v) In no event shall the government receive under this paragraph (c) an amount exceeding, in the aggregate, the lesser of the two following: (a) the amount paid by the government on account of its subscription, or (b) such proportion of the net assets of the Association, as shown on the books of

the Association as of the date on which the government ceased to be a member, as the amount of its subscription shall bear to the aggregate amount of its subscriptions of all members.

(vi) All calculations required hereunder shall be made on such basis as shall be reasonably determined by the Association.

(d) In no event shall any amount due to a government under this section be paid until six months after the date upon which the government ceases to be a member. If within six months of the date upon which any government ceases to be a member the Association suspends operations under section 5 of this Article, all rights of such government shall be determined by the provisions of such section 5 and such government shall be considered a member of the Association for purposes of such section 5, except that it shall have no voting rights.

SECTION 5. *Suspension of Operations and Settlement of Obligations*

(a) The Association may permanently suspend its operations by vote of a majority of the Governors exercising a majority of the total voting power. After such suspension of operations the Association shall forthwith cease all activities, except those incident to the orderly realization, conservation and preservation of its assets and settlement of its obligations. Until final settlement of such obligations and distribution of such assets, the Association shall remain in existence and all mutual rights and obligations of the Association and its members under this Agreement shall continue unimpaired, except that no member shall be suspended or shall withdraw and that no distribution shall be made to members except as in this Section provided.

(b) No distribution shall be made to members on account of their subscriptions until all liabilities to creditors shall have been discharged or provided for and until the Board of Governors, by vote of a majority of the Governors exercising a majority of the total voting power, shall have decided to make such distribution.

(c) Subject to the foregoing, and to any special arrangements for the disposition of supplementary resources agreed upon in connection with the provision of such resources to the Association, the Association shall distribute its assets to members *pro rata* in proportion to amounts paid in by them on account of their subscriptions. Any distribution pursuant to the foregoing provision of this paragraph (c) shall be subject, in the case of any member, to prior settlement of all outstanding claims by the Association against such member. Such distribution shall be made at such times, in such currencies, and in cash or other assets as the Association shall deem fair and equitable. Distribution to the several members need not be uniform in respect of the type of assets distributed or of the currencies in which they are expressed.

(d) Any member receiving assets distributed by the Association pursuant to this Section or Section 4 shall enjoy the same rights with respect to such assets as the Association enjoyed prior to their distribution.

ARTICLE VIII

*Status, Immunities and Privileges*SECTION 1. *Purposes of Article*

To enable the Association to fulfill the functions with which it is entrusted, the status, immunities and privileges provided in this Article shall be accorded to the Association in the territories of each member.

SECTION 2. *Status of the Association*

The Association shall possess full juridical personality and, in particular, the capacity:

- (i) to contract;
- (ii) to acquire and dispose of immovable and movable property;
- (iii) to institute legal proceedings.

SECTION 3. *Position of the Association with Regard to Judicial Process*

Actions may be brought against the Association only in a court of competent jurisdiction in the territories of a member in which the Association has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Association shall, wheresoever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Association.

SECTION 4. *Immunity of Assets from Seizure*

Property and assets of the Association, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

SECTION 5. *Immunity of Archives*

The archives of the Association shall be inviolable.

SECTION 6. *Freedom of Assets from Restrictions*

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Association shall be free from restrictions, regulations, controls and moratoria of any nature.

SECTION 7. *Privilege for Communications*

The official communications of the Association shall be accorded by each member the same treatment that it accords to the official communications of other members.

SECTION 8. *Immunities and Privileges of Officers and Employees*

All Governors, Executive Directors, Alternates, officers and employees of the Association

- (i) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Association waives this immunity;
- (ii) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;
- (iii) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

SECTION 9. *Immunities from Taxation*

(a) The Association, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Association shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Association to Executive Directors, Alternates, officials or employees of the Association who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Association (including any dividend or interest thereon) by whomsoever held

- (i) which discriminates against such obligation or security solely because it is issued by the Association; or
- (ii) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Association.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Association (including any dividend or interest thereon) by whomsoever held

- (i) which discriminates against such obligation or security solely because it is guaranteed by the Association; or
- (ii) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Association.

SECTION 10. *Application of Article*

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Association of the detailed action which it has taken.

ARTICLE XI
Final Provisions

SECTION 1. *Entry into Force*

This Agreement shall enter into force when it has been signed on behalf of governments whose subscriptions comprise not less than sixty-five percent of the total subscriptions set forth in Schedule A and when the instruments referred to in Section 2 (a) of this Article have been deposited on their behalf, but in no event shall this Agreement enter into force before September 15, 1960.

SECTION 2. *Signature*

(a) Each government on whose behalf this Agreement is signed shall deposit with the Bank an instrument setting forth that it has accepted this Agreement in accordance with its law and has taken all steps necessary to enable it to carry out all of its obligations under this Agreement.

(b) Each government shall become a member of the Association as from the date of the deposit on its behalf of the instrument referred to in paragraph (a) above except that no government shall become a member before this Agreement enters into force under section 1 of this Article.

(c) This Agreement shall remain open for signature until the close of business on December 31, 1960, at the principal office of the Bank, on behalf of the governments of the states whose names are set forth in Schedule A, provided that, if this Agreement shall not have entered into force by that date, the Executive Directors of the Bank may extend the period during which this Agreement shall remain open for signature by not more than six months.

(d) After this Agreement shall have entered into force, it shall be open for signature on behalf of the government of any state whose membership shall have been approved pursuant to Article II, section 1 (b).

SECTION 3. *Territorial Application*

By its signature of this Agreement, each government accepts it both on its own behalf and in respect of all territories for whose international relations such government is responsible except those which are excluded by such government by written notice to the Association.

SECTION 4. *Inauguration of the Association*

(a) As soon as this Agreement enters into force under section 1 of this Article the President shall call a meeting of the Executive Directors.

(b) The Association shall begin operations on the date when such meeting is held.

(c) Pending the first meeting of the Board of Governors, the Executive Directors may exercise all the powers of the Board of Governors except those reserved to the Board of Governors under this Agreement.

ARTICLE IX

Amendments

(a) Any proposal to introduce modifications in this Agreement, whether emanating from a member, a Governor or the Executive Directors, shall be communicated to the Chairman of the Board of Governors who shall bring the proposal before the Board. If the proposed amendment is approved by the Board, the Association shall, by circular letter or telegram, ask all members whether they accept the proposed amendment. When three-fifths of the members, having four-fifths of the total voting power, have accepted the proposed amendments, the Association shall certify the fact by formal communication addressed to all members.

(b) Notwithstanding (a) above, acceptance by all members is required in the case of any amendment modifying

(i) the right to withdraw from the Association provided in Article VII, Section 1;

(ii) the right secured by Article III, Section 1 (c);

(iii) the limitation on liability provided in Article II, section 3.

(c) Amendments shall enter into force for all members three months after the date of the formal communication unless a shorter period is specified in the circular letter or telegram.

ARTICLE X

Interpretation and Arbitration

(a) Any question of interpretation of the provisions of this Agreement arising between any member and the Association or between any members of the Association shall be submitted to the Executive Directors for their decision. If the question particularly affects any member of the Association not entitled to appoint an Executive Director of the Bank, it shall be entitled to representation in accordance with Article VI, Section 4 (g).

(b) In any case where the Executive Directors have given a decision under (a) above, any member may require that the question be referred to the Board of Governors, whose decision shall be final. Pending the result of the reference to the Board of Governors, the Association may, so far as it deems necessary, act on the basis of the decision of the Executive Directors.

(c) Whenever a disagreement arises between the Association and a country which has ceased to be a member, or between the Association and any member during the permanent suspension of the Association, such disagreement shall be submitted to arbitration by a tribunal of three arbitrators, one appointed by the Association, another by the country involved and an umpire who, unless the parties otherwise agree, shall be appointed by the President of the International Court of Justice or such other authority as may have been prescribed by regulation adopted by the Association. The umpire shall have full power to settle all questions of procedure in any case where the parties are in disagreement with respect thereto.

SECTION 5. *Registration*

The Bank is authorized to register this Agreement with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations and the Regulations thereunder adopted by the General Assembly.

Done at Washington, in a single copy which shall remain deposited in the archives of the International Bank for Reconstruction and Development, which has indicated by its signature below its agreement to act as depository of this agreement, to register this Agreement with the Secretariat of the United Nations and to notify all governments whose names are set forth in Schedule A of the date when this Agreement shall have entered into force under Article XI, section 1 hereof.

SCHEDULE A—INITIAL SUBSCRIPTIONS
(U.S. \$ Millions)*

PART I

Australia	...	20.18	Japan	...	33.59
Austria	...	5.04	Luxembourg	...	1.01
Belgium	...	22.70	Netherlands	...	27.74
Canada	...	37.83	Norway	...	6.72
Denmark	...	8.74	Sweden	...	10.09
Finland	...	3.83	Union of South Africa	...	10.09
France	...	52.96	United Kingdom	...	131.14
Germany	...	52.96	United States	...	320.29
Italy	...	18.16			
					763.07

PART II

Afghanistan	...	1.01	Haiti	...	0.76
Argentina	...	18.83	Honduras	...	0.30
Bolivia	...	1.06	Iceland	...	0.10
Brazil	...	18.83	India	...	40.35
Burma	...	2.02	Indonesia	...	11.10
Ceylon	...	3.03	Iran	...	4.54
Chile	...	3.53	Iraq	...	0.76
China	...	30.26	Ireland	...	3.03
Colombia	...	3.53	Israel	...	1.68
Costa Rica	...	0.20	Jordan	...	0.30
Cuba	...	4.71	Korea	...	1.26
Dominican Republic	...	0.40	Lebanon	...	0.45
Ecuador	...	0.65	Libya	...	1.01
El Salvador	...	0.30	Malaya	...	2.52
Ethiopia	...	0.50	Mexico	...	8.74
Ghana	...	2.36	Morocco	...	3.53
Greece	...	2.52	Nicaragua	...	0.30
Guatemala	...	0.40	Pakistan	...	10.09

PART II, *contd.*

Panama	...	0.02	Tunisia	...	1.51
Paraguay	...	0.30	Turkey	...	5.80
Peru	...	1.77	United Arab Republic		6.03
Philippines	...	5.04	Uruguay	...	1.06
Saudi Arabia	...	3.70	Venezuela	...	7.06
Spain	...	10.09	Viet-Nam	...	1.51
Sudan	...	1.01	Yugoslavia	...	4.04
Thailand	...	3.03			
					<hr/>
					236.93
					<hr/>
			TOTAL		1000.00

* In terms of United States dollars of the weight and fineness in effect on January 1, 1960.

JAMAICA

No. 5—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd March, 1964.

AN ACT to Amend the Road Traffic Law.

[5th March, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Road Traffic (Amendment) Act, 1964, and shall be read and construed as one with the Road Traffic Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 846.

2—Section 14 of the principal Law is hereby amended by adding thereto next after subsection (2) the following as subsection (3)—

Amendment
of section
14 of prin-
cipal Law.

“(3) Notwithstanding anything in this Law to the contrary, where the applicant for a driver's licence is a member of the Jamaica Defence Force who is required to drive vehicles belonging to the Force the

certificate of competence required pursuant to subsection (1) may be furnished by a person authorised in that behalf by the Chief of Staff of the Force, and for that purpose—

- (a) any function which, pursuant to that subsection, is vested in a Traffic Area Authority may be performed by the person authorised as aforesaid; and
- (b) any reference therein to a Traffic Area Authority shall be construed to include a reference to a person so authorised.”.

Amendment
of section
99A of prin-
cipal Law.

3—Section 99A of the principal Law is hereby amended by adding at the end thereof the words “or any motor vehicle belonging to the Jamaica Defence Force”.

No. 6—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd March, 1964.

AN ACT to Amend the Electric Lighting Law.

[5th March, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Electric Lighting (Amendment) Act, 1964, and shall be read and construed as one with the Electric Lighting Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 108.

2—Section 29 of the principal Law is hereby amended by—

Amendment
of section 29
of principal
Law.

- (a) inserting therein immediately after the word "property" the words "lying either wholly or partly"; and

- (b) deleting the fullstop at the end of the section, substituting therefor a colon, and adding the following—

“ Provided that when property lies partly within and partly without the prescribed limits, the rate payable by the person in possession of such property shall be assessed on the value of such portion only of the property as lies within the prescribed limits, and the value of such portion shall be settled in the same way, as nearly as may be, as values have been settled under the Valuation Law.”.

Cap. 405.

No. 7—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd March, 1964.

AN ACT to amend the Stamp Duty Law.

[5th March, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Stamp Duty (Amendment) Act, 1964, and shall be read and construed as one with the Stamp Duty Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 366.

2—Section 26 of the principal Law is hereby amended in the following respects—

Amendment
of section
26 of prin-
cipal Law.

- (a) by renumbering the section as subsection (1) of the section;
- (b) by inserting the following as subsections (2) and (3) respectively—

“(2) The duty payable in respect of any instrument to which this subsection applies may be denoted either on the instrument or, at such time and in such manner and subject to such conditions as may be approved by the Stamp Commissioner, on a separate certificate issued in respect of the instrument, and any such certificate may be issued in respect of one or more such instruments.

(3) The instruments to which subsection (2) applies are—

(a) any receipt for the payment of moneys or subscriptions in consideration for, or any other acknowledgment of the existence of, a right to participate in any sweepstake conducted in accordance with the provisions of section 33 of the Gambling Law;

Cap. 137.

(b) any assignment and transfer executed outside Jamaica of any share, scrip or stock in any duly registered company in Jamaica.”.

Amendment
of Schedule
to principal
Law.

3—The Schedule to the principal Law is hereby amended by inserting under the heading “Bills of Exchange and Promissory Notes (Inland)” next after the words “by adhesive stamps on such bills or notes being so paid or endorsed or negotiated” the words “or, in respect of such bills of exchange payable on demand, in such other manner as may be approved by the Stamp Commissioner”.

No. 8—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd March, 1964.

AN ACT to Amend the Excise Duty Law

[5th March, 1964]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same as follows:—

1—This Act may be cited as the Excise Duty (Amendment) Act, 1964, and shall be read and construed as one with the Excise Duty Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and construction.
Cap. 119.

2—Section 2 of the principal Law is hereby amended in the following respects—

Amendment
of section
2 of prin-
cipal Law.

- (a) by the deletion from the definition of "alcohol" appearing in the section of the figures "165" and the substitution therefor of the figures "168.5";

- (b) by the deletion from the definition of "rum" appearing in the section of the figures "165" and the substitution thereof of the figures "168.5".

THE CARRIAGE BY AIR ACT, 1964

(Act 9 of 1964)

ARRANGEMENT OF SECTIONS

PART I—*Interpretation*

1. Short title.
2. Interpretation.

PART II—*The Amended Warsaw Convention*

3. Amended Warsaw Convention to have force of law.
4. Designation of High Contracting Parties.
5. Actions against High Contracting Parties.
6. Limitation of liability.
7. Time for bringing proceedings.

PART III—*The Guadalajara Convention*

8. Commencement.
9. Guadalajara Convention to have force of law.
10. Interpretation of Guadalajara Convention.
11. Application of Part II and Act of 1932.
12. Interim protection for carriers' servants and agents.

PART IV—*Application of Act*

13. Power to exclude military aircraft.
14. Application to carriage by air not governed by convention.
15. Application to Crown.

PART V—*Amendments and Repeal*

16. Commencement.
17. Amendments.
18. Repeal.

SCHEDULES

No. 9—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd March, 1964.

AN ACT to Give effect to the Conventions concerning international carriage by air known as "the Warsaw Convention as amended at The Hague, 1955" and "the Guadalajara Convention, 1961"; and for connected purposes.

[5th March, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

PART I—*Interpretation*

1—This Act may be cited as the Carriage by Air Act, Short title.
1964.

2—In this Act—

"appointed day" means the day referred to in sub-section (4) of section 3;

Interpre-
tation.

“court” includes (in an arbitration allowed by the amended Warsaw Convention) an arbitrator;

“the Act of 1932” means the United Kingdom Carriage by Air Act, 1932 as applied to Jamaica by the Carriage by Air (Colonies, Protectorates and Mandated Territories) Order, 1934;

“the amended Warsaw Convention” means the Convention set out in the First Schedule;

“the Guadalajara Convention” means the Convention set out in the Second Schedule.

First
Schedule.

Second
Schedule.

PART II—*The Amended Warsaw Convention*

Amended
Warsaw
Convention
to have
force of law.

3—(1) Subject to this section, the provisions of the amended Warsaw Convention shall, so far as they relate to the rights and liabilities of carriers, carriers’ servants and agents, passengers, consignors, consignees and other persons, and subject to the provisions of this Act, have the force of law in Jamaica in relation to any carriage by air to which such Convention applies, irrespective of the nationality of the aircraft performing that carriage.

(2) If there is any inconsistency between the text in English in Part I of the First Schedule and the text in French in Part II of such Schedule, the text in French shall prevail.

(3) This section shall not apply so as to affect rights or liabilities arising out of an occurrence before the appointed day.

(4) This section shall come into force on such day as the Minister may by notice published in the *Gazette* certify to be the day on which the amended Warsaw Convention comes into force as regards Jamaica (in this Act referred to as the “appointed day”).

Designation
of High
Contracting
Parties.

4—(1) The Minister may by order from time to time certify who are the High Contracting Parties to the

amended Warsaw Convention, in respect of what territories they are respectively parties and to what extent they have availed themselves of the provisions of the Additional Protocol at the end of that Convention.

(2) Paragraph (2) of Article 40A of the amended Warsaw Convention shall not be read as extending references in that Convention to the territory of a High Contracting Party (except such as are references to the territory of any State, whether a High Contracting Party or not) to include any territory in respect of which that High Contracting Party is not a party.

(3) An order under this section—

- (a) may contain such transitional and other consequential provisions as appear to the Minister to be expedient; and
- (b) shall, except so far as it has been superseded by a subsequent order, be conclusive evidence of the matters certified therein.

5—Every High Contracting Party to the amended Warsaw Convention who has not availed himself of the provisions of the Additional Protocol at the end of that Convention shall, for the purposes of any action brought in a court in Jamaica in accordance with the provisions of Article 28 in that Convention to enforce a claim in respect of carriage undertaken by him, be deemed to have submitted to the jurisdiction of that court, and accordingly rules of court may provide for the manner in which any such action is to be commenced and carried on; but nothing in this section shall authorise the issue of execution against the property of any High Contracting Party.

Actions
against High
Contracting
Parties.

6—(1) It is hereby declared that the limitations on liability in Article 22 in the amended Warsaw Convention apply whatever the nature of the proceedings by which liability may be enforced and that, in particular—

Limitation
of liability.

- (a) those limitations apply where proceedings are brought by a tortfeasor to obtain a contribution from another tortfeasor; and
- (b) the limitation for each passenger in paragraph (1) of the said Article 22 applies to the aggregate liability of the carrier in all proceedings which may be brought against him under the law of Jamaica, together with any proceedings brought against him outside Jamaica.

(2) A court before which proceedings are brought to enforce a liability which is limited by the said Article 22 may at any stage of the proceedings make any such order as appears to the court to be just and equitable in view of the provisions of the said Article 22, and of any other proceedings which have been, or are likely to be, commenced in Jamaica or elsewhere to enforce the liability in whole or in part.

(3) Without prejudice to subsection (2), a court before which proceedings are brought to enforce a liability which is limited by the said Article 22 shall, where the liability is, or may be, partly enforceable in other proceedings in Jamaica or elsewhere, have jurisdiction to award an amount less than the court would have awarded if the limitation applied solely to the proceedings before the court, or to make any part of its award conditional on the result of any other proceedings.

(4) The Minister may from time to time by order specify the respective amounts which for the purposes of the said Article 22, and in particular of paragraph (5) of that Article, are to be taken as equivalent to the sums expressed in francs which are mentioned in that Article.

(5) References in this section to Article 22 in the amended Warsaw Convention include, subject to any necessary modifications, references to that Article as applied by Article 25A in that Convention.

7—(1) No action against a carrier's servant or agent which arises out of damage to which the amended Warsaw Convention relates shall, if he was acting within the scope of his employment, be brought after more than two years, reckoned from the date of arrival at the destination or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped.

Time for bringing proceedings.

(2) Article 29 in the amended Warsaw Convention shall not be read as applying to any proceedings for contribution between tortfeasors, but no action shall be brought by a tortfeasor to obtain a contribution from a carrier in respect of a tort to which the said Article 29 applies after the expiration of two years from the time when judgment is obtained against the person seeking to obtain the contribution.

(3) The foregoing provisions of this section and the provisions of the said Article 29 shall have effect as if references in those provisions to an action included references to an arbitration.

PART III—*The Guadalajara Convention*

8—(1) This Part shall come into operation on such day as the Minister may by notice published in the *Gazette* certify to be the day on which the Guadalajara Convention comes into force as regards Jamaica.

Commencement.

(2) This Part shall not apply so as to affect rights or liabilities arising out of an occurrence before the day mentioned in subsection (1) and nothing in this section shall prevent any provision of this Act having effect before that day by virtue of an order under section 14.

9—(1) The provisions of the Guadalajara Convention shall so far as they relate to the rights and liabilities of carriers, carriers' servants and agents, passengers, consignors, consignees and other persons, and subject to the provisions of this Act, have the force of law in Jamaica

Guadalajara Convention to have force of law.

in relation to any carriage by air to which that Convention applies, irrespective of the nationality of the aircraft performing that carriage.

Second
Schedule.

(2) If there is any inconsistency between the text in English in Part I of the Second Schedule and the text in French in Part II of that Schedule, the text in French shall prevail.

Interpre-
tation of
Guadalajara
Convention.

10—(1) In the Guadalajara Convention “the Warsaw Convention” means—

- (a) before the appointed day, the Convention set out in the First Schedule to the Act of 1932;
- (b) on and after that day, the Convention set out in the First Schedule to this Act,

First
Schedule.

but, in relation to rights or liabilities arising out of an occurrence before that day, “the Warsaw Convention” shall continue to have the same meaning as before that day.

(2) In Articles VII and VIII in the Guadalajara Convention “court” includes (in an arbitration allowed by paragraph 3 of Article IX in that Convention or by the Conventions referred to in subsection (1)) an arbitrator.

Application
of Part II
and Act of
1932.

11—(1) In section 5 of this Act and in section 2 of the Act of 1932 the references to Article 28 include references to Article VIII in the Guadalajara Convention.

(2) In paragraph (a) of subsection (1) and in subsections (2) and (3) of section 6 references to Article 22 in the amended Warsaw Convention include, subject to any necessary modifications, references to Article VI in the Guadalajara Convention.

(3) In section 7 references to a carrier include references to a contracting carrier and to an actual carrier as defined in paragraphs (b) and (c) of Article I in the Guadalajara Convention.

12—Article V in the Guadalajara Convention, and so much of Article VI in that Convention as limits the aggregate amount which can be recovered from a carrier and his servants and agents, shall, in relation to rights or liabilities arising out of an occurrence before the appointed day, apply not only in relation to carriage performed by an actual carrier and to the persons mentioned in those provisions but also in relation to any other carriage governed by the Convention set out in the First Schedule to the Act of 1932 and to any carrier under that Convention and his servants and agents.

Interim protection for carriers' servants and agents.

PART IV—*Application of Act*

13—(1) The Minister may from time to time by order direct that this section shall apply, or shall cease to apply, to Jamaica or any other State specified in the order.

Power to exclude military aircraft.

(2) The amended Warsaw Convention shall not apply to the carriage of persons, cargo and baggage for the military authorities of a State to which this section applies in aircraft registered in that State if the whole capacity of the aircraft has been reserved by or on behalf of those authorities.

14—(1) The Minister may by order apply the First Schedule or the Second Schedule together with any other provisions of this Act to carriage by air (not being carriage by air to which the amended Warsaw Convention or the Guadalajara Convention, as the case may be, applies) of such descriptions as may be specified in the order, and subject to such exceptions, adaptations and modifications as may be so specified.

Application to carriage by air not governed by convention.

(2) An order under this section—

- (a) may contain such transitional and other consequential provisions as appear to the Minister to be expedient, and may confer on a Minister any functions under the order, including a power

to grant exemptions from any requirements imposed by the order; and

(b) shall be subject to affirmative resolution.

Application
to Crown.

15—This Act shall bind the Crown.

PART V—*Amendments and Repeal*

Commence-
ment.

16—This Part shall come into operation on the appointed day.

Amendments.
Third
Schedule.

17—The enactments specified in the First Column of the Third Schedule are hereby amended in the manner respectively specified in the Second Column of that Schedule.

Repeal.

18—The United Kingdom Carriage by Air Act, 1932, in its application to Jamaica is hereby repealed.

FIRST SCHEDULE

(Section 2)

THE WARSAW CONVENTION WITH THE AMENDMENTS MADE IN IT BY
THE HAGUE PROTOCOL

PART I

THE ENGLISH TEXT
CONVENTION

*For the Unification of Certain Rules Relating to
International Carriage by Air*

CHAPTER I

SCOPE—DEFINITIONS

Article 1

(1) This Convention applies to all international carriage of persons, baggage or cargo performed by aircraft for reward. It applies equally to gratuitous carriage by aircraft performed by an air transport undertaking.

(2) For the purposes of this Convention, the expression *international carriage* means any carriage in which, according to the agreement between the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territories of two High Contracting Parties or within the territory of a single High Contracting Party if there is an agreed stopping place within the territory of another State, even if that State is not a High Contracting Party. Carriage between two points within the territory of a single High

Contracting Party without an agreed stopping place within the territory of another State is not international carriage for the purposes of this Convention.

(3) Carriage to be performed by several successive air carriers is deemed, for the purposes of this Convention, to be one undivided carriage if it has been regarded by the parties as a single operation, whether it had been agreed upon under the form of a single contract or of a series of contracts, and it does not lose its international character merely because one contract or a series of contracts is to be performed entirely within the territory of the same State.

Article 2

(1) This Convention applies to carriage performed by the State or by legally constituted public bodies provided it falls within the conditions laid down in Article 1.

(2) This Convention shall not apply to carriage of mail and postal packages.

CHAPTER II

DOCUMENTS OF CARRIAGE

SECTION 1—PASSENGER TICKET

ARTICLE 3

(1) In respect of the carriage of passengers a ticket shall be delivered containing:

- (a) an indication of the places of departure and destination;
- (b) if the places of departure and destination are within the territory of a single High Contracting Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place;
- (c) a notice to the effect that, if the passenger's journey involves an ultimate destination or stop in a country other than the country of departure, the Warsaw Convention may be applicable and that the Convention governs and in most cases limits the liability of carriers for death or personal injury and in respect of loss of or damage to baggage.

(2) The passenger ticket shall constitute *prima facie* evidence of the conclusion and conditions of the contract of carriage. The absence, irregularity or loss of the passenger ticket does not affect the existence or the validity of the contract of carriage which shall, none the less, be subject to the rules of this Convention. Nevertheless, if, with the consent of the carrier, the passenger embarks without a passenger ticket having been delivered, or if the ticket does not include the notice required by paragraph (1)(c) of this Article, the carrier shall not be entitled to avail himself of the provisions of Article 22.

SECTION 2—BAGGAGE CHECK

Article 4

(1) In respect of the carriage of registered baggage, a baggage check shall be delivered, which, unless combined with or incorporated in a passenger ticket which complies with the provisions of Article 3, paragraph (1), shall contain:

- (a) an indication of the places of departure and destination;
- (b) if the places of departure and destination are within the territory of a single High Contracting Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place;
- (c) a notice to the effect that, if the carriage involves an ultimate destination or stop in a country other than the country of departure, the Warsaw Convention may be applicable and that the Convention governs and in most cases limits the liability of carriers in respect of loss of or damage to baggage.

(2) The baggage check shall constitute *prima facie* evidence of the registration of the baggage and of the conditions of the contract of carriage. The absence, irregularity or loss of the baggage check does not affect the existence or the validity of the contract of carriage which shall, none the less, be subject to the rules of this Convention. Nevertheless, if the carrier takes charge of the baggage without a baggage check having been delivered or if the baggage check (unless combined with or incorporated in the passenger ticket which complies with the provisions of Article 3, paragraph (1)(c)) does not include the notice required by paragraph (1)(c) of this Article, he shall not be entitled to avail himself of the provisions of Article 22, paragraph (2).

SECTION 3—AIR WAYBILL

Article 5

(1) Every carrier of cargo has the right to require the consignor to make out and hand over to him a document called an "air waybill"; every consignor has the right to require the carrier to accept this document.

(2) The absence, irregularity or loss of this document does not affect the existence or the validity of the contract of carriage which shall, subject to the provisions of Article 9, be none the less governed by the rules of this Convention.

Article 6

(1) The air waybill shall be made out by the consignor in three original parts and be handed over with the cargo.

(2) The first part shall be marked "for the carrier," and shall be signed by the consignor. The second part shall be marked "for the consignee"; it shall be signed by the consignor and by the carrier

and shall accompany the cargo. The third part shall be signed by the carrier and handed by him to the consignor after the cargo has been accepted.

(3) The carrier shall sign prior to the loading of the cargo on board the aircraft.

(4) The signature of the carrier may be stamped; that of the consignor may be printed or stamped.

(5) If, at the request of the consignor, the carrier makes out the air waybill, he shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

Article 7

The carrier of cargo has the right to require the consignor to make out separate waybills when there is more than one package.

Article 8

The air waybill shall contain:

- (a) an indication of the places of departure and destination;
- (b) if the places of departure and destination are within the territory of a single High Contracting Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place;
- (c) a notice to the consignor to the effect that, if the carriage involves an ultimate destination or stop in a country other than the country of departure, the Warsaw Convention may be applicable and that the Convention governs and in most cases limits the liability of carriers in respect of loss of or damage to cargo.

Article 9

If, with the consent of the carrier, cargo is loaded on board the aircraft without an air waybill having been made out, or if the air waybill does not include the notice required by Article 8, paragraph (c), the carrier shall not be entitled to avail himself of the provisions of Article 22, paragraph (2).

Article 10

(1) The consignor is responsible for the correctness of the particulars and statements relating to the cargo which he inserts in the air waybill.

(2) The consignor shall indemnify the carrier against all damage suffered by him, or by any other person to whom the carrier is liable, by reason of the irregularity, incorrectness or incompleteness of the particulars and statements furnished by the consignor.

Article 11

(1) The air waybill is *prima facie* evidence of the conclusion of the contract, of the receipt of the cargo and of the conditions of carriage.

(2) The statements in the air waybill relating to the weight, dimensions and packing of the cargo, as well as those relating to the number of packages, are *prima facie* evidence of the facts stated; those relating to the quantity, volume and condition of the cargo do not constitute evidence against the carrier except so far as they both have been, and are stated in the air waybill to have been, checked by him in the presence of the consignor, or relate to the apparent condition of the cargo.

Article 12

(1) Subject to his liability to carry out all his obligations under the contract of carriage, the consignor has the right to dispose of the cargo by withdrawing it at the aerodrome of departure or destination, or by stopping it in the course of the journey on any landing, or by calling for it to be delivered at the place of destination or in the course of the journey to a person other than the consignee named in the air waybill, or by requiring it to be returned to the aerodrome of departure. He must not exercise this right of disposition in such a way as to prejudice the carrier or other consignors and he must repay any expenses occasioned by the exercise of this right.

(2) If it is impossible to carry out the orders of the consignor the carrier must so inform him forthwith.

(3) If the carrier obeys the orders of the consignor for the disposition of the cargo without requiring the production of the part of the air waybill delivered to the latter, he will be liable, without prejudice to his right of recovery from the consignor, for any damage which may be caused thereby to any person who is lawfully in possession of that part of the air waybill.

(4) The right conferred on the consignor ceases at the moment when that of the consignee begins in accordance with Article 13. Nevertheless, if the consignee declines to accept the waybill or the cargo, or if he cannot be communicated with, the consignor resumes his right of disposition.

Article 13

(1) Except in the circumstances set out in the preceding Article, the consignee is entitled, on arrival of the cargo at the place of destination, to require the carrier to hand over to him the air waybill and to deliver the cargo to him, on payment of the charges due and on complying with the conditions of carriage set out in the air waybill.

(2) Unless it is otherwise agreed, it is the duty of the carrier to give notice to the consignee as soon as the cargo arrives.

(3) If the carrier admits the loss of the cargo, or if the cargo has not arrived at the expiration of seven days after the date on which it ought to have arrived, the consignee is entitled to put into force against the carrier the rights which flow from the contract of carriage.

Article 14

The consignor and the consignee can respectively enforce all the rights given them by Articles 12 and 13, each in his own name, whether he

is acting in his own interest or in the interest of another, provided that he carries out the obligations imposed by the contract.

Article 15

(1) Articles 12, 13 and 14 do not affect either the relations of the consignor or the consignee with each other or the mutual relations of third parties whose rights are derived either from the consignor or from the consignee.

(2) The provisions of Articles 12, 13 and 14 can only be varied by express provision in the air waybill.

(3) Nothing in this Convention prevents the issue of a negotiable air waybill.

Article 16

(1) The consignor must furnish such information and attach to the air waybill such documents as are necessary to meet the formalities of customs, octroi or police before the cargo can be delivered to the consignee. The consignor is liable to the carrier for any damage occasioned by the absence, insufficiency or irregularity of any such information or documents, unless the damage is due to the fault of the carrier or his servants or agents.

(2) The carrier is under no obligation to enquire into the correctness or sufficiency of such information or documents.

CHAPTER III

Liability of the Carrier

Article 17

The carrier is liable for damage sustained in the event of the death or wounding of a passenger or any other bodily injury suffered by a passenger if the accident which caused the damage so sustained took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

Article 18

(1) The carrier is liable for damage sustained in the event of the destruction or loss of, or of damage to, any registered baggage or any cargo, if the occurrence which caused the damage so sustained took place during the carriage by air.

(2) The carriage by air within the meaning of the preceding paragraph comprises the period during which the baggage or cargo is in charge of the carrier, whether in an aerodrome or on board an aircraft, or, in the case of a landing outside an aerodrome, in any place whatsoever.

(3) The period of the carriage by air does not extend to any carriage by land, by sea or by river performed outside an aerodrome. If, however, such a carriage takes place in the performance of a contract for carriage by air, for the purpose of loading, delivery or transshipment, any damage is presumed, subject to proof to the contrary, to have been the result of an event which took place during the carriage by air.

Article 19

The carrier is liable for damage occasioned by delay in the carriage by air of passengers, baggage or cargo.

Article 20

The carrier is not liable if he proves that he and his servants or agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures.

Article 21

If the carrier proves that the damage was caused by or contributed to by the negligence of the injured person the court may, in accordance with the provisions of its own law, exonerate the carrier wholly or partly from his liability.

Article 22

(1) In the carriage of persons the liability of the carrier for each passenger is limited to the sum of two hundred and fifty thousand francs. Where, in accordance with the law of the court seised of the case, damages may be awarded in the form of periodical payments the equivalent capital value of the said payments shall not exceed two hundred and fifty thousand francs. Nevertheless by special contract, the carrier and the passenger may agree to a higher limit of liability.

(2)—(a) In the carriage of registered baggage and of cargo, the liability of the carrier is limited to a sum of two hundred and fifty francs per kilogramme, unless the passenger or consignor has made, at the time when the package was handed over to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that that sum is greater than the passenger's or consignor's actual interest in delivery at destination.

(b) In the case of loss, damage or delay of part of registered baggage or cargo, or of any object contained therein, the weight to be taken into consideration in determining the amount to which the carrier's liability is limited shall be only the total weight of the package or packages concerned. Nevertheless, when the loss, damage or delay of a part of the registered baggage or cargo, or of an object contained therein, affects the value of other packages covered by the same baggage check or the same air waybill, the total weight of such package or packages shall also be taken into consideration in determining the limit of liability.

(3) As regards objects of which the passenger takes charge himself the liability of the carrier is limited to five thousand francs per passenger.

(4) The limits prescribed in this Article shall not prevent the court from awarding, in accordance with its own law, in addition, the whole or part of the court costs and of the other expenses of the litigation incurred by the plaintiff. The foregoing provision shall not apply if the amount of the damages awarded, excluding court costs and other expenses of the litigation, does not exceed the sum which the

carrier has offered in writing to the plaintiff within a period of six months from the date of the occurrence causing the damage, or before the commencement of the action, if that is later.

(5) The sums mentioned in francs in this Article shall be deemed to refer to a currency unit consisting of sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. These sums may be converted into national currencies in round figures. Conversion of the sums into national currencies other than gold shall, in case of judicial proceedings, be made according to the gold value of such currencies at the date of the judgment.

Article 23

(1) Any provision tending to relieve the carrier of liability or to fix a lower limit than that which is laid down in this Convention shall be null and void, but the nullity of any such provision does not involve the nullity of the whole contract, which shall remain subject to the provisions of this Convention.

(2) Paragraph (1) of this Article shall not apply to provisions governing loss or damage resulting from the inherent defect, quality or vice of the cargo carried.

Article 24

(1) In the cases covered by Articles 18 and 19 any action for damages, however founded, can only be brought subject to the conditions and limits set out in this Convention.

(2) In the cases covered by Article 17 the provisions of the preceding paragraph also apply, without prejudice to the questions as to who are the persons who have the right to bring suit and what are their respective rights.

Article 25

The limits of liability specified in Article 22 shall not apply if it is proved that the damage resulted from an act or omission of the carrier, his servants or agents, done with intent to cause damage or recklessly and with knowledge that damage would probably result; provided that, in the case of such act or omission of a servant or agent, it is also proved that he was acting within the scope of his employment.

Article 25A

(1) If an action is brought against a servant or agent of the carrier arising out of damage to which this Convention relates, such servant or agent, if he proves that he acted within the scope of his employment, shall be entitled to avail himself of the limits of liability which that carrier himself is entitled to invoke under Article 22.

(2) The aggregate of the amounts recoverable from the carrier, his servants and agents, in that case, shall not exceed the said limits.

(3) The provisions of paragraphs (1) and (2) of this Article shall not apply if it is proved that the damage resulted from an act or omission of the servant or agent done with intent to cause damage or recklessly and with knowledge that damage would probably result.

Article 26

(1) Receipt by the person entitled to delivery of baggage or cargo without complaint is *prima facie* evidence that the same has been delivered in good condition and in accordance with the document of carriage.

(2) In the case of damage, the person entitled to delivery must complain to the carrier forthwith after the discovery of the damage, and, at the latest, within seven days from the date of receipt in the case of baggage and fourteen days from the date of receipt in the case of cargo. In the case of delay the complaint must be made at the latest within twenty-one days from the date on which the baggage or cargo have been placed at his disposal.

(3) Every complaint must be made in writing upon the document of carriage or by separate notice in writing despatched within the times aforesaid.

(4) Failing complaint within the times aforesaid, no action shall lie against the carrier, save in the case of fraud on his part.

Article 27

In the case of the death of the person liable, an action for damages lies in accordance with the terms of this Convention against those legally representing his estate.

Article 28

(1) An action for damages must be brought, at the option of the plaintiff, in the territory of one of the High Contracting Parties, either before the court having jurisdiction where the carrier is ordinarily resident, or has his principal place of business, or has an establishment by which the contract has been made or before the court having jurisdiction at the place of destination.

(2) Questions of procedure shall be governed by the law of the court seised of the case.

Article 29

(1) The right to damages shall be extinguished if an action is not brought within two years, reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped.

(2) The method of calculating the period of limitation shall be determined by the law of the court seised of the case.

Article 30

(1) In the case of carriage to be performed by various successive carriers and falling within the definition set out in the third paragraph of Article 1, each carrier who accepts passengers, baggage or cargo is

subjected to the rules set out in this Convention, and is deemed to be one of the contracting parties to the contract of carriage in so far as the contract deals with that part of the carriage which is performed under his supervision.

(2) In the case of carriage of this nature, the passenger or his representative can take action only against the carrier who performed the carriage during which the accident or the delay occurred, save in the case where, by express agreement, the first carrier has assumed liability for the whole journey.

(3) As regards baggage or cargo, the passenger or consignor will have a right of action against the first carrier, and the passenger or consignee who is entitled to delivery will have a right of action against the last carrier, and further, each may take action against the carrier who performed the carriage during which the destruction, loss, damage or delay took place. These carriers will be jointly and severally liable to the passenger or to the consignor or consignee.

CHAPTER IV

Provisions relating to combined carriage

Article 31

(1) In the case of combined carriage performed partly by air and partly by any other mode of carriage, the provisions of this Convention apply only to the carriage by air, provided that the carriage by air falls within the terms of Article 1.

(2) Nothing in this Convention shall prevent the parties in the case of combined carriage from inserting in the document of air carriage conditions relating to other modes of carriage, provided that the provisions of this Convention are observed as regards the carriage by air.

CHAPTER V

General and final provisions

Article 32

Any clause contained in the contract and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by this Convention, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void. Nevertheless for the carriage of cargo arbitration clauses are allowed, subject to this Convention, if the arbitration is to take place within one of the jurisdictions referred to in the first paragraph of Article 28.

Article 33

Nothing contained in this Convention shall prevent the carrier either from refusing to enter into any contract of carriage, or from making regulations which do not conflict with the provisions of this Convention.

Article 34

The provisions of Articles 3 to 9 inclusive relating to documents of carriage shall not apply in the case of carriage performed in extraordinary circumstances outside the normal scope of an air carrier's business.

Article 35

The expression "days" when used in this Convention means current days not working days.

Article 36

The Convention is drawn up in French in a single copy which shall remain deposited in the archives of the Ministry for Foreign Affairs of Poland and of which one duly certified copy shall be sent by the Polish Government to the Government of each of the High Contracting Parties.

Article 40A

(1) [*This paragraph is not reproduced. It defines "High Contracting Party".*]

(2) For the purposes of the Convention the word *territory* means not only the metropolitan territory of a State but also all other territories for the foreign relations of which that State is responsible.

[*Articles 37, 38, 39, 40 and 41 and the concluding words of the Convention are not reproduced. They deal with the coming into force of the Convention.*]

ADDITIONAL PROTOCOL

(*With reference to Article 2*)

The High Contracting Parties reserve to themselves the right to declare at the time of ratification or of accession that the first paragraph of Article 2 of this Convention shall not apply to international carriage by air performed directly by the State, its colonies, protectorates or mandated territories or by any other territory under its sovereignty, suzerainty or authority.

PART II

THE FRENCH TEXT

CONVENTION

POUR L'UNIFICATION DE CERTAINES REGLES RELATIVES
AU TRANSPORT AERIEN INTERNATIONAL

CHAPITRE I^{er}

Objet—Définitions

Article 1^{er}

(1) La présente Convention s'applique à tout transport international de personnes, bagages ou marchandises, effectué par aéronef contre rémunération. Elle s'applique également aux transports gratuits effectués par aéronef par une entreprise de transports aériens.

(2) Est qualifié *transport international*, au sens de la présente Convention, tout transport dans lequel, d'après les stipulations des parties, le point de départ et le point de destination, qu'il y ait ou non interruption de transport ou transbordement, sont situés soit sur le territoire de deux Hautes Parties Contractantes, soit sur le territoire d'une seule Haute Partie Contractante si une escale est prévue sur le territoire d'un autre Etat, même si cet Etat n'est pas une Haute Partie Contractante. Le transport sans une telle escale entre deux points du territoire d'une seule Haute Partie Contractante n'est pas considéré comme international au sens de la présente Convention.

(3) Le transport à exécuter par plusieurs transporteurs par air successifs est censé constituer pour l'application de la présente Convention un transport unique lorsqu'il a été envisagé par les parties comme une seule opération, qu'il ait été conclu sous la forme d'un seul contrat ou d'une série de contrats, et il ne perd pas son caractère international par le fait qu'un seul contrat ou une série de contrats doivent être exécutés intégralement dans le territoire d'un même Etat.

Article 2

(1) La Convention s'applique aux transports effectués par l'Etat ou les autres personnes juridiques de droit public, dans les conditions prévues à l'article 1^{er}.

(2) La présente Convention ne s'applique pas au transport du courrier et des colis postaux.

CHAPITRE II

Titre De Transport

SECTION 1.—Billet De Passage

Article 3

(1) Dans le transport de passagers, un billet de passage doit être délivré, contenant:

- (a) l'indication des points de départ et de destination;
- (b) si les points de départ et de destination sont situés sur le territoire d'une même Haute Partie Contractante et qu'une ou plusieurs escales soient prévues sur le territoire d'un autre Etat, l'indication d'une de ces escales;
- (c) un avis indiquant que si les passagers entreprennent un voyage comportant une destination finale ou une escale dans un pays autre que le pays de départ, leur transport peut être régi par la Convention de Varsovie qui, en général, limite la responsabilité du transporteur en cas de mort ou de lésion corporelle, ainsi qu'en cas de perte ou d'avarie des bagages.

(2) Le billet de passage fait foi, jusqu'à preuve contraire, de la conclusion et des conditions du contrat de transport. L'absence, l'irrégularité ou la perte du billet n'affecte ni l'existence ni la validité du contrat de transport, qui n'en sera pas moins soumis aux règles de la présente Convention. Toutefois, si, du consentement du transporteur, le passager s'embarque sans qu'un billet de passage ait été

délivré, ou si le billet ne comporte pas l'avis prescrit à l'alinéa 1 (c) du présent article, le transporteur n'aura pas le droit de se prévaloir des dispositions de l'article 22.

SECTION 2.—*Bulletin De Bagages*

Article 4

(1) Dans le transport de bagages enregistrés, un bulletin de bagages doit être délivré qui, s'il n'est pas combiné avec un billet de passage conforme aux dispositions de l'article 3, alinéa 1^{er}, ou n'est pas inclus dans un tel billet, doit contenir:

- (a) l'indication des points de départ et de destination;
- (b) si les points de départ et de destination sont situés sur le territoire d'une même Haute Partie Contractante et qu'une ou plusieurs escales soient prévues sur le territoire d'un autre Etat, l'indication d'une de ces escales;
- (c) un avis indiquant que, si le transport comporte une destination finale ou une escale dans un pays autre que le pays de départ, il peut être régi par la Convention de Varsovie qui, en général, limite la responsabilité du transporteur en cas de perte ou d'avarie des bagages.

(2) Le bulletin de bagages fait foi, jusqu'à preuve contraire, de l'enregistrement des bagages et des conditions du contrat de transport. L'absence, l'irrégularité ou la perte du bulletin n'affecte ni l'existence ni la validité du contrat de transport, qui n'en sera pas moins soumis aux règles de la présente Convention. Toutefois, si le transporteur accepte la garde des bagages sans qu'un bulletin ait été délivré ou si, dans le cas où le bulletin n'est pas combiné avec un billet de passage conforme aux dispositions de l'article 3, alinéa 1 (c), ou n'est pas inclus dans un tel billet, il ne comporte pas l'avis prescrit à l'alinéa 1 (c) du présent article, le transporteur n'aura pas le droit de se prévaloir des dispositions de l'article 22, alinéa 2.

SECTION 3.—*Lettre De Transport Aérien*

Article 5

(1) Tout transporteur de marchandises a le droit de demander à l'expéditeur l'établissement et la remise d'un titre appelé: "lettre de transport aérien"; tout expéditeur a le droit de demander au transporteur l'acceptation de ce document.

(2) Toutefois, l'absence, l'irrégularité ou la perte de ce titre n'affecte ni l'existence, ni la validité du contrat de transport qui n'en sera pas moins soumis aux règles de la présente Convention, sous réserve des dispositions de l'article 9.

Article 6

(1) La lettre de transport aérien est établie par l'expéditeur en trois exemplaires originaux et remise avec la marchandise.

(2) Le premier exemplaire porte la mention "pour le transporteur"; il est signé par l'expéditeur. Le deuxième exemplaire porte la mention

“pour le destinataire”; il est signé par l'expéditeur et le transporteur et il accompagne la marchandise. Le troisième exemplaire est signé par le transporteur et remis par lui à l'expéditeur après acceptation de la marchandise.

(3) La signature du transporteur doit être apposée avant l'embarquement de la marchandise à bord de l'aéronef.

(4) La signature du transporteur peut être remplacée par un timbre; celle de l'expéditeur peut être imprimée ou remplacée par un timbre.

(5) Si, à la demande de l'expéditeur, le transporteur établit la lettre de transport aérien, il est considéré jusqu'à preuve contraire, comme agissant pour le compte de l'expéditeur.

Article 7

Le transporteur de marchandises a le droit de demander à l'expéditeur l'établissement de lettres de transport aérien différentes lorsqu'il y a plusieurs colis.

Article 8

La lettre de transport aérien doit contenir:

- (a) l'indication des points de départ et de destination;
- (b) si les points de départ et de destination sont situés sur le territoire d'une même Haute Partie Contractante et qu'une ou plusieurs escales soient prévues sur le territoire d'un autre Etat, l'indication d'une de ces escales;
- (c) un avis indiquant aux expéditeurs que, si le transport comporte une destination finale ou une escale dans un pays autre que le pays de départ, il peut être régi par la Convention de Varsovie qui, en général, limite la responsabilité des transporteurs en cas de perte ou d'avarie des marchandises.

Article 9

Si, du consentement du transporteur, des marchandises sont embarquées à bord de l'aéronef sans qu'une lettre de transport aérien ait été établie ou si celle-ci ne comporte pas l'avis prescrit à l'article 8, alinéa (c), le transporteur n'aura pas le droit de se prévaloir des dispositions de l'article 22, alinéa 2.

Article 10

(1) L'expéditeur est responsable de l'exactitude des indications et déclarations concernant la marchandise qu'il inscrit dans la lettre de transport aérien.

(2) Il supportera la responsabilité de tout dommage subi par le transporteur ou par toute autre personne à l'égard de laquelle la responsabilité du transporteur est engagée à raison de ses indications et déclarations irrégulières, inexactes ou incomplètes.

Article 11

(1) La lettre de transport aérien fait foi, jusqu'à preuve contraire, de la conclusion du contrat, de la réception de la marchandise et des conditions du transport.

(2) Les énonciations de la lettre de transport aérien, relatives au poids, aux dimensions et à l'emballage de la marchandise ainsi qu'au nombre des colis, font foi jusqu'à preuve contraire; celles relatives à la quantité, au volume et à l'état de la marchandise ne font preuve contre le transporteur qu'autant que la vérification en a été faite par lui en présence de l'expéditeur, et constatée sur la lettre de transport aérien ou qu'il s'agit d'énonciations relatives à l'état apparent de la marchandise.

Article 12

(1) L'expéditeur a le droit, sous la condition d'exécuter tous les obligations résultant du contrat de transport, de disposer de la marchandise, soit en la retirant à l'aérodrome de départ ou de destination, soit en l'arrêtant en cours de route lors d'un atterrissage, soit en la faisant délivrer au lieu de destination ou en cours de route à une personne autre que le destinataire indiqué sur la lettre de transport aérien, soit en demandant son retour à l'aérodrome de départ, pour autant que l'exercice de ce droit ne porte préjudice ni au transporteur, ni aux autres expéditeurs et avec l'obligation de rembourser les frais qui en résultent.

(2) Dans le cas où l'exécution des ordres de l'expéditeur est impossible, le transporteur doit l'en aviser immédiatement.

(3) Si le transporteur se conforme aux ordres de disposition de l'expéditeur, sans exiger la production de l'exemplaire de la lettre de transport aérien délivré à celui-ci, il sera responsable, sauf son recours contre l'expéditeur, du préjudice qui pourrait être causé par ce fait à celui qui est régulièrement en possession de la lettre de transport aérien.

(4) Le droit de l'expéditeur cesse au moment où celui du destinataire commence, conformément à l'article 13 ci-dessous. Toutefois, si le destinataire refuse la lettre de transport ou la marchandise, ou s'il ne peut être atteint, l'expéditeur reprend son droit de disposition.

Article 13

(1) Sauf dans les cas indiqués à l'article précédent, le destinataire a le droit, dès l'arrivée de la marchandise au point de destination, de demander au transporteur de lui remettre la lettre de transport aérien et de lui livrer la marchandise contre le paiement du montant des créances et contre l'exécution des conditions de transport indiquées dans la lettre de transport aérien.

(2) Sauf stipulation contraire, le transporteur doit aviser le destinataire dès l'arrivée de la marchandise.

(3) Si la perte de la marchandise est reconnue par le transporteur ou si, à l'expiration d'un délai de sept jours après qu'elle aurait dû arriver, la marchandise n'est pas arrivée, le destinataire est autorisé à faire valoir vis-à-vis du transporteur les droits résultant du contrat de transport.

Article 14

L'expéditeur et le destinataire peuvent faire valoir tous les droits qui leur sont respectivement conférés par les articles 12 et 13, chacun en son propre nom, qu'il agisse dans son propre intérêt ou dans l'intérêt d'autrui, à condition d'exécuter les obligations que le contrat impose.

Article 15

(1) Les articles 12, 13 et 14 ne portent aucun préjudice ni aux rapports de l'expéditeur et du destinataire entre eux, ni aux rapports des tiers dont les droits proviennent, soit de l'expéditeur, soit du destinataire.

(2) Toute clause dérogeant aux stipulations des articles 12, 13 et 14 doit être inscrite dans la lettre de transport aérien.

(3) Rien dans la présente Convention n'empêche l'établissement d'une lettre de transport aérien négociable.

Article 16

(1) L'expéditeur est tenu de fournir les renseignements et de joindre à la lettre de transport aérien les documents qui, avant la remise de la marchandise au destinataire, sont nécessaires à l'accomplissement des formalités de douane, d'octroi ou de police. L'expéditeur est responsable envers le transporteur de tous dommages qui pourraient résulter de l'absence, de l'insuffisance ou de l'irrégularité de ces renseignements et pièces, sauf le cas de faute de la part du transporteur ou de ses préposés.

(2) Le transporteur n'est pas tenu d'examiner si ces renseignements et documents sont exacts ou suffisants.

CHAPITRE III

Responsabilité Du Transporteur

Article 17

Le transporteur est responsable du dommage survenue en cas de mort, de blessure ou de toute autre lésion corporelle subie par un voyageur lorsque l'accident qui a causé le dommage s'est produit à bord de l'aéronef ou au cours de toutes opérations d'embarquement et de débarquement.

Article 18

(1) Le transporteur est responsable du dommage survenue en cas de destruction, perte ou avarie de bagages enregistrés ou de marchandises lorsque l'événement qui a causé le dommage s'est produit pendant le transport aérien.

(2) Le transport aérien, au sens de l'alinéa précédent, comprend la période pendant laquelle les bagages ou marchandises se trouvent sous la garde du transporteur, que ce soit dans un aéroport ou à bord d'un aéronef ou dans un lieu quelconque en cas d'atterrissage en dehors d'un aéroport.

(3) La période du transport aérien ne couvre aucun transport terrestre, maritime ou fluvial effectué en dehors d'un aéroport. Toutefois lorsqu'un tel transport est effectué dans l'exécution du contrat de transport aérien en vue du chargement, de la livraison ou du transbordement, tout dommage est présumé, sauf preuve contraire, résulter d'un événement survenue pendant le transport aérien.

Article 19

Le transporteur est responsable du dommage résultant d'un retard dans le transport aérien de voyageurs, bagages ou marchandises.

Article 20

Le transporteur n'est pas responsable s'il prouve que lui et ses préposés ont pris toutes les mesures nécessaires pour éviter le dommage ou qu'il leur était impossible de les prendre.

Article 21

Dans le cas où le transporteur fait la preuve que la faute de la personne lésée a causé le dommage ou y a contribué, le tribunal pourra, conformément aux dispositions de sa propre loi, écarter ou atténuer la responsabilité du transporteur.

Article 22

(1) Dans le transport des personnes, la responsabilité du transporteur relative à chaque passager est limitée à la somme de deux cent cinquante mille francs. Dans le cas où, d'après la loi du tribunal saisi, l'indemnité peut être fixée sous forme de rente, le capital de la rente ne peut dépasser cette limite. Toutefois par une convention spéciale avec le transporteur, le passager pourra fixer une limite de responsabilité plus élevée.

(2)—(a) Dans le transport de bagages enregistrés et de marchandises, la responsabilité du transporteur est limitée à la somme de deux cent cinquante francs par kilogramme, sauf déclaration spéciale d'intérêt à la livraison faite par l'expéditeur au moment de la remise du colis au transporteur et moyennant le paiement d'une taxe supplémentaire éventuelle. Dans ce cas, le transporteur sera tenu de payer jusqu'à concurrence de la somme déclarée, à moins qu'il ne prouve qu'elle est supérieure à l'intérêt réel de l'expéditeur à la livraison.

(b) En cas de perte, d'avarie ou de retard d'une partie des bagages enregistrés ou des marchandises, ou de tout objet qui y est contenue, seul le poids total du ou des colis dont il s'agit est pris en considération pour déterminer la limite de responsabilité du transporteur. Toutefois, lorsque la perte, l'avarie ou le retard d'une partie des bagages enregistrés ou des marchandises, ou d'un objet qui y est contenue, affecte la valeur d'autres colis couverts par le même bulletin de bagages ou la même lettre de transport aérien, le poids total de ces colis doit être pris en considération pour déterminer la limite de responsabilité.

(3) En ce qui concerne les objets dont le passager conserve la garde, la responsabilité du transporteur est limitée à cinq mille francs par passager.

(4) Les limites fixées par le présent article n'ont pas pour effet d'enlever au tribunal la faculté d'allouer en outre, conformément à sa loi, une somme correspondant à tout ou partie des dépens et autres frais du procès exposés par le demandeur. La disposition précédente ne s'applique pas lorsque le montant de l'indemnité allouée, non compris les dépens et autres frais de procès, ne dépasse pas la somme que le transporteur a offerte par écrit au demandeur dans un délai de six mois à dater du fait qui a causé le dommage ou avant l'introduction de l'instance si celle-ci est postérieure à ce délai.

(5) Les sommes indiquées en francs dans le présent article sont considérées comme se rapportant à une unité monétaire constituée par soixante-cinq milligrammes et demi d'or au titre de neuf cents millièmes de fin. Ces sommes peuvent être converties dans chaque monnaie nationale en chiffres ronds. La conversion de ces sommes en monnaies nationales autres que la monnaie-or s'effectuera en cas d'instance judiciaire suivant la valeur-or de ces monnaies à la date du jugement.

Article 23

(1) Toute clause tendant à exonérer le transporteur de sa responsabilité ou à établir une limite inférieure à celle qui est fixée dans la présente Convention est nulle et du nul effet, mais la nullité de cette clause n'entraîne pas la nullité du contrat qui reste soumis aux dispositions de la présente Convention.

(2) L'alinéa 1^{er} du présent article ne s'applique pas aux clauses concernant la perte ou le dommage résultant de la nature ou du vice propre des marchandises transportées.

Article 24

(1) Dans les cas prévus aux articles 18 et 19 toute action en responsabilité, à quelque titre que ce soit, ne peut être exercée que dans les conditions et limites prévues par la présente Convention.

(2) Dans les cas prévus à l'article 17, s'appliquent également les dispositions de l'alinéa précédent, sans préjudice de la détermination des personnes qui ont le droit d'agir et de leurs droits respectifs.

Article 25

Les limites de responsabilité prévues à l'article 22 ne s'appliquent pas s'il est prouvé que le dommage résulte d'un acte ou d'une omission du transporteur ou de ses préposés fait, soit avec l'intention de provoquer un dommage, soit témérement et avec conscience qu'un dommage en résultera probablement, pour autant que, dans la cas d'un acte ou d'une omission de préposés, la preuve soit également apportée que ceux-ci ont agi dans l'exercice de leur fonctions.

Article 25a

(1) Si une action est intentée contre un préposé du transporteur à la suite d'un dommage visé par la présente Convention, ce préposé, s'il prouve qu'il a agi dans l'exercice de ses fonctions, pourra se prévaloir des limites de responsabilité que peut invoquer ce transporteur en vertu de l'article 22.

(2) Le montant total de la réparation qui, dans ce cas, peut être obtenu du transporteur et de ses préposés ne doit pas dépasser lesdites limites.

(3) Les dispositions des alinéas 1 et 2 du présent article ne s'appliquent pas s'il est prouvé que le dommage résulte d'un acte ou d'une omission du préposé fait, soit avec l'intention de provoquer un dommage, soit témérairement et avec conscience qu'un dommage en résultera probablement.

Article 26

(1) La réception des bagages et marchandises sans protestation par le destinataire constituera présomption, sauf preuve contraire, que les marchandises ont été livrées en bon état et conformément au titre de transport.

(2) En cas d'avarie, le destinataire doit adresser au transporteur une protestation immédiatement après la découverte de l'avarie et, au plus tard, dans un délai de sept jours pour les bagages et de quatorze jours pour les marchandises à dater de leur réception. En cas de retard, la protestation devra être faite au plus tard dans les vingt et un jours à dater du jour où le bagage ou la marchandise auront été mis à sa disposition.

(3) Toute protestation doit être faite par réserve inscrite sur le titre de transport ou par un autre écrit expédié dans le délai prévu pour cette protestation.

(4) A défaut de protestation dans les délais prévus, toutes actions contre le transporteur sont irrecevables, sauf le cas de fraude de celui-ci.

Article 27

En cas de décès du débiteur, l'action en responsabilité, dans les limites prévues par la présente Convention, s'exerce contre ses ayants droit.

Article 28

(1) L'action en responsabilité devra être portée, au choix du demandeur, dans le territoire d'une des Hautes Parties Contractantes soit devant le tribunal du domicile du transporteur, du siège principal de son exploitation ou du lieu où il possède un établissement par le soin duquel le contrat a été conclu, soit devant le tribunal du lieu de destination.

(2) La procédure sera réglée par la loi du tribunal saisi.

Article 29

(1) L'action en responsabilité doit être intentée, sous peine de déchéance, dans le délai de deux ans à compter de l'arrivée à destination ou du jour où l'aéronef aurait dû arriver, ou de l'arrêt du transport.

(2) Le mode du calcul du délai est déterminé par la loi du tribunal saisi.

Article 30

(1) Dans les cas de transport régis par la définition du troisième alinéa de l'article 1^{er}, à exécuter par divers transporteurs successifs, chaque transporteur acceptant des voyageurs, des bagages ou des marchandises est soumis aux règles établies par cette Convention, et est censé être une des parties contractantes du contrat de transport, pour autant que ce contrat ait trait à la partie du transport effectuée sous son contrôle.

(2) Au cas d'un tel transport, le voyageur ou ses ayants droit ne pourront recourir que contre le transporteur ayant effectué le transport au cours duquel l'accident ou le retard s'est produit, sauf dans le cas où, par stipulation expresse, le premier transporteur aura assuré la responsabilité pour tout le voyage.

(3) S'il s'agit de bagages ou de marchandises, l'expéditeur aura recours contre le premier transporteur et le destinataire qui a le droit à la délivrance contre le dernier, et l'un et l'autre pourront, en outre, agir contre le transporteur ayant effectué le transport au cours duquel la destruction, la perte, l'avarie ou le retard se sont produits. Ces transporteurs seront solidairement responsables envers l'expéditeur et le destinataire.

CHAPITRE IV

Dispositions relatives Aux Transports Combinés

Article 31

(1) Dans le cas de transports combinés effectués en partie par air et en partie par tout autre moyen de transport, les stipulations de la présente Convention ne s'appliquent qu'au transport aérien et si celui-ci répond aux conditions de l'article 1^{er}.

(2) Rien dans la présente Convention n'empêche les parties, dans le cas de transports combinés, d'insérer dans le titre de transport aérien des conditions relatives à d'autres modes de transport, à condition que les stipulations de la présente Convention soient respectées en ce qui concerne le transport par air.

CHAPITRE V

Dispositions Générales et Finales

Article 32

Sont nulles toutes clauses du contrat de transport et toutes conventions particulières antérieures au dommage par lesquelles les parties dérogeraient aux règles de la présente Convention soit par une

détermination de la loi applicable, soit par une modification des règles de compétence. Toutefois, dans le transport des marchandises, les clauses d'arbitrage sont admises, dans les limites de la présente Convention, lorsque l'arbitrage doit s'effectuer dans les lieux de compétence des tribunaux prévus à l'article 28, alinéa 1.

Article 33

Rien dans la présente Convention ne peut empêcher un transporteur de refuser la conclusion d'un contrat de transport ou de formuler des règlements qui ne sont pas en contradiction avec les dispositions de la présente Convention.

Article 34

Les dispositions des articles 3 à 9 inclus relative aux titres de transport ne sont pas applicables au transport effectué dans des circonstances extraordinaires en dehors de toute opération normale de l'exploitation aérienne.

Article 35

Lorsque dans la présente Convention il est question de jours, il s'agit de jours courants et non de jours ouvrables.

Article 36

La présente Convention est rédigée en français en un seul exemplaire qui restera déposé aux archives du Ministère des Affaires Etrangères de Pologne, et dont une copie certifiée conforme sera transmise par les soins du Gouvernement polonais au Gouvernement de chacune des Hautes Parties Contractantes.

Article 40A

(1)

(2) Aux fins de la Convention, le mot *territoire* signifie non seulement le territoire métropolitain d'un Etat, mais aussi tous les territoires qu'il représente dans les relations extérieures.

PROTOCOLE ADDITIONNEL

Ad Article 2

Les Hautes Parties Contractantes se réservent le droit de déclarer au moment de la ratification ou de l'adhésion que l'article 2, alinéa premier, de la présente Convention ne s'appliquera pas aux transports internationaux aériens effectués directement par l'Etat, ses colonies, protectorats, territoires sous mandat ou tout autre territoire sous sa souveraineté, sa suzeraineté ou son autorité.

SECOND SCHEDULE

(Section 2)

PART I

THE ENGLISH TEXT

CONVENTION

Supplementary to the Warsaw Convention, for the Unification of certain Rules relating to International Carriage by Air performed by a person other than the Contracting Carrier

ARTICLE I

In this Convention:

- (a) [This paragraph is not reproduced. It defines "Warsaw Convention."]
- (b) "contracting carrier" means a person who as a principal makes an agreement for carriage governed by the Warsaw Convention with a passenger or consignor or with a person acting on behalf of the passenger or consignor;
- (c) "actual carrier" means a person, other than the contracting carrier, who, by virtue of authority from the contracting carrier, performs the whole or part of the carriage contemplated in paragraph (b) but who is not with respect to such part a successive carrier within the meaning of the Warsaw Convention. Such authority is presumed in the absence of proof to the contrary.

ARTICLE II

If an actual carrier performs the whole or part of carriage which, according to the agreement referred to in Article I, paragraph (b), is governed by the Warsaw Convention, both the contracting carrier and the actual carrier shall, except as otherwise provided in this Convention, be subject to the rules of the Warsaw Convention, the former for the whole of the carriage contemplated in the agreement, the latter solely for the carriage which he performs.

ARTICLE III

1. The acts and omissions of the actual carrier and of his servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the contracting carrier.

2. The acts and omissions of the contracting carrier and of his servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the actual carrier. Nevertheless, no such act or omission shall subject the actual carrier to liability exceeding the limits specified in Article 22 of the Warsaw Convention. Any special agreement under which the contracting carrier assumes obligations not imposed by the Warsaw Convention or any waiver of rights conferred by that Convention or any special declaration of interest in delivery at destination contemplated in Article 22 of the said Convention, shall not affect the actual carrier unless agreed to by him

ARTICLE IV

Any complaint to be made or order to be given under the Warsaw Convention to the carrier shall have the same effect whether addressed to the contracting carrier or to the actual carrier. Nevertheless, orders referred to in Article 12 of the Warsaw Convention shall only be effective if addressed to the contracting carrier.

ARTICLE V

In relation to the carriage performed by the actual carrier, any servant or agent of that carrier or of the contracting carrier shall, if he proves that he acted within the scope of his employment, be entitled to avail himself of the limits of liability which are applicable under this Convention to the carrier whose servant or agent he is unless it is proved that he acted in a manner which, under the Warsaw Convention, prevents the limits of liability from being invoked.

ARTICLE VI

In relation to the carriage performed by the actual carrier, the aggregate of the amounts recoverable from that carrier and the contracting carrier, and from their servants and agents acting within the scope of their employment, shall not exceed the highest amount which could be awarded against either the contracting carrier or the actual carrier under this Convention, but none of the persons mentioned shall be liable for a sum in excess of the limit applicable to him.

ARTICLE VII

In relation to the carriage performed by the actual carrier, an action for damages may be brought, at the option of the plaintiff, against that carrier or the contracting carrier, or against both together or separately. If the action is brought against only one of those carriers, that carrier shall have the right to require the other carrier to be joined in the proceedings, the procedure and effects being governed by the law of the court seised of the case.

ARTICLE VIII

Any action for damages contemplated in Article VII of this Convention must be brought, at the option of the plaintiff, either before a court in which an action may be brought against the contracting carrier, as provided in Article 28 of the Warsaw Convention, or before the court having jurisdiction at the place where the actual carrier is ordinarily resident or has his principal place of business.

ARTICLE IX

1. Any contractual provision tending to relieve the contracting carrier or the actual carrier of liability under this Convention or to fix a lower limit than that which is applicable according to this Convention shall be null and void, but the nullity of any such provision does not involve the nullity of the whole agreement, which shall remain subject to the provisions of this Convention.

2. In respect of the carriage performed by the actual carrier, the preceding paragraph shall not apply to contractual provisions governing loss or damage resulting from the inherent defect, quality or vice of the cargo carried.

3. Any clause contained in an agreement for carriage and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by this Convention, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void. Nevertheless, for the carriage of cargo arbitration clauses are allowed, subject to this Convention, if the arbitration is to take place in one of the jurisdictions referred to in Article VIII.

ARTICLE X

Except as provided in Article VII, nothing in this Convention shall affect the rights and obligations of the two carriers between themselves.

[Articles XI to XVIII and the concluding words of the Convention are not reproduced. They deal with the coming into force of the Convention and provide that in the case of inconsistency the text in French shall prevail.]

PART II

THE FRENCH TEXT

CONVENTION

COMPLEMENTAIRE A LA CONVENTION DE VARSOVIE, POUR L'UNIFICATION DE CERTAINES REGLES RELATIVES AU TRANSPORT AERIEN INTERNATIONAL EFFECTUE PAR UNE PERSONNE AUTRE QUE LE TRANSPORTEUR CONTRACTUEL

ARTICLE PREMIER

Dans la présente Convention :

- (a)
- (b) "transporteur contractuel" signifie une personne partie à un contrat de transport régi par la Convention de Varsovie et conclu avec un passager ou un expéditeur ou avec une personne agissant pour le compte du passager ou de l'expéditeur;
- (c) "transporteur de fait" signifie une personne, autre que le transporteur contractuel, qui, en vertu d'une autorisation donnée par le transporteur contractuel, effectue tout ou partie du transport prévu à l'alinéa (b) mais n'est pas, en ce qui concerne cette partie, un transporteur successif au sens de la Convention de Varsovie. Cette autorisation est présumée, sauf preuve contraire.

ARTICLE II

Sauf disposition contraire de la présente Convention, si un transporteur de fait effectue tout ou partie du transport qui, conformément au contrat visé à l'article premier, alinéa (b), est régi par la Convention

de Varsovie, le transporteur contractuel et le transporteur de fait sont soumis aux règles de la Convention de Varsovie, le premier pour la totalité du transport envisagé dans le contrat, le second seulement pour le transport qu'il effectue.

ARTICLE III

1. Les actes et omissions du transporteur de fait ou de ses préposés agissant dans l'exercice de leurs fonctions, relatifs au transport effectué par le transporteur de fait, sont réputés être également ceux du transporteur contractuel.

2. Les actes et omissions du transporteur contractuel ou de ses préposés agissant dans l'exercice de leurs fonctions, relatifs au transport effectué par le transporteur de fait, sont réputés être également ceux du transporteur de fait. Toutefois, aucun de ces actes ou omissions ne pourra soumettre le transporteur de fait à une responsabilité dépassant les limites prévues à l'article 22 de la Convention de Varsovie. Aucun accord spécial aux termes duquel le transporteur contractuel assume des obligations que n'impose pas la Convention de Varsovie, aucune renonciation à des droits prévus par ladite Convention ou aucune déclaration spéciale d'intérêt à la livraison, visée à l'article 22 de ladite Convention, n'auront d'effet à l'égard du transporteur de fait, sauf consentement de ce dernier.

ARTICLE IV

Les ordres ou protestations à notifier au transporteur, en application de la Convention de Varsovie, ont le même effet qu'ils soient adressés au transporteur contractuel ou au transporteur de fait. Toutefois, les ordres visés à l'article 12 de la Convention de Varsovie n'ont d'effet que s'ils sont adressés au transporteur contractuel.

ARTICLE V

En ce qui concerne le transport effectué par le transporteur de fait, tout préposé de ce transporteur ou du transporteur contractuel, s'il prouve qu'il a agi dans l'exercice de ses fonctions, peut se prévaloir des limites de responsabilité applicables, en vertu de la présente Convention, au transporteur dont il est préposé, sauf s'il est prouvé qu'il a agi de telle façon que les limites de responsabilité ne puissent être invoquées aux termes de la Convention de Varsovie.

ARTICLE VI

En ce qui concerne le transport effectué par le transporteur de fait, le montant total de la réparation qui peut être obtenu de ce transporteur, du transporteur contractuel et de leurs préposés quand ils ont agi dans l'exercice de leurs fonctions, ne peut pas dépasser l'indemnité la plus élevée qui peut être mise à charge soit du transporteur contractuel, soit du transporteur de fait, en vertu de la présente Convention, sous réserve qu'aucune des personnes mentionnées dans le présent article ne puisse être tenue pour responsable au delà de la limite qui lui est applicable.

ARTICLE VII

Toute action en responsabilité, relative au transport effectuée par le transporteur de fait, peut être intentée, au choix du demandeur, contre ce transporteur ou le transporteur contractuel ou contre l'un et l'autre, conjointement ou séparément. Si l'action est intentée contre l'un seulement de ces transporteurs, ledit transporteur aura le droit d'appeler l'autre transporteur en intervention devant le tribunal saisi, les effets de cette intervention ainsi que la procédure qui lui est applicable étant réglés par la loi de ce tribunal.

ARTICLE VIII

Toute action en responsabilité, prévue à l'article VII de la présente Convention, doit être portée, au choix du demandeur, soit devant l'un des tribunaux où une action peut être intentée au transporteur contractuel, conformément à l'article 28 de la Convention de Varsovie, soit devant le tribunal du domicile du transporteur de fait ou du siège principal de son exploitation.

ARTICLE IX

1. Toute clause tendant à exonérer le transporteur contractuel ou le transporteur de fait de leur responsabilité en vertu de la présente Convention ou à établir une limite inférieure à celle qui est fixée dans la présente Convention est nulle et de nul effet, mais la nullité de cette clause n'entraîne pas la nullité du contrat qui reste soumis aux dispositions de la présente Convention.

2. En ce qui concerne le transport effectué par le transporteur de fait, le paragraphe précédent ne s'applique pas aux clauses concernant la perte ou le dommage résultant de la nature ou du vice propre des marchandises transportées.

3. Sont nulles toutes clauses du contrat de transport et toutes conventions particulières antérieures au dommage par lesquelles les parties dérogeraient aux règles de la présente Convention soit par une détermination de la loi applicable, soit par une modification des règles de compétence. Toutefois, dans le transport des marchandises, les clauses d'arbitrage sont admises, dans les limites de la présente Convention, lorsque l'arbitrage doit s'effectuer dans les lieux de compétence des tribunaux prévus à l'article VIII.

ARTICLE X

Sous réserve de l'article VII, aucune disposition de la présente Convention ne peut être interprétée comme affectant les droits et obligations existant entre les deux transporteurs.

THIRD SCHEDULE

(Section 17)

First Column Enactment	Second Column Amendment
<p>The Fatal Accidents Law, Cap. 125 section 3</p> <p style="text-align: center;">Act 9 of 1964.</p> <p>The Law Reform (Contributory Negligence) Law Cap. 213 section 3</p>	<p>Renumber the section as subsection (1) of the section and insert the following as subsection (2)—</p> <p style="padding-left: 2em;">“ (2) References in this section to a wrongful act, neglect or default include references to any occurrence which gives rise to a liability under Article 17 in the First Schedule to the Carriage by Air Act, 1964.”</p> <p>(a) Delete from subsection (7) the words “of the Carriage by Air Act, 1932 (Imperial) as adapted, modified and extended to this Island by the Carriage by Air (Colonies, Protectorates and Mandated Territories) Order, 1934” and substitute therefor the words “to the Carriage by Air Act, 1964”.</p> <p>(b) Delete the marginal note to subsection (7) and substitute therefor the marginal note “Act 9 of 1964”.</p>

No. 10—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd March, 1964.

AN ACT to Amend the Dangerous Drugs Law.

[5th March, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Dangerous Drugs (Amendment) Act, 1964, and shall be read and construed as one with the Dangerous Drugs Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 90.

2—Section 21 of the principal Law is hereby amended in the following respects—

Amendment
of section
21 of prin-
cipal Law.

(a) by inserting therein next after subsection (1B) the following as subsection (1c)—

“ (1c) If any member of the Constabulary Force of or above the rank of Sergeant is satisfied that there is reasonable cause to believe

that an offence against this Law is being committed in any premises, he may give directions in writing to any constable to enter such premises, search the premises and seize and detain—

- (a) any drug to which this Law applies;
- (b) anything in which such constable reasonably suspects a drug to which this Law applies is being concealed;
- (c) any other thing by means of which or in respect of which such constable reasonably believes an offence against this Law has been committed or which may be evidence of the commission of such offence,

and such constable shall have power to carry out such directions:

Provided that it shall be the duty of such constable in the execution of any such directions to produce the instrument containing the same to the owner or occupier of any premises entered pursuant to such directions if required by such owner or occupier to do so, and to permit a copy thereof to be taken by, or on behalf of, such owner or occupier either at the time of the entering and search of such premises or at any time afterwards whilst such instrument remains in the custody of the constable.”;

- (b) by inserting in subsection (3) next after the word “drugs,” the word “things,”.

Amendment
of section
22 of prin-
cipal Law.

3—Section 22 of the principal Law is hereby amended in the following respects—

- (a) by deleting the comma at the end of paragraph (c) of subsection (1), substituting therefor a semi-colon and the word “or” and inserting the following paragraphs—

- “ (d) being the owner or occupier of any premises, uses such premises for the cultivation of ganja or permits such premises to be so used; or
- (e) uses any vehicle for carrying ganja or for the purpose of selling or otherwise dealing in ganja, or being the owner or person in charge of any vehicle, permits it to be so used,”;

- (b) by deleting subsections (2) and (2A) and substituting therefor the following subsections—

“ (2) Any person who is guilty of the offence of cultivating or selling or otherwise dealing in ganja shall on a first conviction for such offence be imprisoned with hard labour for a term not less than five years and not exceeding seven years and on a second or subsequent conviction for such offence be imprisoned with hard labour for a term not less than seven years and not exceeding ten years.

(2A) Every person who is guilty of the offence of being in possession of ganja shall, on summary conviction before a Resident Magistrate, in the case of a first conviction for such offence, be imprisoned with hard labour for a term not less than eighteen months and not exceeding three years and in the case of a second or subsequent conviction for such offence, be imprisoned with hard labour for a term not less than three years and not exceeding five years.”.

4—The principal Law is hereby amended by inserting therein next after section 23, the following section as section 23A—

Insertion
of new
section 23A
in prin-
cipal Law.

“Seizure and forfeiture of vehicles. 23A—(1) If any constable has reasonable cause to suspect that any vehicle is being

used or has been used for the commission of any offence against this Law, he may without a warrant search and, if such search reveals evidence that the vehicle is being used or has been used for the commission of any offence as aforesaid, seize and detain such vehicle.

(2) On the conviction of any person for an offence against this Law the court—

- (a) may, upon the application of the prosecution in the case of a first conviction for any such offence;
- (b) shall, in the case of a second or subsequent conviction for any such offence,

order the forfeiture of any vehicle used in the commission of the offence and seized pursuant to this section.”

No. 11—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd March, 1964.

AN ACT Relating to Poor Relief Officers.

[The date of any Notice issued by the Minister]
bringing the Act into operation.

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Poor Relief Officers (Unified Service) Act, 1964, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*. Short title and commencement.

2—(1) From and after the commencement of this Act the functions to which this section refers and which relate to poor relief officers in the employ of a Parish Council or the Kingston and Saint Andrew Corporation shall be exercised by the Parish Councils Services Commission or by the Municipal Service Commission, as the case may be. Transfer of functions.

(2) The functions to which this section refers are—

- (a) as respects a Parish Council, those described in subsection (1) of section 10 of the Parish Councils (Unified Service) Law, 1956, as matters which shall stand referred to the Parish Councils Services Commission; and
- (b) as respects the Kingston and Saint Andrew Corporation, those described in section 13 of the Municipal Service Commission Law, 1956, as matters which shall stand referred to the Municipal Service Commission.

Law 35 of 1956.

Law 20 of 1956.

Schedule.

(3) For the purpose of giving effect to the provisions of subsection (1) and otherwise, the amendments specified in the second column of the Schedule to this Act shall be made in the enactments specified in the first column of that Schedule.

SCHEDULE

(Section 2)

Enactments

Amendments

The Poor Relief Law (Cap. 299)

section 18

Insert as subsection (5) the following—

“(5) Notwithstanding anything to the contrary, references in subsections (2) and (3) of this section to the functions of a Parish Council under this Law shall not include the functions described in subsection (1) of section 10 of the Parish Councils (Unified Service) Law, 1956, or section 13 of the Municipal Service Commission Law, 1956, relating to poor relief officers.”.

Law 35 of 1956.
Law 20 of 1956.

section 20

- (a) Delete from subsection (1) the words “subject to the approval of the Board of Supervision”;
- (b) delete from subsection (2) the words “without the approval of the Board of Supervision and”

Enactments

Amendments

section 22

- (a) Delete the proviso to subsection (2);
- (b) delete from subsection (3) the words appearing after the words "investigation the Board" and substitute therefor the following—
"may make such order as it thinks fit:

Provided that in so far as the investigation relates to the performance of the duties [or conduct] of a poor relief officer the findings shall be reported to the Parish Council and the provisions of subsection (2) of this section shall apply as if the investigation were held by the Parish Council under subsection (1) of this section."

- (c) delete from subsection (4) the words "or the Board of Supervision, as the case may be,".

section 26

- (a) Delete the words "or Board of Management, as the case may be,";
- (b) delete all the words appearing after the words "master or matron, or both".

section 27

Delete the words ", or the Board of Management of any combination of parishes,".

section 28

- (a) Delete the words "or Board of Management" wherever they appear;
- (b) delete the words ", as the case may be,".

The Municipal Service
Commission Law,
1956 (Law 20 of 1956)

Second Schedule

- (a) Delete sub-paragraph (b) of paragraph (2) of regulation 2;
- (b) insert in the Appendix thereto, under item 3 the following—
" (g) Assistant Inspector of Poor Grade II."

EnactmentsAmendments

The Parish Councils (Unified Service) Law, 1956
(Law 35 of 1956)

section 10

Act 11 of
1964.

Second Schedule

Insert after the words "Parish Council" appearing at the end of the section the words "but where such a person is a poor relief officer the references to the appointed day in this paragraph and in regulations 2 and 3 of the Second Schedule shall be deemed to be references to the day on which the Poor Relief Officers (Unified Service) Act, 1964 commences".

- (a) Delete paragraph (2) of regulation 2;
- (b) insert in the Appendix thereto under item 3 and immediately below "Works Overseer" the following—
"Assistant Inspector of Poor
Assistant Matron of the Alms-
house
Staff Nurse."

No. 12—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd March, 1964.

AN ACT to Amend the Kingston and St. Andrew Corporation Law.

[]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same as follows:—

1—This Act may be cited as the Kingston and St. Andrew Corporation (Amendment) Act, 1964, and shall be read and construed as one with the Kingston and St. Andrew Corporation Law (hereinafter referred to as the principal Law) and all amendments thereto, and shall come into operation on the commencement of the Election Petitions (Amendment) Act, 1963.

Short title,
construction
and com-
mencement.
Cap. 192.

Act 6 of
1963.

2—Section 110 of the principal Law is hereby repealed and the following substituted therefor—

Repeal and
replacement
of section
110 of
principal
Law.

"Election
petitions.
Cap. 107.

110—The provisions of the Election Petitions Law and of rules of court made

in relation thereto shall apply to petitions relating to the election of members of the Council of the Kingston and St. Andrew Corporation as they apply to petitions relating to an election of members of a Parish Council subject to the following modifications—

- (a) that for references to a Parish Council there shall be substituted references to the Council of the Kingston and St. Andrew Corporation; and
- (b) that for references to the chairman and vice-chairman of a Parish Council there shall be substituted references to the Mayor and Deputy Mayor respectively; and
- (c) that for references to divisions there shall be substituted references to electoral divisions constituted under this Law; and
- (d) the amount of security required to be given in the case of a petition relating to an election under this Law shall be one hundred pounds and not fifty pounds as in the case of a petition relating to an election to a Parish Council.''

No. 13—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd March, 1964.

AN ACT to Validate the College of Arts, Science and Technology Scheme, 1959, and the acts done by certain persons under that Scheme and to indemnify those persons from legal proceedings in respect of the said acts.

[5th March, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the College of Arts, Science and Technology (Validation of Acts and Indemnity) Act, 1964. Short title.

2—In this Act “the Council” means the Council of the College of Arts, Science and Technology established under the College of Arts, Science and Technology Scheme, 1959. Interpretation.

Validation
and
Indemnity.
Cap. 106.

3—Notwithstanding any failure to comply with any requirements imposed by or under the Education Law, as to the management of technical institutions—

- (a) the College of Arts, Science and Technology Scheme, 1959, is hereby declared in all respects to have been validly, properly and lawfully drawn up, published and approved;
- (b) all acts done in good faith between the 24th day of August, 1959, and the commencement of this Act by the Minister of Education, the Council and any person acting on behalf of the Council in the purported exercise of any power, right or privilege conferred, or the purported performance of any duty imposed, by the College of Arts, Science and Technology Scheme, 1959, are hereby declared in all respects to have been validly, properly and lawfully done; and
- (c) the Minister of Education, the Council and every person acting on behalf of the Council in the purported exercise of any such power, right or privilege or the purported performance of any such duty, are hereby freed, acquitted, discharged and indemnified as well against The Queen's Most Gracious Majesty, Her Heirs and Successors as against all persons whatever from all legal proceedings of any kind in respect of or consequent on such acts as aforesaid.

No. 14—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd March, 1964.

AN ACT to Amend the Beach Control Law, 1955.

[5th March, 1964].

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Beach Control (Amendment) Act, 1964, and shall be read and construed as one with the Beach Control Law, 1955 (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and construc-
tion.

Law 63 of
1955.

2—Section 11 of the principal Law is hereby amended in the following respects—

Amendment
of section 11
of principal
Law

- (a) by deleting from subsection (2) the words "sell or grant leases" and substituting therefor the word "dispose";

- (b) by deleting subsection (3) and substituting therefor the following—

“(3) Any lease taken by the Authority pursuant to this section shall be for such period, and subject to subsection (5) shall reserve such annual rent payable yearly in advance and include such covenants and conditions as may be determined by agreement between the Authority and lessor and approved by the Minister, and any such lease may at the option of the Authority, be renewed from time to time as often as it expires.”;

- (c) by deleting from subsection (4) the words “on a year to year basis for an indefinite period” and substituting therefor the words “otherwise than by purchase”;

- (d) by deleting paragraph (a) of subsection (4) and substituting therefor the following—

“(a) the Authority may with the leave of the Minister and by agreement with the owner or other person having power to dispose of such land, terminate such right at any time;”;

- (e) by deleting from paragraph (b) the words “of the land” and substituting therefor the words “or other person having power to dispose of the land which is”;

- (f) by inserting the following subsection as subsection (5)—

“(5) Where pursuant to this section the Authority have acquired land otherwise than by purchase the Authority may at any time by agreement with the owner or other person having power to dispose of such land and subject

to the approval of the Minister vary the annual rent payable in respect thereof.”.

3—Subsection (1A) of section 24 of the principal Law is hereby repealed and the following substituted therefor:—

Amendment
of section 24
of principal
Law.

(1A) Where the Authority pursuant to section 11 have acquired land otherwise than by purchase and fail at the time of any proposed variation of the annual rent to arrive at any agreement with the owner or other person having power to dispose of such land as to the annual rent to be paid upon such variation, the Authority may in like manner seek the approval of the Minister for the assessment of such annual rent by a Commission.

No. 15—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

3rd March, 1964.

AN ACT to Amend the Old Age Pensions and
Superannuation Schemes Law, 1958

[5th March, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and
House of Representatives of Jamaica, and by the
authority of the same, as follows:—

1—This Act may be cited as the Old Age Pensions and
Superannuation Schemes (Amendment) Act, 1964, and
shall be read and construed as one with the Old Age
Pensions and Superannuation Schemes Law, 1958 (here-
inafter referred to as the principal Law) and all amend-
ments thereto.

Short title
and con-
struction.

Law 63 of
1958.

Amendment
of section
6 of prin-
cipal Law.

2—Subsection (2) of section 6 of the principal Law is hereby amended by deleting the fullstop at the end of paragraph (k) and substituting therefor a semicolon, and by adding the following as paragraph (l)—

“(l) provide that in such circumstances and subject to such conditions as may be specified in the scheme payments out of any fund established in connection with the scheme may on the death of any person covered by the scheme be made to his dependants or such other persons as may be specified in the scheme.”.

No. 16—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th March, 1964

AN ACT to Amend the Tonnage Tax Law.

[9th March, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Tonnage Tax (Amendment) Act, 1964, and shall be read and construed as one with the Tonnage Tax Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.

Cap. 382.

2—Section 8 of the principal Law is hereby repealed.

Repeal of
section 8 of
principal
Law.

No. 17—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th March, 1964

AN ACT to Amend the International Business Companies
(Exemption from Income Tax) Law, 1956.

[1st January, 1962]

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and House
of Representatives of Jamaica, and by the authority of the
same, as follows:—

1—This Act may be cited as the International Business
Companies (Exemption from Income Tax) (Amendment)
Act, 1964, and shall be read and construed as one with the
International Business Companies (Exemption from Income
Tax) Law, 1956 (hereinafter referred to as the principal
Law) and all amendments thereto and, subject to the pro-
visions of subsection (2) of section 3, shall be deemed to
have come into operation on the 1st day of January, 1962.

Short title.
construction
and com-
mencement.

Law 36 of
1956.

Amendment
of long title
to principal
Law.

2—The long title to the principal Law is hereby amended by inserting therein next after the word “tax” the words “in whole or in part”.

Amendment
of section 2
of principal
Law.

3—(1) Section 2 of the principal Law is hereby amended in the following respects—

- (a) by renumbering the existing section as subsection (1) of the section;
- (b) by inserting in subsection (1) (as re-numbered by this section) immediately before the definition of “international business company” the following definitions—

“ “exempted company” means an international business company resident in Jamaica which does not carry on trade in the buying or selling of goods or services in, or originating in, Jamaica;

“goods” includes commodities, products and securities;”;

- (c) by deleting from the definition of “international business company” the words “the prescribed area” wherever those words appear and substituting therefor the word “Jamaica”;
- (d) by deleting from the definition of “international business company” the words “one half” wherever those words appear and substituting therefor the word “one-tenth”;

- (e) by deleting the definition of "prescribed area" and substituting therefor the following definitions—

" "investment company" means a body corporate, whether incorporated under the law of Jamaica or not, engaged exclusively in the business of buying, selling, holding or managing securities;

"securities" means shares, stock, bonds, notes (other than promissory notes), debentures, debenture stock, units under a unit trust scheme and any other securities prescribed by the Minister for the purpose of this Law;"

- (f) by deleting the definition of "trading locally";
(g) by adding thereto the following subsection—

" (2) A shareholder of an international business company shall not be deemed for the purposes of this Law to be a person resident in Jamaica by reason only of the fact that he visits Jamaica from time to time for the purpose of supervising the operations of that company."

(2) The amendment made in paragraph (d) of subsection (1) shall have effect from the 1st day of January, 1965.

4—Sections 3 and 4 of the principal Law are hereby repealed and the following sections substituted therefor—

"Exemption of profits and gains from income tax.

3—(1) The profits or gains of an international business company which is not an investment company shall be exempt from income tax if, within the prescribed time after the expiration of a year of assessment the company satisfies the Commissioner of Income Tax that during the whole of that year of assessment it was an exempted company within the meaning of this Law.

Repeal and replacement of sections 3 and 4 of principal Law.

Law 59 of
1954.

(2) In lieu of tax at the rates specified in sections 18 and 19A of the Income Tax Law, 1954, income tax at a reduced rate of sixpence in the pound shall be levied and paid upon the profits or gains of an international business company which is an investment company if, within the prescribed time after the expiration of a year of assessment, the company satisfies the Commissioner of Income Tax that during the whole of that year of assessment it was an exempted company within the meaning of this Law.

(3) Notwithstanding the requirement in subsections (1) and (2) of this section that a company must be an international business company for the whole of each year of assessment—

- (a) a company incorporated during the course of a year of assessment which is claiming exemption from income tax or the right to pay income tax at a reduced rate pursuant to this Law in respect of profits or gains arising or accruing during the period between its incorporation and the 31st day of December next following, shall be required to satisfy the Commissioner of Income Tax that during such period only it was an exempted company;
- (b) if an international business company of which the profits or gains are exempt from income tax or are liable to income tax at a reduced

rate pursuant to this Law is wound up during the course of a year of assessment, the profits or gains of that company arising or accruing during the course of that year shall be exempt from income tax or shall be liable to income tax at the reduced rate specified in subsection (2), as the case may require.

Dividends.

4—(1) Any dividend paid by an international business company which is not an investment company to a person not resident in Jamaica out of profits or gains which are exempt from income tax in accordance with subsection (1) of section 3, shall be exempt from income tax.

(2) In lieu of tax at the rates specified in the Income Tax Law, 1954, income tax at the rate of sixpence in the pound shall, subject to the provisions of that Law, be levied and paid upon any dividend paid by an international business company which is an investment company to a person not resident in Jamaica out of profits or gains which are liable to income tax at a reduced rate in accordance with subsection (2) of section 3, and unless, pursuant to the first proviso to section 21 of that Law, the Commissioner of Income Tax otherwise authorises, the company paying the dividend shall be entitled to deduct out of the dividend the income tax payable thereon in accordance with this subsection.

(3) Subject to the provisions of the Income Tax Law, 1954, income tax at the rates specified in that Law shall be levied and

paid upon any dividend paid by any international business company to a person resident in Jamaica and unless, pursuant to the first proviso to section 21 of that Law, the Commissioner of Income Tax otherwise authorises, the company paying the dividend shall be entitled to deduct income tax therefrom at the rate specified in section 21 of that Law.

(4) An international business company making deduction of income tax pursuant to subsection (2) or subsection (3) shall be deemed to be collecting tax on behalf of the Commissioner of Income Tax and shall pay to the Commissioner of Income Tax, or to such person as he may direct, the amounts so deducted.

(5) Save as otherwise provided in this Law, the provisions of the Law relating to income tax, including surtax, shall apply to dividends paid by an international business company.''.

Amendment of section 6 of principal Law.

5—Section 6 of the principal Law is hereby amended by deleting all the words appearing after the words "applicable to" and substituting therefor the words "a company shall apply to an international business company".

Repeal of Schedule to principal Law.

6—The Schedule to the principal Law is hereby repealed.

Transitional.

7—The amendment of the principal Law made in paragraph (d) of subsection (1) of section 3 of this Act shall not have effect as respects any of the companies which at the date of enactment of this Act were international business companies until the expiration of such period, not being less than five years from the date aforesaid, as the Minister shall specify in writing in each case.

No. 18—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th March, 1964

AN ACT to Amend The United Presbyterians in Jamaica
Incorporation and Vesting Law.

[9th March, 1964]

BE IT ENACTED by the Queen's Most Excellent Majesty
by and with the advice and consent of the Senate and
House of Representatives of Jamaica, and by the authority
of the same as follows:—

1—This Act may be cited as “The Jamaica Presbyterian Corporation (Amendment) Act, 1964” and shall be read as one with The United Presbyterians in Jamaica Incorporation and Vesting Law (hereinafter referred to as “the Principal Law”).

Short title
and con-
struction.
Cap. 146
of the 1938
Edition.

2—Section 11 of the Principal Law is hereby repealed and the following new section substituted therefor:—

Repeal and
replacement
of section
11 of the
Principal
Law.

Powers of
Corporation.

11—The Corporation shall have power:—
(a) to acquire by purchase, transfer,

donation, exchange, devise, bequeath, grant, gift or otherwise for the benefit and purposes of the Presbyterian Church of Jamaica or for any special purpose connected therewith in Jamaica or any of its Dependencies any lands or hereditaments or any estate or interest therein and all property real personal or mixed;

- (b) to give, grant, let, charge, improve, manage, develop, exchange, lease, mortgage, sell, convey, assign, dispose of, turn to account or otherwise deal with all or any of the property present or future for the time being vested in the Corporation;
- (c) to borrow or raise and secure the payment of money in such manner as may be thought fit :

Provided that no land or hereditaments or estate or interest therein shall be sold, mortgaged, disposed of or rented for any term, longer than from year to year without the concurrence and approval of the Synod, but no person dealing with the Corporation shall be concerned or required to inquire whether such concurrence and approval has in fact been obtained.

Repeal and replacement of section 17 of the Principal Law.

3—Section 17 of the Principal Law is hereby repealed and the following new section substituted therefor:—

Execution of Deeds, etc.

17—No deed or document purporting to be executed by the Corporation shall be of any validity unless it be sealed with the seal

of the Corporation and signed by not less than two members of the Corporation.

4—Nothing in this Act shall prejudice or affect the rights of Her Majesty the Queen, Her Heirs and Successors or of any body politic or corporate or of any other person or persons except such as are mentioned in this Act and those claiming by through or under them. Saving of prerogative.

No. 19—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th March, 1964

AN ACT for the Incorporation of the Baptist Mid-Mission in Jamaica.

[9th March, 1964]

WHEREAS the persons hereinafter named and other persons inhabitants of this Island have been associated together under the name of "Baptist Mid-Missions in Jamaica" for the teaching and spreading of the Gospel as taught by Baptist Mid-Missions, a body incorporated under the Laws of the State of Ohio in the United States of America:

AND WHEREAS property, both real and personal, is held or possessed by divers persons so associated in trust or for the benefit or on behalf of the Society:

AND WHEREAS it is expedient and desirable that there should be a corporate body in which may be vested the property already and hereafter to be acquired by persons so associated and possessed of the powers by this Act conferred:

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

Short title. 1—This Act may be cited as the Baptist Mid-Missions in Jamaica (Incorporated) Act, 1964.

Interpretation. 2—In this Law—
 “the Society” means the persons for the time being associated in Jamaica under the name of “Baptist Mid-Missions in Jamaica”;
 “the Corporation” means the body incorporated by this Act.

Incorporation of the Baptist Mid-Missions in Jamaica. 3—(1) The following persons, that is to say, Robert William Clubine, President; Reverend Frank Castevens, Vice-President; Muriel Gene Davis, Treasurer; Helen Gardner, Secretary; all of Giddy Hall in the parish of St. Elizabeth and James Martin Green, a Trustee, and their Successors for the time being in the respective offices aforesaid are hereby declared constituted and appointed a Corporation or Body Corporate to have continuance forever and perpetual succession by the name of “Baptist Mid-Missions in Jamaica” and possessed of a Corporate Seal and by that name may sue and be sued in all courts in this island.

(2) No act or proceeding of the Corporation shall be invalidated by reason of any vacancy in the body or in any of the offices mentioned in the preceding subsection or by any defect in the appointment of any person to any such office.

(3) The Seal of the Corporation shall be of such design and pattern as the Corporation may from time to time determine.

(4) Upon the recording in the Record Office or the lodging at the Office of Titles of certificate under the Seal of the Corporation of the appointment of any person to

any office mentioned in subsection (1) of this section, the person named in such certificate shall be deemed to be the holder of the office named therein until the recording or lodging of a certificate of the appointment of another person to such office.

4—No deed or document purporting to be executed by the Corporation shall be of any validity unless it be sealed with the Corporate Seal and signed by not less than three members of the Corporation of which the President or the Vice-President must be one.

Mode of execution of documents.

5—(1) All lands and hereditaments, and all goods, chattels and personal property in Jamaica which are now legally or equitably the property of the Society or are held in trust for the purpose of the Society or are now held or possessed on behalf of the Society by the officials, ministers, or members of the Society or any of them, or by any person holding under such officials, ministers or members or any of them, are hereby transferred to and vested in the Corporation their successors and assigns subject to all trusts, mortgages, charges, rights, reservations or incumbrances (if any) affecting the same or any part thereof.

Realty and Personalty vested in Society subject to all Trusts, Mortgages, etc.

(2) All property real and personal in the island of Jamaica bequeathed by Will or otherwise given to the said Society or any person for the benefit of the Society shall be held by, and is hereby vested in, and shall be deemed to be the property of the said Corporation.

6—The Corporation shall have the following powers:—

Powers.

- (a) to acquire, hold, purchase, lease, possess and enjoy any lands and hereditaments whatsoever in fee simple, for leasehold, or for any other estate or interest therein, and all property real, personal or mixed;
- (b) to give, grant, let, charge, improve, manage, develop, exchange, lease, mortgage, sell, convey.

assign, dispose of, turn to account, or otherwise deal with, all or any of the property, both present and future, so held or any part thereof;

- (c) to borrow or raise or secure the payment of money in such manner as may be thought fit and in particular by issue of debentures or scrip charged upon all or any of the property (both present and future) held by or vested in the Corporation and to redeem and pay off such securities;
- (d) to appoint an attorney or attorneys, either generally or for a limited period, and for such purposes and with such powers as may be stated in the power of attorney and to revoke any such appointment.

Saving of
Prerogative.

7—Nothing in this Law shall prejudice or affect the rights of Her Majesty the Queen, Her Heirs and Successors, or of any body politic or corporate or of any person or persons, except such as are mentioned in this Law and those claiming by, from, through, or under them.

No. 20—1964

I assent,

[L.S.]

C. C. CAMPBELL,

Governor-General

20th March, 1964.

AN ACT Further to Amend the Road Traffic Law.

[1st April, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—(1) This Act may be cited as the Road Traffic (Amendment) (No. 2) Act, 1964, and shall be read and construed as one with the Road Traffic Law (hereinafter referred to as the principal Law) and all amendments thereto, and, subject to subsection (2), shall come into operation on the 1st day of April, 1964.

Short title,
construction
and com-
mencement.
Cap. 346.

(2) This section and section 6 shall come into operation forthwith upon the passing of this Act.

Amendment
of section 7
of principal
Law.

2—Subsection (1) of section 7 of the principal Law is hereby amended by deleting from the proviso thereto the words “no fee” and substituting therefor the words “the prescribed fee”.

Amendment
of section 9
of principal
Law.

3—Section 9 of the principal Law is hereby amended—

- (a) by deleting from subsection (1) the words “On the first day of April in each year there” and substituting therefor the word “There”;
- (b) by inserting in subsection (1) immediately after the words “kept for use on a road,” the word “annual”;
- (c) by deleting from subsection (1) the words “in like manner and by such instalments and” and substituting therefor the words “in accordance with the provisions of section 9A, and, subject thereto,”; and
- (d) by deleting from subsection (4) the words “shall specify the number of persons which the vehicle is licensed to carry” and the words “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 licensed”.

Insertion
of section 9A
in principal
Law.

4—The principal Law is hereby amended by inserting therein next after section 9 the following as section 9A—

“Duration
of licences.

9A—(1) A licence under section 9 may be taken out for any period of—

- (i) three months;
- (ii) four months;
- (iii) six months; or
- (iv) twelve months,

commencing from the beginning of the month in which the licence first has effect.

(2) The duty payable under section 9 on a licence for any vehicle shall—

- (a) if the licence is taken out for a period of twelve months, be paid at the annual rate of duty applicable to that vehicle;
- (b) if the licence is taken out for a period less than twelve months, be an amount equal—
 - (i) where the licence is for three months, to one quarter;
 - (ii) where the licence is for four months, to one third;
 - (iii) where the licence is for six months, to one half,of the said annual rate.

(3) Issue of a fresh licence under section 9 to take effect upon the expiry of an earlier licence may be made not earlier than fourteen days before the expiry of the earlier licence and enforcement of any provision for the collection or recovery of licence duty payable under section 9 shall not be undertaken during the month of grace except when the licence is being taken out. For the purposes of this subsection "the month of grace", in relation to any licence, means the period of one month after the expiration of the licence.

(4) Except in such circumstances as may be prescribed, every application for a fresh licence shall be deemed to be an

application for a licence to take effect immediately after the date of expiry of the previous licence, and licence duty shall be payable accordingly.

(5) The provisions of sections 16 and 19 of the Tax Collection Law (which permit payment of taxes in moieties or quarterly) shall not apply to any licence duty payable in accordance with this section .”.

Amendment
of section 13
of principal
Law.

5—Subsection (3) of section 13 of the principal Law is hereby amended by deleting the words “two shillings” and substituting therefor the words “five shillings”.

Amendment
of section 51
of principal
Law.

6—Section 51 of the principal Law is hereby amended by inserting in paragraph (m)—

- (a) immediately after the words “the issue of” the words “registration books and”; and
- (b) immediately after the words “shape and character of” the words “registration books.”.

Amendment
of section 66
of principal
Law.

7—Section 66 of the principal Law is hereby amended by inserting in paragraph (b) thereof immediately after the word “fitness” the words “and the fees to be charged in relation to such certificates”.

Transitional.

8—Notwithstanding anything contained in section 9A of the principal Law as amended by this Act, a licence granted under section 9 of the principal Law in the month of April, 1964 shall not be for a period of three months unless application therefor is made on or before the 15th day of April, 1964.

JAMAICA.

No. 21—1964

I assent,

[L.S.]

C. C. CAMPBELL,

Governor-General

20th March, 1964.

AN ACT to Amend the Licences on Trades and Business
(Valuation Roll) (Special Provisions) Law, 1959.

[20th March, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and
House of Representatives of Jamaica, and by the authority
of the same, as follows:—

1—This Act may be cited as the Licences on Trades
and Business (Valuation Roll) (Special Provisions)
(Amendment) Act, 1964, and shall be read and construed
as one with the Licences on Trades and Business (Valua-
tion Roll) (Special Provisions) Law, 1959 (hereinafter
referred to as the principal Law) and all amendments
thereto.

Short title
and con-
struction.

Law 28 of
1959.

Amendment
of section
4 of princi-
pal Law.

2—Section 4 of the principal Law is hereby amended by deleting the figures “1964” and substituting therefor the figures “1967”.

No. 22—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

22nd May, 1964.

AN ACT to Apply a sum out of the Consolidated Fund to the service of the year ending on the 31st day of March, 1965, and to appropriate the supplies granted in this Session of Parliament.

[28th May, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Appropriation Act, 1964. Short title.

2—The Accountant General may on the warrant of the Minister issue out of the Consolidated Fund a sum not exceeding in the aggregate Fifty-two Million Four Hundred and Thirty-three Thousand and Forty-four Pounds for defraying the several charges and expenses Expenditure authorised.

of the Government of Jamaica, and for other purposes for the financial year ending on the 31st day of March, 1965.

Appropriations.

Schedule.

3—(1) The sum granted by section 2 is hereby appropriated for the services and purposes expressed in the Schedule pursuant to and in accordance with subsection (1) of section 116 of the Constitution of Jamaica and shall be deemed to have been so appropriated from the 1st day of April, 1964.

(2) In addition to the said sum granted out of the Consolidated Fund, accounting officers may apply out of any money whether received by way of fee, penalty, proceeds of sale, or by way of unusual receipt, as appropriations-in-aid of the services and purposes specified in the Schedule the sums respectively set forth in the last column of the Schedule.

SCHEDULE

(Section 3)

Schedule of—

(a) sums granted, and

(b) sums which may be applied as Appropriations-in-Aid in addition thereto,

to defray the charges of the several Heads of Expenditure herein particularly mentioned which will come in course of payment during the year ending on 31st March, 1965.

Head of Expenditure	Sum Granted	Appropriations-in-Aid
	£	£
1 His Excellency the Governor-General and Staff ...	17,357	...
2 Audit	91,045	5,408
3 Houses of Parliament ...	310,094	...
4 Services Commissions ...	50,397	...
5 Office of the Prime Minister ...	1,684,271	...
5A Office of the Prime Minister (Capital)	193,000	...
6 Attorney General	45,814	...
Carried Forward	2,391,978	5,408

SCHEDULE (contd.)

Head of Expenditure	Sum	Appropriations-in-Aid
	Granted	
	£	£
Brought forward	2,391,978	5,408
7 Ministry of External Affairs ...	576,668	10,000
8 Ministry of Finance ...	858,132	...
8A Ministry of Finance (Capital Financing Provisions) ...	1,466,648	...
8B Ministry of Finance (Capital) ...	1,549,342	...
9 Accountant General ...	148,625	...
10 Collector General ...	654,267	124,000
11 Income Tax ...	157,983	...
12 Office of the Parliamentary Counsel ...	27,006	...
13 Savings Bank ...	97,503	...
14 Stamp Duties and Estate Duties	21,696	...
15 Miscellaneous ...	2,021,010	...
16 Department of Supply ...	100	3,428,910
17 Pensions ...	251,388	...
20 Ministry of Agriculture and Lands ...	1,723,630	58,000
20A Ministry of Agriculture and Lands (Capital) ...	2,045,169	137,280
21 Agricultural Credit Board ...	97,213	350
22 Co-operative Department ...	34,272	...
23 Forests ...	100,463	6,000
24 Lands ...	214,681	102,290
25 Registration of Titles ...	36,958	...
26 Rio Cobre Irrigation ...	35,757	...
27 Surveys ...	142,191	21,489
28 Ministry of Health ...	4,762,074	154,130
28A Ministry of Health (Capital) ...	428,339	7,500
29 Bellevue Hospital ...	596,250	10,000
30 Government Chemist ...	29,390	1,020
31 Registrar General's Department and Island Record Office ...	63,835	22,220
32 Ministry of Home Affairs ...	51,685	...
32A Ministry of Home Affairs (Capital) ...	89,420	...
Carried Forward	20,663,673	4,088,597

SCHEDULE (contd.)

Head of Expenditure	Sum	Appropriations-in-Aid
	Granted	
	£	£
Brought forward	20,663,673	4,088,597
33 Administrator General ...	51,690	12,310
34 Bankruptcy ...	13,223	1,150
35 Court of Appeal ...	7,660	...
36 Crown Solicitor ...	25,548	...
37 Electoral Office ...	319,848	...
38 Office of the Director of Public Prosecutions ...	36,983	...
39 Police ...	2,624,299	28,915
40 Printing Office ...	227,313	41,580
41 Resident Magistrates Courts ...	215,660	...
42 Supreme Court ...	61,968	...
43 Ministry of Local Government	415,752	171
43A Ministry of Local Government (Capital) ...	3,279,888	40,300
44 Local Government Contributions ...	3,323,121	...
45 Ministry of Housing ...	36,082	...
45A Ministry of Housing (Capital)	345,000	...
46 Department of Housing ...	305,474	53,025
47 Ministry of Development and Welfare ...	1,189,376	12,850
47A Ministry of Development and Welfare (Capital) ...	197,693	...
48 Geological Survey Department	49,083	...
49 Prisons ...	466,095	43,800
50 Department of Statistics ...	69,423	1,000
51 Town Planning ...	38,435	...
52 Ministry of Education ...	6,341,604	17,050
52A Ministry of Education (Capital)	824,242	38,758
53 Ministry of Trade and Industry	320,099	...
53A Ministry of Trade and Industry (Capital) ...	1,475,500	...
54 Department of Mines ...	18,317	388
55 Trade Administrator ...	49,980	9,650
56 Ministry of Labour ...	199,540	...
Carried Forward	43,192,572	4,389,544

SCHEDULE (contd.)

<u>Head of Expenditure</u>	Sum Granted	Appropriations-in-Aid
	£	£
Brought forward	43,192,572	4,389,544
56A Ministry of Labour (Capital) ...	5,000	...
57 Ministry of Communications and Works ...	1,096,243	3,878
57A Ministry of Communications and Works (Capital) ...	3,762,826	...
58 Civil Aviation Department ...	100	306,740
59 Harbours ...	100	57,075
60 Post and Telegraphs ...	2,075,773	...
61 Public Works Recurrent ...	2,300,430	74,170
Total ...	<u>£52,433,044</u>	<u>£4,831,407</u>

No. 23—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

29th May, 1964.

AN ACT to Amend the Kingston and St. Andrew Corporation General Election (Postponement) Act, 1963.

[30th May, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Kingston and St. Andrew Corporation General Election (Postponement) (Amendment) Act, 1964, and shall be read and construed as one with the Kingston and St. Andrew Corporation General Election (Postponement) Act, 1963, hereinafter referred to as the principal Act.

Short title
and con-
struction.

Act 14 of
1963.

Amendment
to principal
Act.

2—The principal Act is hereby amended by deleting the words “1st day of June, 1964” wherever they occur and substituting therefor the words “1st day of June, 1965”.

No. 24—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

29th May, 1964.

AN ACT to amend the Parish Councils General Election
(Postponement) Act, 1963.

[30th May, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and
House of Representatives of Jamaica, and by the authority
of the same, as follows:—

1—This Act may be cited as the Parish Councils General
Election (Postponement) (Amendment) Act, 1964, and
shall be read and construed as one with the Parish Councils
General Election (Postponement) Act, 1963, hereinafter
referred to as the principal Act.

Short title
and con-
struction.

Act 13 of
1963.

2—The principal Act is hereby amended by deleting the
words "1st day of June, 1964" wherever they occur and
substituting therefor the words "1st day of June, 1965".

Amendment
to principal
Act.

No. 25—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th June, 1964.

AN ACT Relating to the attendance of witnesses at enquiries into the conduct of persons in the Public Service.

[11th June, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Public Service Short title.
Enquiries (Attendance of Witnesses) Act, 1964.

2—(1) In this Act—

Interpreta-
tion.

“enquiry” means any investigation or enquiry into the conduct of an officer against whom disciplinary proceedings are instituted under any

First
Schedule.

of the enactments or regulations specified in the First Schedule;

“officer” means the holder of any public office and includes any person appointed to act in any such office;

“public office” means any office of emolument in the public service;

“public service” means the service of the Crown in a civil capacity in respect of the Government of Jamaica;

“tribunal” means any person or body of persons who conduct an enquiry.

(2) The Minister may at any time by order amend or vary the First Schedule.

Power to
summon
witnesses.

3—(1) A tribunal shall have power to summon any person to attend the enquiry and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person.

Second
Schedule.

(2) A summons under this section shall be in the form prescribed in the Second Schedule and shall be signed by the person constituting the tribunal or, where the tribunal is a body of persons, by the Chairman of the tribunal.

(3) A summons under this section may be served by a constable.

Duty and
privileges
of witnesses.

4—All persons summoned to attend and give evidence or to produce any paper, book, record or document before a tribunal—

(a) shall be bound to obey the summons served upon them;

(b) shall be entitled, in respect of such evidence or the disclosure of any communication or the pro-

duction of any such paper, book, record or document, to the same right or privilege as before a court of law;

- (c) shall be entitled to be paid their expenses, including travelling expenses at the rates prescribed by the Witnesses Expenses Law for witnesses who are entitled to have their expenses paid from public funds: Cap. 415.

Provided that a tribunal may disallow the whole or any part of such expenses in any case, if it thinks fit.

5—(1) Any person who—

- (a) without sufficient cause, fails or refuses to attend before a tribunal in obedience to a summons under this Act, or fails or refuses to produce any paper, book, record or document which he was required by such summons to produce; or
- (b) being a witness, leaves a tribunal without the permission of the tribunal; or
- (c) being a witness, refuses, without sufficient cause, to answer any question put to him by or with the permission of the tribunal; or
- (d) wilfully obstructs or interrupts the proceedings of a tribunal,

Penalty for
disobedience,
disrespect or
obstruction.

shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred pounds or in default of payment thereof to imprisonment with or without hard labour for a term not exceeding three months.

(2) A person shall not be convicted for failing or refusing to attend before a tribunal unless the summons requiring him so to attend has been served personally on him at least three days before the day on which he is required to attend.

Expenses.

6—Any expenses incurred in carrying this Act into operation and approved by the Minister responsible for Finance shall be paid out of the Consolidated Fund.

Proceedings
for penalties.

7—No proceedings for any penalty under section 5 shall be commenced except by the direction of the Director of Public Prosecutions or of the tribunal concerned.

FIRST SCHEDULE (Section 2)

The Judicial Service Regulations, 1961
The Public Service Regulations, 1961
The Police Service Regulations, 1961.

SECOND SCHEDULE (Section 3)

Summons to Witness

To A.B. (*name of person summoned and his calling and residence, if known*).

You are hereby summoned to appear before (*here name the tribunal*) appointed to enquire (*state briefly the subject of enquiry*) at (*place*) on the day of 19 at o'clock, and to give evidence respecting such enquiry.

(*If the person summoned is to produce documents, add:*)

And you are required to bring with you and produce (*specify the books, plans and documents required*).

Therefore fail not at your peril.

Given under my hand this day of 19

No. 26—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th June, 1964.

AN ACT to Amend the Juveniles Law.

[11th June, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Juveniles (Amendment) Act, 1964, and shall be read and construed as one with the Juveniles Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 189.

2—The principal Law is hereby amended by inserting therein, immediately after section 43 the following section as section 43A—

Insertion of
new section
43A in prin-
cipal Law.

“ Emigration
etc. of
juveniles. 43A—(1) Subject to the provisions of this
section, it shall be lawful for a juvenile

who is by an order under this Law committed to the care of a fit person to emigrate or be taken out of Jamaica with the written consent of the Minister.

(2) In giving his consent the Minister may impose such terms and conditions as he may think fit.

(3) The Minister shall not give his consent unless he is satisfied that it would be for the benefit of the juvenile, and that suitable arrangements have been made, or will be made for the juvenile's reception and welfare in the country to which he is going, that the parents or guardian of the juvenile have been consulted or that it is not practicable to consult them, and that the juvenile consents:

Provided that where the juvenile is too young to form or express a proper opinion on the matter, the Minister may consent to his emigrating, or being taken out of Jamaica, notwithstanding that the juvenile is unable to consent thereto."

Repeal of subsection (2) of section 45 of principal Law.

3—Subsection (2) of section 45 of the principal Law is hereby repealed.

No. 27—1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

20th June, 1964.

AN ACT to Amend the Constabulary Force Law.

[22nd June, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Constabulary Force (Amendment) Act, 1964, and shall be read and construed as one with the Constabulary Force Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 72.

2—Sections 30 and 74 of the principal Law are hereby amended by deleting the references to Governor-General in Council and Governor-General and substituting therefor the word "Minister".

Amendments
of sections
30 and 74
of principal
Law.

Insertion of
new sections
77 and 78 in
principal
Law.

3—The principal Law is hereby amended by inserting therein next after section 76 the following as sections 77 and 78 respectively—

“Meetings
to be
secret.

77—(1) A person who is not a member of the Constabulary Force shall not without the consent in writing of the Commissioner attend a meeting of a Branch Board, Central Conference or Central Committee.

(2) A person who is a member of the Constabulary Force shall not without the consent in writing of the Commissioner publish or communicate to any person other than the Minister, a member of the Police Service Commission or a member of the Constabulary Force any information (however obtained) relating to the proceedings, deliberations, recommendations or decisions of a Branch Board, Central Conference or Central Committee or to any matter whatever arising out of or concerning the duties of the Federation.

(3) Every person who contravenes any of the provisions of this section shall be guilty of an offence and liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred pounds, or to imprisonment with or without hard labour for a term not exceeding six months.

Liability of
member of
Federation to
discipline.

78—(1) Notwithstanding anything to the contrary disciplinary proceedings may be taken against a person who is acting in the capacity of a member of the Police Federation under any of the specified provisions and for that purpose such provisions shall apply to him in that capacity in like

manner as they apply to him in his capacity as a member of the Constabulary Force.

(2) In this section "specified provisions" means—

- (a) rules made under section 30;
- (b) the Police Service Regulations, 1961, or any other regulations for the time being in force made pursuant to section 135 of the Constitution of Jamaica in relation to the powers, duties or procedure of the Police Service Commission."

4—The Second Schedule to the principal Law is hereby amended by deleting the fullstop at the end of rule 16 therein and substituting therefor the words "and a copy of any such representations or report, as the case may be, shall be sent to the Chairman of the Police Service Commission."

Amendment
of Second
Schedule to
principal
Law.

No. 28-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

20th June, 1964.

AN ACT Relating to fees of consular officers.

[22nd June, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Consular Fees Act, Short title. 1964.

2—In this Act—

Interpreta-
tion.

“Minister” means the Minister for the time being responsible for External Affairs;

“consular officer” means a consul-general, consul, vice-consul or consular agent appointed to represent Jamaica and holding a valid exequatur or other authorisation to perform consular functions.

Power to
fix con-
sular fees.

3—(1) It shall be lawful for the Minister, by order to fix the fees to be taken in respect of any matter or thing done by a consular officer in the execution of his office, and vary such fees by way of increase or decrease, and to abolish fees, and to create new fees.

(2) Every such order shall set out in the Schedule thereto the duties for which a consular officer shall charge a fee.

(3) Every order made under this section shall be subject to negative resolution of the House of Representatives.

(4) A consular officer shall not, save as may be provided by any order made under this Act, ask for or take any fee or reward for or on account of any act, thing, or service done, performed, or rendered by him in the execution of his office.

Table of
fees to be
exhibited.

4—Every consular officer shall cause to be exhibited in a conspicuous place in his consular office a copy of the table of fees to be taken under any order made under this Act, and shall permit the same to be inspected by any person interested therein.

Payment of
fees into
the Con-
solidated
Fund.

5—All fees levied under this Act shall be public moneys and shall be paid into the Consolidated Fund.

No. 29-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

6th July, 1964.

AN ACT to Confer immunities, powers and privileges on diplomatic and consular representatives and representatives of international organisations and certain other persons; and for purposes ancillary to or connected with the matters aforesaid.

[6th August, 1962]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

PART I—*Preliminary*

1—This Act may be cited as the Diplomatic Immunities and Privileges Act, 1964, and shall be deemed to have come into operation on the 6th day of August, 1962.

Short title
and com-
mencement.

Interpreta-
tion and
application.

2—(1) In this Act, unless the context otherwise requires—

“consular employee” means any person, not being a consular officer, who is employed in duties at a consular office by a foreign sovereign Power and whom the Minister recognises as such, but shall not include any person employed on domestic duties;

“consular office” means any building or part of a building which is exclusively occupied for the purpose of the official business of a consular officer;

“consular officer” means a consul-general, consul, vice-consul or consular agent representing a foreign sovereign Power and holding a valid exequatur or other authorisation to act in Jamaica in that capacity;

“head of mission” means an Ambassador, High Commissioner or other person, by whatever title called, accredited by a sovereign Power and recognised as a head of mission in Jamaica by the Government of Jamaica;

“member of the family” in relation to any person to whom this Act applies, means—

(a) the spouse or any dependent child of that person; and

(b) any other person deemed by the Minister to be a member of the family in question;

“Minister” means the Minister for the time being responsible for External Affairs;

“personal immunities” means immunity from suit or legal process (except in respect of things done or omitted to be done in the course of the performance of official duties) and inviolability of residence, and any exemption in respect of taxes, duties, rates or fees;

“Vienna Convention” means the international convention on diplomatic relations set forth in the First Schedule.

First
Schedule.

(2) It is hereby declared that for the purposes of this Act the expression “sovereign Power” includes any member of the Commonwealth which is sovereign.

PART II—*Diplomatic Immunities and Privileges*

3—Subject to the provisions of this Act, a head of mission shall be entitled to such immunities and privileges, and inviolability of residence, official premises, and official archives as are by customary international law and usage accorded to a duly accredited representative of a sovereign Power or as may be necessary to comply with the terms of—

Immunities
and privi-
leges of
heads of
mission.

- (a) the Vienna Convention; or
- (b) any other international agreement,

in the event that the country of the head of mission and Jamaica are parties to such Convention or agreement.

4—(1) Subject to the provisions of this Act, a member of mission of any head of mission shall be entitled to such immunities and privileges as are by customary international law and usage accorded to the member of mission of a duly accredited representative of a sovereign Power or as may be necessary to comply with the terms of—

Immunities
and privi-
leges of
members of
staffs and
of families
of heads of
mission.

- (a) the Vienna Convention; or
- (b) any other international agreement,

in the event that the country of the head of mission and Jamaica are parties to such Convention or agreement.

(2) For the purposes of subsection (1) the expression “member of mission” in relation to any head of mission includes—

- (a) a member of the official or domestic staff of the head of mission;

- (b) a member of the family of the head of mission;
- (c) a member of the family or of the domestic staff of a member of the official staff of the head of mission.

Consular immunity may be conferred by regulations.

5—(1) Subject to the provisions of this Act, every consular officer and consular employee of a foreign sovereign Power in Jamaica shall be entitled to immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of his official duties as such, and to such inviolability of official archives as may be necessary to comply with the terms of any treaty or other international agreement to which the foreign sovereign Power and Jamaica are parties, or as are recognised by the principles of customary international law and usage.

(2) Regulations may be made under this Act conferring on—

- (a) persons in the service of the government of any Commonwealth country other than Jamaica; or
- (b) persons in the service of the government of any territory for whose international relations the government of any such country other than Jamaica is responsible,

(other than persons on whom immunity is conferred by the foregoing provisions of this Part), holding such offices or class of offices as may be specified in that behalf in the regulations, the like immunity from suit and legal process and the like inviolability of official archives as are accorded to consular officers of a foreign sovereign Power,

and the regulations may provide for applying in relation to official premises of persons to whom immunity is conferred under this subsection the provisions of subsection (1) of section 5 of the Consular Conventions Law, 1956, as if those premises were consular offices of a country to which that section applies and those persons were consular officers.

Law 24
of 1956.

(3) In paragraph (b) of subsection (2) the expression "territory" includes any state or province of a Commonwealth country.

(4) The provisions of this section shall have effect in relation to the Republic of Ireland as if it were a Commonwealth country.

PART III—*International Organisations and Persons
connected therewith*

6—(1) This section shall apply to any organisation declared by the Minister by order to be an organisation the members of which are sovereign Powers or the government or governments thereof.

Immunities,
privileges,
etc. of cer-
tain inter-
national
organisa-
tions.

(2) Subject to subsection (3), the Minister may from time to time by order—

(a) provide that any organisation to which this section applies (hereinafter referred to as "the organisation") shall, to such extent as may be specified in the order, have the immunities and privileges set out in Part I of the Second Schedule and shall also have the legal capacities of a body corporate;

Second
Schedule.

(b) confer upon—

(i) any persons who are representatives (whether of governments or not) on any

organ of the organisation or are members of any committee of the organisation or of any organ thereof;

(ii) such officers or classes of officers of the organisation as are specified in the order, being the holders of such high offices in the organisation as are so specified;

(iii) such persons employed on missions on behalf of the organisation as are specified in the order,

to such extent as are specified in the order, the immunities and privileges specified in Part II of the Second Schedule;

Second
Schedule.

(c) confer upon such other classes of officers and servants of the organisation as specified in the order, to such extent as are so specified, the immunities and privileges specified in Part III of the Second Schedule,

and Part IV of the Second Schedule shall have effect for the purpose of extending to the staffs of such representatives and members as are mentioned in sub-paragraph (i) of paragraph (b) of this subsection and to the families of officers of the organisation any immunities and privileges conferred upon the representatives, members, or officers under that paragraph, except in so far as the operation of the said Part IV is excluded by the order conferring the immunities and privileges.

(3) Any order made by the Minister pursuant to subsection (2)—

(a) may, notwithstanding any thing contained in subsection (2), confer on the organisation or on such persons or classes of persons as are referred to in that subsection such immunities and privileges as are required to give effect to any international agreement in that behalf to which Jamaica is a party;

- (b) shall be so framed as to secure that there are not conferred on the organisation or on any such person or class of persons as aforesaid any immunities and privileges greater in extent than those which, at the time of the making of the order, are required to be conferred on the organisation or on such person or class of persons as aforesaid in order to give effect to any such international agreement in that behalf.

(4) Nothing in this section shall authorise the making of any order to confer immunity or privilege upon any person as a representative of the Government of Jamaica or a member of the staff of such a representative.

7—The Minister may from time to time, by order confer on the judges and registrars of the International Court of Justice established by the Charter of the United Nations, and of any other international judicial institution approved by the Minister, and on suitors to that Court or to any such institutions and their agents, counsel, and advocates, such immunities, privileges, and facilities as may be required to give effect to any resolution of, or convention approved by, the General Assembly of the United Nations or, in the case of any such institution as aforesaid, as the Minister may deem necessary for the proper discharge of its functions.

Immunities, privileges, etc. of certain persons may be conferred.

8—(1) Where—

- (a) a conference is held in Jamaica and is attended by representatives of the governments of one or more sovereign Powers or of any of the territories for whose international relations any of those governments is responsible; and
- (b) it appears to the Minister that doubts may arise as to the extent to which the representatives of those governments (other than the Government of

Immunities and privileges of representatives attending international conferences.

Jamaica) and members of their official staffs are entitled to immunities and privileges,

the Minister may, by notice in the *Gazette* direct that every representative of any such government (other than the Government of Jamaica) shall for the purposes of any enactment or rule of law or custom relating to diplomatic immunities and privileges, be treated as if he were a head of mission, and that such of the members of his official staff as the Minister may from time to time direct shall be treated for the purpose aforesaid as if they were members of the official staff of a head of mission.

(2) For the purpose of subsection (1) the Minister may compile a list of the representatives of the governments aforesaid (other than the Government of Jamaica) and members of their official staffs as he thinks proper, and shall cause such list and any amendment of that list or amended list to be published in the *Gazette* and such publication shall include a statement of the date from which the list or amendment, as the case may be, takes or took effect.

PART IV—General

9—(1) The Minister responsible for Finance may by order published in the *Gazette*, or by directions in writing—

- (a) make such provisions as he thinks fit in order to facilitate any exemption from taxes, duties, rates or fees to which any person is entitled consequent on the diplomatic immunities and privileges to which this Act relates and may in the order or directions declare the extent of such exemption in respect of any person or class of persons and as to whether or not any particular tax, duty, rate or fee is included therein or excluded therefrom; and where any such declaration is made it shall, subject to the provisions of the Second Schedule (in the case of any person to whom an order made

Exemption from taxation of persons entitled to immunities and privileges.

Second Schedule.

under subsection (1) or subsection (2) of section 6 refers), be conclusive;

(b) grant any person or class of persons to whom section 5 refers, exemption from taxes, duties and rates upon—

- (i) the person concerned; or
- (ii) the movable property of such person; or
- (iii) so much of the income of the person concerned as is derived directly from the holding of his office,

or from the payment of any fees imposed by law.

(2) No order published or directions given by the Minister responsible for Finance pursuant to subsection (1) shall be construed as exempting any person from compliance with the formalities in respect of importation of goods which are prescribed in any law relating to customs.

(3) Any exemption from taxes, duties, rates or fees to which this section relates shall be subject to compliance with such conditions as the Collector General may prescribe for the protection of the Revenue.

10—(1) The Minister shall compile a list of the persons appearing to him to be entitled to immunities or privileges in accordance with the principles of customary international law and usage or by or under the provisions of this Act, except—

Minister
to publish
lists.

- (a) children under the age of eighteen years of a person so entitled;
- (b) any person whose name appears on a list published under the provisions of subsection (2) of section 8;

and he shall from time to time amend the list, and shall cause the list and any amendment of the list or any amended list to be published in the *Gazette*,

(2) If in any proceedings any question arises whether or not any person or any organisation is entitled to immunities or privileges in accordance with the principles of customary international law and usage or by or under the provisions of this Act, or by reason of being included in a list compiled under the provisions of subsection (2) of section 8, a certificate issued by or under the authority of the Minister stating any fact relevant to that question shall be conclusive evidence of that fact.

Waiver.

11—Any immunities or privileges conferred on any person by or under the provisions of this Act or any regulations made thereunder may be waived in accordance with the principles of customary international law and usage or in compliance with the terms of any Convention or agreement in that behalf to which Jamaica is a party.

Special provisions relating to customs duty.

12—If any goods which have been imported or taken out of bond without payment of customs duty by a person in pursuance of any diplomatic immunity or privilege, or other immunity or privilege conferred or granted by or under this Act, are sold or disposed of within three years of importation or of being taken out of bond to a person who is not entitled to customs franchise privileges, the person who sells or disposes of such goods may be called upon to pay duty thereon at the rate required according to the law relating to the payment of customs duty.

Reciprocal treatment.

13—(1) Nothing in this Act shall be construed as precluding the Minister from withdrawing—

- (i) any immunities or privileges conferred by or under or specified in the provisions of Part II of this Act, in respect of any sovereign Power or any class of persons employed by such Power on the grounds that such Power is failing to accord corresponding immunities or privileges in respect of Jamaica; or

- (ii) any immunities or privileges referred to in Part III or in the Second Schedule from any representatives or nationals of any sovereign Power on the grounds that such Power is failing to accord corresponding immunities or privileges in respect of Jamaica,

Second
Schedule.

or from declining to accord any such immunity or privilege as may be conferred by order or direction under the provisions of this Act on any such grounds as aforesaid.

(2) The Minister may by order confer immunities or privileges other than those conferred by or under or specified in the provisions of Part II of this Act in respect of any sovereign Power or any class of persons employed by such Power if in the opinion of the Minister such immunities or privileges are necessary to accord with corresponding immunities or privileges granted by such Power in respect of Jamaica.

14—No person being exclusively a citizen of Jamaica shall in Jamaica be entitled to any personal immunities and the members of such person's family shall not, as such, be entitled to any personal immunities unless his name is included in a list compiled under the provisions of section 10 and published in the *Gazette* and still in force.

Citizens
of Jamaica.

15—No person shall be entitled to any immunities or privileges in accordance with customary international law or usage or by or under any of the provisions of this Act, on account of his being a domestic servant of a head of mission or any other person, unless his name is included in a list compiled under the provisions of section 10 and published in the *Gazette* and still in force.

Domestic
servants.

PART V—*Miscellaneous Provisions, Repeal and Saving*

16—(1) The Minister responsible for Finance may direct that such refunds or payments be made from any public fund or account or from the money of any local authority,

Provisions
as to
exemption
from
taxation.

public body, or person as may in his opinion be necessary to give effect to any exemption granted under the provisions of this Act.

(2) Where any loss is suffered by any public fund or account other than the Consolidated Fund by the granting of any such exemption or by the making of any refund or payment directed under this section, the Minister responsible for Finance may direct that such payments be made from the Consolidated Fund to that other fund or account as may be necessary in his opinion to reimburse that loss.

(3) Where any loss is suffered by any local authority, public body, or persons by the granting of any such exemption or by the making of any refund or payment directed under this section, the Minister responsible for Finance may direct that such payments be made from the Consolidated Fund to that local authority, public body, or persons as may be necessary in his opinion to reimburse that loss.

(4) All refunds or payments directed under this section to be made from the Consolidated Fund or from any public funds or account other than the Consolidated Fund shall be made without further appropriation than that provided by this section.

Regulations. 17—The Minister may from time to time make regulations for carrying into effect the purposes of this Act, and regulations so made shall be subject to negative resolution.

Saving for pending proceedings. 18—This Act shall not affect any legal proceedings begun before the enactment thereof.

Repeal and amendment. 19—(1) The Laws specified in Part I of the Third Schedule are hereby repealed.

Third Schedule. Law 24 of 1956. (2) The Consular Conventions Law, 1956, is hereby amended in the respects specified in Part II of the Third Schedule.

20—Every order made and list compiled under the provisions of the Diplomatic Privileges (Extension) Law which is still in force immediately before the commencement of this Act shall be deemed to have been made or compiled under the corresponding provisions of this Act and shall continue in force accordingly until amended, varied, revoked or replaced under this Act.

Saving.
Cap. 98.

FIRST SCHEDULE (Sections 2, 3 and 4)

VIENNA CONVENTION ON DIPLOMATIC RELATIONS

THE STATES PARTIES TO THE PRESENT CONVENTION,

RECALLING that peoples of all nations from ancient times have recognized the status of diplomatic agents,

HAVING IN MIND the purposes and principles of the Charter of the United Nations⁽¹⁾ concerning the sovereign equality of States, the maintenance of international peace and security, and the promotion of friendly relations among nations,

BELIEVING that an international convention on diplomatic intercourse, privileges and immunities would contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems,

REALIZING that the purpose of such privileges and immunities is not to benefit individuals but to ensure the efficient performance of the functions of diplomatic missions as representing States,

AFFIRMING that the rules of customary international law should continue to govern questions not expressly regulated by the provisions of the present Convention.

HAVE AGREED as follows:

ARTICLE 1

For the purpose of the present Convention, the following expressions shall have the meanings hereunder assigned to them:

- (a) the "head of the mission" is the person charged by the sending State with the duty of acting in that capacity;
- (b) the "members of the mission" are the head of the mission and the members of the staff of the mission;
- (c) the "members of the staff of the mission" are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;
- (d) the "members of the diplomatic staff" are the members of the staff of the mission having diplomatic rank;
- (e) a "diplomatic agent" is the head of the mission or a member of the diplomatic staff of the mission;
- (f) the "members of the administrative and technical staff" are the members of the staff of the mission employed in the administrative and technical service of the mission;
- (g) the "members of the service staff" are the members of the staff of the mission in the domestic service of the mission;

(1) "Treaty Series No. 67 (1946)", Cmd. 7015.

- (h) a "private servant" is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;
- (i) the "premises of the mission" are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission.

ARTICLE 2

The establishment of diplomatic relations between States, and of permanent diplomatic missions, takes place by mutual consent.

ARTICLE 3

1. The functions of a diplomatic mission consist *inter alia* in:
 - (a) representing the sending State in the receiving State;
 - (b) protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law;
 - (c) negotiating with the Government of the receiving State;
 - (d) ascertaining by all lawful means conditions and developments in the receiving State, and reporting thereon to the Government of the sending State;
 - (e) promoting friendly relations between the sending State and the receiving State, and developing their economic, cultural and scientific relations.
2. Nothing in the present Convention shall be construed as preventing the performance of consular functions by a diplomatic mission.

ARTICLE 4

1. The sending State must make certain that the *agrément* of the receiving State has been given for the person it proposes to accredit as head of the mission to that State.
2. The receiving State is not obliged to give reasons to the sending State for a refusal of *agrément*.

ARTICLE 5

1. The sending State may, after it has given due notification to the receiving States concerned, accredit a head of mission or assign any member of the diplomatic staff, as the case may be, to more than one State, unless there is express objection by any of the receiving States.
2. If the sending State accredits a head of mission to one or more other States it may establish a diplomatic mission headed by a *chargé d'affaires ad interim* in each State where the head of mission has not his permanent seat.
3. A head of mission or any member of the diplomatic staff of the mission may act as representative of the sending State to any international organization.

ARTICLE 6

Two or more States may accredit the same person as head of mission to another State, unless objection is offered by the receiving State.

ARTICLE 7

Subject to the provisions of Articles 5, 8, 9 and 11, the sending State may freely appoint the members of the staff of the mission. In the case of military, naval or air attachés, the receiving State may require their names to be submitted beforehand for its approval.

ARTICLE 8

1. Members of the diplomatic staff of the mission should in principle be of the nationality of the sending State.

2. Members of the diplomatic staff of the mission may not be appointed from among persons having the nationality of the receiving State, except with the consent of that State which may be withdrawn at any time.

3. The receiving State may reserve the same right with regard to nationals of a third State who are not also nationals of the sending State.

ARTICLE 9

1. The receiving State may at any time and without having to explain its decision, notify the sending State that the head of the mission or any member of the diplomatic staff of the mission is *persona non grata* or that any other member of the staff of the mission is not acceptable. In any such case, the sending State shall, as appropriate, either recall the person concerned or terminate his functions with the mission. A person may be declared *non grata* or not acceptable before arriving in the territory of the receiving State.

2. If the sending State refuses or fails within a reasonable period to carry out its obligations under paragraph 1 of this Article, the receiving State may refuse to recognize the person concerned as a member of the mission.

ARTICLE 10

1. The Ministry for Foreign Affairs of the receiving State, or such other ministry as may be agreed, shall be notified of:

- (a) the appointment of members of the mission, their arrival and their final departure or the termination of their functions with the mission;
- (b) the arrival and final departure of a person belonging to the family of a member of the mission and, where appropriate, the fact that a person becomes or ceases to be a member of the family of a member of the mission;
- (c) the arrival and final departure of private servants in the employ of persons referred to in sub-paragraph (a) of this paragraph and, where appropriate, the fact that they are leaving the employ of such persons;
- (d) the engagement and discharge of persons resident in the receiving State as members of the mission or private servants entitled to privileges and immunities.

2. Where possible, prior notification of arrival and final departure shall also be given.

ARTICLE 11

1. In the absence of specific agreement as to the size of the mission, the receiving State may require that the size of a mission be kept within limits considered by it to be reasonable and normal, having regard to circumstances and conditions in the receiving State and to the needs of the particular mission.

2. The receiving State may equally, within similar bounds and on a non-discriminatory basis, refuse to accept officials of a particular category.

ARTICLE 12

The sending State may not, without the prior express consent of the receiving State, establish offices forming part of the mission in localities other than those in which the mission itself is established.

ARTICLE 13

1. The head of the mission is considered as having taken up his functions in the receiving State either when he has presented his credentials or when he has notified his arrival and a true copy of his credentials has been presented to the Ministry for Foreign Affairs of the receiving State, or such other ministry as may be agreed, in accordance with the practice prevailing in the receiving State which shall be applied in a uniform manner.

2. The order of presentation of credentials or of a true copy thereof will be determined by the date and time of the arrival of the head of the mission.

ARTICLE 14

1. Heads of mission are divided into three classes, namely:

- (a) that of ambassadors or nuncios accredited to Heads of State, and other heads of mission of equivalent rank;
- (b) that of envoys, ministers and internuncios accredited to Heads of State;
- (c) that of *chargés d'affaires* accredited to Ministers for Foreign Affairs.

2. Except as concerns precedence and etiquette, there shall be no differentiation between heads of mission by reason of their class.

ARTICLE 15

The class to which the heads of their missions are to be assigned shall be agreed between States.

ARTICLE 16

1. Heads of mission shall take precedence in their respective classes in the order of the date and time of taking up their functions in accordance with Article 13.

2. Alterations in the credentials of a head of mission not involving any change of class shall not affect his precedence.

3. This article is without prejudice to any practice accepted by the receiving State regarding the precedence of the representative of the Holy See.

ARTICLE 17

The precedence of the members of the diplomatic staff of the mission shall be notified by the head of the mission to the Ministry for Foreign Affairs or such other ministry as may be agreed.

ARTICLE 18

The procedure to be observed in each State for the reception of heads of mission shall be uniform in respect of each class.

ARTICLE 19

1. If the post of head of the mission is vacant, or if the head of the mission is unable to perform his functions, a *chargé d'affaires ad interim* shall act provisionally as head of the mission. The name of *chargé d'affaires ad interim* shall be notified, either by the head of the mission or, in case he is unable to do so, by the Ministry for Foreign Affairs of the sending State to the Ministry for Foreign Affairs of the receiving state or such other ministry as may be agreed.

2. In cases where no member of the diplomatic staff of the mission is present in the receiving State, a member of the administrative and technical staff may, with the consent of the receiving State, be designated by the sending State to be in charge of the current administrative affairs of the mission.

ARTICLE 20

The mission and its head shall have the right to use the flag and emblem of the sending State on the premises of the mission, including the residence of the head of the mission, and on his means of transport.

ARTICLE 21

1. The receiving State shall either facilitate the acquisition on its territory, in accordance with its laws, by the sending State of premises necessary for its mission or assist the latter in obtaining accommodation in some other way.

2. It shall also, where necessary, assist missions in obtaining suitable accommodation for their members.

ARTICLE 22

1. The premises of the mission shall be inviolable. The agents of the receiving State may not enter them, except with the consent of the head of the mission.

2. The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity.

3. The premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution.

ARTICLE 23

1. The sending State and the head of the mission shall be exempt from all national, regional or municipal dues and taxes in respect of the premises of the mission, whether owned or leased, other than such as represent payment for specific services rendered.

2. The exemption from taxation referred to in this Article shall not apply to such dues and taxes payable under the law of the receiving State by persons contracting with the sending State or the head of the mission.

ARTICLE 24

The archives and documents of the mission shall be inviolable at any time and wherever they may be.

ARTICLE 25

The receiving State shall accord full facilities for the performance of the functions of the mission.

ARTICLE 26

Subject to its laws and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall ensure to all members of the mission freedom of movement and travel in its territory.

ARTICLE 27

1. The receiving State shall permit and protect free communication on the part of the mission for all official purposes. In communicating with the Government and the other missions and consulates of the sending State, wherever situated, the mission may employ all appropriate means, including diplomatic couriers and messages in code or cipher. However, the mission may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the mission shall be inviolable. Official correspondence means all correspondence relating to the mission and its functions.

3. The diplomatic bag shall not be opened or detained.

4. The packages constituting the diplomatic bag must bear visible external marks of their character and may contain only diplomatic documents or articles intended for official use.

5. The diplomatic courier, who shall be provided with an official document indicating his status and the number of packages constituting the diplomatic bag, shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State or the mission may designate diplomatic couriers *ad hoc*. In such cases the provisions of paragraph 5 of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the diplomatic bag in his charge.

7. A diplomatic bag may be entrusted to the captain of a commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag but he shall not be considered to be a diplomatic courier. The mission may send one of its members to take possession of the diplomatic bag directly and freely from the captain of the aircraft.

ARTICLE 28

The fees and charges levied by the mission in the course of its official duties shall be exempt from all dues and taxes.

ARTICLE 29

The person of a diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity.

ARTICLE 30

1. The private residence of a diplomatic agent shall enjoy the same inviolability and protection as the premises of the mission.

2. His papers, correspondence and, except as provided in paragraph 3 of Article 31, his property, shall likewise enjoy inviolability.

ARTICLE 31

1. A diplomatic agent shall enjoy immunity from the criminal jurisdiction of the receiving State. He shall also enjoy immunity from its civil and administrative jurisdiction, except in the case of:

- (a) a real action relating to private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
- (b) an action relating to succession in which the diplomatic agent is involved as executor, administrator, heir or legatee as a private person and not on behalf of the sending State;
- (c) an action relating to any professional or commercial activity exercised by the diplomatic agent in the receiving State outside his official functions.

2. A diplomatic agent is not obliged to give evidence as a witness.

3. No measures of execution may be taken in respect of a diplomatic agent except in the cases coming under sub-paragraphs (a), (b) and (c) of paragraph 1 of this Article, and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence.

4. The immunity of a diplomatic agent from the jurisdiction of the receiving State does not exempt him from the jurisdiction of the sending State.

ARTICLE 32

1. The immunity from jurisdiction of diplomatic agents and of persons enjoying immunity under Article 37 may be waived by the sending State.

2. Waiver must always be express.

3. The initiation of proceedings by a diplomatic agent or by a person enjoying immunity from jurisdiction under Article 37 shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.

ARTICLE 33

1. Subject to the provisions of paragraph 3 of this Article, a diplomatic agent shall with respect to services rendered for the sending State be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall also apply to private servants who are in the sole employ of a diplomatic agent, on condition:

- (a) that they are not nationals of or permanently resident in the receiving State; and
- (b) that they are covered by the social security provisions which may be in force in the sending State or a third State.

3. A diplomatic agent who employs persons to whom the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State provided that such participation is permitted by that State.

5. The provisions of this Article shall not affect bilateral or multilateral agreements concerning social security concluded previously and shall not prevent the conclusion of such agreements in the future.

ARTICLE 34

A diplomatic agent shall be exempt from all dues and taxes, personal or real, national, regional or municipal, except:

- (a) indirect taxes of a kind which are normally incorporated in the price of goods or services;
- (b) dues and taxes on private immovable property situated in the territory of the receiving State, unless he holds it on behalf of the sending State for the purposes of the mission;
- (c) estate, succession or inheritance duties levied by the receiving State, subject to the provisions of paragraph 4 of Article 39;

- (d) dues and taxes on private income having its source in the receiving State and capital taxes on investments made in commercial undertakings in the receiving State;
- (e) charges levied for specific services rendered;
- (f) registration, court or record fees, mortgage dues and stamp duty, with respect to immovable property, subject to the provisions of Article 23.

ARTICLE 35

The receiving State shall exempt diplomatic agents from all personal services, from all public service of any kind whatsoever, and from military obligations such as those connected with requisitioning, military contributions and billeting.

ARTICLE 36

1. The receiving State shall, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage and similar services, on:

- (a) articles for the official use of the mission;
- (b) articles for the personal use of a diplomatic agent or members of his family forming part of his household, including articles intended for his establishment.

2. The personal baggage of a diplomatic agent shall be exempt from inspection, unless there are serious grounds for presuming that it contains articles not covered by the exemptions mentioned in paragraph 1 of this Article, or articles the import or export of which is prohibited by the law or controlled by the quarantine regulations of the receiving State. Such inspection shall be conducted only in the presence of the diplomatic agent or of his authorized representative.

ARTICLE 37

1. The members of the family of a diplomatic agent forming part of his household shall, if they are not nationals of the receiving State, enjoy the privileges and immunities specified in Articles 29 to 36.

2. Members of the administrative and technical staff of the mission, together with members of their families forming part of their respective households, shall, if they are not nationals of or permanently resident in the receiving State, enjoy the privileges and immunities specified in Articles 29 to 35, except that the immunity from civil and administrative jurisdiction of the receiving State specified in paragraph 1 of Article 31 shall not extend to acts performed outside the course of their duties. They shall also enjoy the privileges specified in Article 36, paragraph 1, in respect of articles imported at the time of first installation.

3. Members of the service staff of the mission who are not nationals of or permanently resident in the receiving State shall enjoy immunity in respect of acts performed in the course of their duties,

exemption from dues and taxes on the emoluments they receive by reason of their employment and the exemption contained in Article 33.

4. Private servants of members of the mission shall, if they are not nationals of or permanently resident in the receiving State, be exempt from dues and taxes on the emoluments they receive by reason of their employment. In other respects, they may enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

ARTICLE 38

1. Except insofar as additional privileges and immunities may be granted by the receiving State a diplomatic agent who is a national of or permanently resident in that State shall enjoy only immunity from jurisdiction, and inviolability, in respect of official acts performed in the exercise of his functions.

2. Other members of the staff of the mission and private servants who are nationals of or permanently resident in the receiving State shall enjoy privileges and immunities only to the extent admitted by the receiving State. However, the receiving State must exercise its jurisdiction over those persons in such a manner as not to interfere unduly with the performance of the functions of the mission.

ARTICLE 39

1. Every person entitled to privileges and immunities shall enjoy them from the moment he enters the territory of the receiving State on proceeding to take up his post or, if already in its territory, from the moment when his appointment is notified to the Ministry for Foreign Affairs or such other ministry as may be agreed.

2. When the functions of a person enjoying privileges and immunities have come to an end, such privileges and immunities shall normally cease at the moment when he leaves the country, or on expiry of a reasonable period in which to do so, but shall subsist until that time, even in case of armed conflict. However, with respect to acts performed by such a person in the exercise of his functions as a member of the mission, immunity shall continue to subsist.

3. In case of the death of a member of the mission, the members of his family shall continue to enjoy the privileges and immunities to which they are entitled until the expiry of a reasonable period in which to leave the country.

4. In the event of the death of a member of the mission not a national of or permanently resident in the receiving State or a member of his family forming part of his household, the receiving State shall permit the withdrawal of the movable property of the deceased, with the exception of any property acquired in the country the export of

which was prohibited at the time of his death. Estate, succession and inheritance duties shall not be levied on movable property the presence of which in the receiving State was due solely to the presence there of the deceased as a member of the mission or as a member of the family of a member of the mission.

ARTICLE 40

1. If a diplomatic agent passes through or is in the territory of a third State, which has granted him a passport visa if such visa was necessary, while proceeding to take up or to return to his post, or when returning to his own country, the third State shall accord him inviolability and such other immunities as may be required to ensure his transit or return. The same shall apply in the case of any members of his family enjoying privileges or immunities who are accompanying the diplomatic agent, or travelling separately to join him or to return to their country.

2. In circumstances similar to those specified in paragraph 1 of this Article, third States shall not hinder the passage of members of the administrative and technical or service staff of a mission, and of members of their families, through their territories.

3. Third States shall accord to official correspondence and other official communications in transit, including messages in code or cipher, the same freedom and protection as is accorded by the receiving State. They shall accord to diplomatic couriers, who have been granted a passport visa if such visa was necessary, and diplomatic bags in transit the same inviolability and protection as the receiving State is bound to accord.

4. The obligations of third States under paragraphs 1, 2 and 3 of this Article shall also apply to the persons mentioned respectively in those paragraphs, and to official communications and diplomatic bags, whose presence in the territory of the third State is due to *force majeure*.

ARTICLE 41

1. Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State. They also have a duty not to interfere in the internal affairs of that State.

2. All official business with the receiving State entrusted to the mission by the sending State shall be conducted with or through the Ministry for Foreign Affairs of the receiving State or such other ministry as may be agreed.

3. The premises of the mission must not be used in any manner incompatible with the functions of the mission as laid down in the present Convention or by other rules of general international law or by any special agreements in force between the sending and the receiving State.

ARTICLE 42

A diplomatic agent shall not in the receiving State practise for personal profit any professional or commercial activity.

ARTICLE 43

The function of a diplomatic agent comes to an end, *inter alia*:

- (a) on notification by the sending State to the receiving State that the function of the diplomatic agent has come to an end;
- (b) on notification by the receiving State to the sending State that, in accordance with paragraph 2 of Article 9, it refuses to recognise the diplomatic agent as a member of the mission.

ARTICLE 44

The receiving State must, even in case of armed conflict, grant facilities in order to enable persons enjoying privileges and immunities, other than nationals of the receiving State, and members of the families of such persons irrespective of their nationality, to leave at the earliest possible moment. It must, in particular, in case of need, place at their disposal the necessary means of transport for themselves and their property.

ARTICLE 45

If diplomatic relations are broken off between two States, or if a mission is permanently or temporarily recalled:

- (a) the receiving State must, even in case of armed conflict, respect and protect the premises of the mission, together with its property and archives;
- (b) the sending State may entrust the custody of the premises of the mission, together with its property and archives, to a third State acceptable to the receiving State;
- (c) the sending State may entrust the protection of its interests and those of its nationals to a third State acceptable to the receiving State.

ARTICLE 46

A sending State may with the prior consent of a receiving State, and at the request of a third State not represented in the receiving State, undertake the temporary protection of the interests of the third State and of its nationals.

ARTICLE 47

1. In the application of the provisions of the present Convention, the receiving State shall not discriminate as between States.
2. However, discrimination shall not be regarded as taking place:
 - (a) where the receiving State applies any of the provisions of the present Convention restrictively because of a restrictive application of that provision to its mission in the sending State;

- (b) where by custom or agreement States extend to each other more favourable treatment than is required by the provisions of the present Convention.

ARTICLE 48

The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialised agencies or Parties to the Statute of the International Court of Justice⁽²⁾, and by any other State invited by the General Assembly of the United Nations to become a Party to the Convention, as follows: until 31 October, 1961 at the Federal Ministry for Foreign Affairs of Austria and subsequently, until 31 March, 1962, at the United Nations Headquarters in New York.

ARTICLE 49

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE 50

The present Convention shall remain open for accession by any State belonging to any of the four categories mentioned in Article 48. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 51

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

ARTICLE 52

The Secretary-General of the United Nations shall inform all States belonging to any of the four categories mentioned in Article 48:

- (a) of signatures of the present Convention and of the deposit of instruments of ratification or accession, in accordance with Articles 48, 49 and 50;
- (b) of the date on which the present Convention will enter into force, in accordance with Article 51.

ARTICLE 53

The original of the present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States belonging to any of the four categories mentioned in Article 48.

(2) "Treaty Series No. 67 (1946)". Cmd. 7015.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorised thereto by their respective Governments, have signed the present Convention.

DONE AT VIENNA, this eighteenth day of April one thousand nine hundred and sixty-one.

[Here follow the signatures of representatives of the following States⁽³⁾):

Ceylon	Ecuador	Senegal
Ghana	Federal Republic of	Sweden
Irish Republic	Germany	Switzerland
Albania	Guatemala	Ukrainian S.S.R.
Argentina	Holy See	U.S.S.R.
Austria	Hungary	Uruguay
Brazil	Israel	Venezuela
Bulgaria	Lebanon	Yugoslavia]
Byelorussian S.S.R.	Liberia	
Chile	Liechtenstein	
China	Mexico	
Colombia	Norway	
Congo (Leopoldville)	Panama	
Czechoslovakia	Poland	
Denmark	Romania	

SECOND SCHEDULE

(Section 6)

PART I

Immunities and Privileges of the Organisation

1. Immunity from suit and legal process.
2. The like inviolability of official archives and premises occupied as offices as is accorded in respect of the official archives and premises of the head of mission.
3. The like exemption or relief from taxes, duties, rates and fees, other than duties on the importation of goods, as is accorded to a sovereign Power.
4. Exemption from duties on the importation of goods directly imported by the organisation for its official use in Jamaica or for exportation, or on the importation of any publications of the organisation directly imported by it, such exemption to be subject to compliance with such conditions as the Collector General may prescribe for the protection of the Revenue.
5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organisation for its official use and in the case of any publications of the organisation directly imported or exported by it.

⁽³⁾ This list contains only the names of States whose representatives signed the Convention on April 18, 1961.

6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the Press or for broadcasting (including communications addressed to or despatched from places outside Jamaica), of any reduced rates applicable for the corresponding service in the case of Press telegrams.

PART II

Immunities and Privileges of High Officers, Representatives, Members of Committees and Persons on Missions

1. The like immunity from suit and legal process as is accorded to a head of mission.
2. The like inviolability of residence as is accorded to such a head of mission.
3. The like exemption or relief from taxes, duties, rates and fees as is accorded to such a head of mission.

PART III

Immunities and Privileges of Other Officers and Servants

1. Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties.
2. Exemption from income tax in respect of emoluments received as an officer or servant of the organisation.

PART IV

Immunities and Privileges of Official Staff and of High Officer's Family

1. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as a representative on any organ of the organisation or a member of any committee of the organisation or of an organ thereof his official staff accompanying him as such a representative or member shall also be entitled to those immunities and privileges to the same extent as the retinue of a head of mission is entitled to the immunities and privileges accorded to the head of mission.
2. Where any person is entitled to any such immunities and privileges as are mentioned in Part II of this Schedule as an officer of the organisation, that person's wife or husband and children under the age of twenty-one shall also be entitled to those immunities and privileges to the same extent as the wife or husband and children of a head of mission are entitled to the immunities and privileges accorded to the head of mission.

THIRD SCHEDULE

(Section 19)

PART I

(Laws repealed)

The Diplomatic Privileges (Extension) Law (Cap.98).

The Diplomatic Immunities (Commonwealth Countries and the Republic of Ireland) Law, 1958 (Law 48 of 1958).

PART II

THE CONSULAR CONVENTIONS LAW, 1956

(Law 24 of 1956)

Section

Amendment

2

Delete from the definition of "consular employee" the word "Governor" and substitute therefor the word "Minister".

5

- (a) Delete from subsection (1) of the section the words "a Secretary of State" and substitute therefor the words "the Minister";
- (b) delete from subsection (2) of the section the words "the United Kingdom and Colonies" and substitute therefor the word "Jamaica".

JAMAICA

No. 30-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General.

6th July, 1964.

AN ACT to Amend the Poor Prisoners' Defence
Law, 1961.

[7th July, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and
House of Representatives of Jamaica, and by the authority
of the same, as follows:—

1—This Act may be cited as the Poor Prisoners' Defence (Amendment) Act, 1964, and shall be read and construed as one with the Poor Prisoners' Defence Law, 1961, hereinafter referred to as the principal Law.

Short title
and con-
struction.
Law 7 of
1961.

2—Section 2 of the principal Law is hereby amended in the following respects—

Amendment
of section 2
of principal
Law.

- (a) by renumbering the section as subsection (1) of the section;

(b) by inserting the following as subsections (2) and (3)—

“(2) The Minister may from time to time by order amend the First Schedule.

(3) Every order under subsection (2) shall be subject to affirmative resolution of the House of Representatives.”.

Amendment
of First
Schedule to
principal
Law.

3—The First Schedule to the principal Law is hereby amended by inserting therein next after item 5 the following as items 6 and 7.

“

6. Offences against section 43, 45 or 67 of the Offences against the Person Law.”.

Cap. 268.

7. Offences against section 7 of the Dangerous Drugs Law of cultivating or selling or otherwise dealing in ganja.”.

Cap. 90.

No. 31-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

6th July, 1964.

AN ACT to make provision as to the operation of the law consequent on Nigeria having become a Republic within the Commonwealth.

[1st October, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Nigeria Republic Act, 1964, and shall be deemed to have come into operation on the 1st day of October, 1963.

Short title
and com-
mencement.

2—In this Act—

Interpreta-
tion.

“Minister” means the Minister for the time being responsible for External Affairs;

“Parliament” means the Parliament of Jamaica.

Operation
of existing
Law.

3—(1) On and after the commencement of this Act, all existing law, that is to say all law which, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, is in force on the date of such commencement or has been passed or made before that date and comes into force thereafter, shall, unless and until provision to the contrary is made by Parliament or some other authority having power in that behalf, and subject to the following provisions of this section, have the same operation in relation to Nigeria, and persons and things belonging to or connected with Nigeria, as it would have apart from this subsection if Nigeria had not become a Republic.

(2) The Minister may, by order, make such adaptations in any Law or Act of Parliament passed before or after the commencement of this Act, or in any instrument having effect under any such Law or Act, as appear to him necessary or expedient in consequence of Nigeria having become a Republic; and any such order may, though made after the commencement of this Act, be made so as to have effect from the date of such commencement.

(3) Every order made under subsection (2) of this section shall be subject to negative resolution.

No. 32-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

6th July, 1964.

AN ACT to Amend the Customs Law.

[7th July, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Customs (Amendment) Act, 1964, and shall be read and construed as one with the Customs Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title,
construction
and com-
mencement.
Cap. 89.

2—Section 2 of the principal Law is hereby amended in the following respects—

Amendment
of section 2
of principal
Law.

- (a) by deleting the definitions of "approved place of unloading" and "approved place of loading", "boarding station", "British Empire",

“Customs area”, “port”, “private warehouse”, “special store” and “sufferance wharf” and substituting therefor respectively and in their appropriate alphabetical place, the following definitions—

““approved place of unloading” and “approved place of loading” mean, respectively, an approved place of unloading and an approved place of loading appointed by the Minister pursuant to subsection (2);

“boarding station” means a boarding station appointed by the Minister pursuant to subsection (2);

“Commonwealth” means the Commonwealth as defined in section 1 of the Constitution of Jamaica;

“Customs area” means a Customs area appointed by the Minister pursuant to subsection (2);

“port” means a port appointed by the Minister pursuant to subsection (2);

“private warehouse” means a private warehouse appointed by the Minister pursuant to subsection (2);

“special store” means a special store appointed by the Minister pursuant to subsection (2);

“sufferance wharf” means any sufferance wharf designated by the Minister pursuant to subsection (2);”;

- (b) by renumbering the section as subsection (1) of the section and inserting the following as subsection (2)—

“(2) The Minister may for the purposes of the Customs Laws from time to time by notice published in the *Gazette*—

- (a) appoint any quay, jetty, wharf or other place, including any part of an aerodrome to be an approved place of unloading or an approved place of loading at which coastwise or imported goods or goods about to be carried coastwise or exported may be unloaded or loaded, as the case may be;
- (b) appoint any station or place to be a boarding station at which aircraft or ships arriving at or departing from any port or place shall bring to for the boarding or landing of officers;
- (c) appoint any place to be a Customs area;
- (d) appoint any place, whether on the coast or elsewhere, subject to such conditions or limitations as may be specified in the notice, to be a port; and any customs aerodrome whether within a port or not shall be deemed to be a port for aircraft;
- (e) appoint any building or place to be a private warehouse;
- (f) appoint any building in a Customs area to be a special store;
- (g) designate any place other than an approved place of loading or unloading, either generally or in a particular case, to be a sufferance wharf at which goods may be loaded or unloaded under such conditions and in such manner as he may direct."

Amendment
of section 9A
of principal
Law.

3—Section 9A of the principal Law is hereby amended by deleting subsection (2).

Amendment
of section 11
of principal
Law.

4—Section 11 of the principal Law is hereby amended in the following respects—

- (a) by deleting the words “British Empire” wherever they occur and substituting therefor the word “Commonwealth”;
- (b) by deleting from the section the word “British” and substituting therefor the word “Commonwealth”.

Amendment
of section 12
of principal
Law.

5—Section 12 of the principal Law is hereby amended by deleting the word “British” and substituting therefor the word “Commonwealth”.

Amendment
of section 16
of principal
Law.

6—Section 16 of the principal Law is hereby amended in the following respects—

- (a) by deleting from subsection (1) the words “the proper rate of duty” and substituting therefor the words “whether any or what duty is”;
- (b) by deleting from subsection (2) the words “Customs Tariff Board” and “Tariff Board” and substituting therefor the words “Customs Appeal Board”;
- (c) by deleting from subsection (2) the words “as to the rate of duty payable” and “to ascertain the rate of duty payable on the goods”;
- (d) by deleting from subsection (4) the words “or exporter” and substituting therefor the words “, exporter, consignee or agent and in like manner where in case of such proceedings it is determined that the duty so deposited was less than the proper duty the difference between the deposit and the duty found to be due shall be recovered and paid into the General Revenue”.

7—Section 17 of the principal Law is hereby amended in the following respects—

Amendment of section 17 of principal Law.

- (a) by deleting from subsection (1) the words “Customs Tariff Board” and substituting therefor the words “Customs Appeal Board”;
- (b) by inserting next after subsection (2) the following subsection as subsection (2A)—

“(2A) The Board for the purpose of hearing and determining an appeal which relates to the value of goods shall have power to co-opt such additional persons not exceeding three in number and having such qualifications or experience as the Board considers may assist it in determining the appeal in so far as it relates to the value of goods, but no person so co-opted shall have a right to vote.”;

- (c) by deleting from subsection (12) the words “Part III of the Jamaica (Constitution) Order in Council, 1959” and substituting therefor the words “Chapter V of the Constitution of Jamaica”.

8—Section 18 of the principal Law is hereby amended in the following respects—

Amendment of section 18 of principal Law.

- (a) by renumbering subsections (3), (4) and (5) as subsections (6), (7) and (8) respectively;
- (b) by deleting subsections (1) and (2) and substituting therefor the following as subsections (1), (2), (3), (4) and (5)—

“(1) For the purpose of any enactment for the time being in force whereunder a duty of customs is chargeable on goods by reference to their value, the value of any imported goods shall be taken to be the

normal price, that is to say the price which they would fetch, at the time when they are entered for use within the Island (or, if they are not so entered, the time of importation), on a sale in the open market in the Island between buyer and seller independent of each other.

(2) The normal price of any imported goods shall be determined on the following assumptions—

- (a) that the goods are treated as having been delivered to the buyer at the port or place of importation; and
- (b) that the seller will bear freight, insurance, commission and all other costs, charges and expenses incidental to the sale and the delivery of the goods at that port or place; but
- (c) that the buyer will bear any duty or tax chargeable in the Island;
- (d) that in converting the selling price of the said goods from foreign currency to Jamaican currency, the rate of exchange is the selling rate for sight drafts at the principal port of the Island last quoted, prior to the date of report of the aircraft or ship, but if the Collector General gives permission for goods to be entered before that date the rate of exchange shall be the selling rate for sight drafts at the principal port of the Island on the day the relative entry is first accepted by the proper officer; and

- (e) that any portion of any charge for primage which is refundable on the performance by the buyer of any specified conditions is not paid by the buyer, whether the buyer intends to fulfil such conditions or not.

(3) A sale in the open market between buyer and seller independent of each other pre-supposes—

- (a) that the price is the sole consideration; and
- (b) that the price made is not influenced by any commercial, financial or other relationship whether by contract or otherwise, between the seller or any person associated in business with him and the buyer or any person associated in business with him (other than the relationship created by the sale of the goods in question); and
- (c) that no part of the proceeds of the subsequent re-sale, use or disposal of the goods will accrue either directly or indirectly to the seller or any person associated in business with him.

(4) Where the goods to be valued—

- (a) are manufactured in accordance with any patented invention or are goods to which any registered design has been applied; or
- (b) are imported under a foreign trade mark, or are imported for sale (whether or not after further

manufacture) under a foreign trade mark,

the normal price shall be determined on the assumption that the price covers the right to use the patent, design or trade mark in respect of the goods.

(5) For the purposes of subsection (4), the expression "trade mark" includes a trade name and a get-up, and a foreign trade mark is a trade mark used for the purpose of indicating that goods in relation to which it is used are those of—

- (a) a person by whom the goods to be valued have been grown, produced, manufactured, selected, offered for sale or otherwise dealt with outside the Island; or
- (b) a person associated in business with any such person as is referred to in paragraph (a); or
- (c) a person to whom any such person as is mentioned in paragraph (a) or (b) has assigned the goodwill of the business in connection with which the trade mark is used."

Amendment
of section 39
of principal
Law.

9—Section 39 of the principal Law is hereby amended by deleting the words "British Empire" wherever they occur and substituting therefor the word "Commonwealth".

Amendment
of section
127B of
principal
Law.

10—Section 127B of the principal Law is hereby amended by deleting the word "British" wherever it occurs and substituting therefor the word "Commonwealth".

11—Sections 208 and 209 of the principal Law are hereby repealed.

Repeal of sections 208 and 209 of principal Law.

12—The powers conferred by the principal Law on the Governor-General in Council are hereby conferred on the Minister and accordingly—

Powers of Governor-General in Council transferred to Minister.

- (a) sections 38, 39 and 40 of the principal Law are hereby amended by deleting the word “proclamation” and references to “Governor-General in Council” wherever they occur and substituting therefor the word “order” and references to “Minister”, respectively;
- (b) section 41 of the principal Law is hereby amended by deleting the words “proclamation made thereunder” and substituting therefor the words “order made under section 38”;
- (c) section 42 of the principal Law is hereby amended by deleting the word “proclamation” and substituting therefor the word “regulation”.

No. 33-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th July, 1964.

AN ACT to Amend the Income Tax Law, 1954.

[1st January, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Income Tax (Amendment) Act, 1964, and shall be read and construed as one with the Income Tax Law, 1954 (hereinafter referred to as the principal Law) and all amendments thereto, and, save as otherwise provided, shall be deemed to have come into operation on the 1st day of January, 1963.

Short title,
construction
and com-
mencement.
Law 59 of
1954.

2—Section 2 of the principal Law is hereby amended by inserting next after the definition of "approved fund" the following definition—

Amendment
of section 2
of principal
Law.

" "approved public utility" means any undertaking which the Minister is satisfied renders such

services to the community as to constitute the operation of a public utility and which he declares by order to be an approved public utility for the purposes of paragraph (u) of section 7;”.

Amendment
of section 7
of principal
Law.

3—Section 7 of the principal Law is hereby amended in the following respects—

- (a) by deleting the colon at the end of paragraph (t) and substituting therefor a semicolon; and
- (b) by inserting next after paragraph (t) the following paragraph—

“(u) income derived as interest of money from—

- (i) investments or deposits in a building society; or
- (ii) investments in a scheme approved by the appropriate authority under the Housing Law, 1955; or
- (iii) investments in an approved public utility,

Law 67 of
1955.

made on or after the 1st day of January, 1963, by a person who—

- (iv) is not resident—
 - (A) in the Island; or
 - (B) in a territory to which section 64 applies; or
 - (C) in a territory in relation to which there is an order in force under section 65; or
 - (D) in a territory in which unilateral relief from double taxation on that income is granted in respect of tax paid on that income in the Island; or
- (v) is resident in a territory in which the Commissioner is satisfied upon production of a certificate issued

by or on behalf of such authority in the territory as the Commissioner may specify that such income is exempt from income tax:”.

4—Paragraph (2) of the proviso to paragraph (a) of section 8 of the principal Law is hereby amended by deleting sub-paragraph (i) thereof and substituting therefor the following—

Amendment of section 8 of principal Law.

“(i) no tax is required to be deducted from the interest or such tax as is required by this Law to be deducted has been deducted from the interest and has been accounted for to the Commissioner; or”.

5—Section 18A of the principal Law is hereby amended in the following respects—

Amendment of section 18A of principal Law.

(a) by deleting the fullstop at the end of subsection (2) and substituting therefor a colon and the following proviso—

“ Provided that the rate of the tax to be levied and paid as aforesaid in respect of income to which this proviso applies shall, in any case where the rate payable by the person concerned in respect of that income in the territory in which he is resident would be less than $\frac{2}{6}$ in the pound (no account being taken of double taxation relief provisions), be the same as the rate which the Commissioner is satisfied would be so payable in that territory.”;

(b) by inserting in subsection (6) next after the definition of “control” the following definition—

“ “double taxation relief provisions” in relation to a person resident in a territory outside the Island means the provisions of any law of that territory which correspond to section 64 or 65 of this Law;”;

- (c) by inserting next after subsection (6) the following as subsection (7)—

“ (7) The income to which the proviso to subsection (2) applies is income derived as interest of money from—

- (i) investments or deposits in a building society; or
- (ii) investments in a scheme approved by the appropriate authority under the Housing Law, 1955; or
- (iii) investments in an approved public utility,

Law 67 of
1955.

made on or after the 1st day of January, 1963, by a person who is not resident in the Island but is resident in a territory in relation to which section 64 applies or an order under section 65 is in force.”.

Amendment
of section 22
of principal
Law.

6—Section 22 of the principal Law is hereby amended by adding the following subsections as subsections (6), (7), (8), (9) and (10), respectively—

“ (6) The provisions of this section shall not apply to payments of interest on investments or deposits comprising the whole or part of the income of a person not resident in the Island which is exempt from tax by virtue of paragraph (u) of section 7.

(7) Where pursuant to subsection (1) a deduction on account of income tax is to be made from a payment in respect of income to which this subsection applies such deduction shall be at the rate directed by the Commissioner pursuant to the proviso to subsection (2) of section 18A.

(8) The income to which subsection (7) applies is income derived as interest of **money** from—

- (a) deposits in a building society; or

Law 67 of
1955.

(b) investments in a scheme approved by the appropriate authority under the Housing Law, 1955; or

(c) investments in an approved public utility,

made on or after the 1st day of January, 1963, in respect of which, pursuant to the proviso to subsection (2) of section 18A, the Commissioner has directed the rate of tax which should be levied and paid.

(9) Where the Commissioner is satisfied in relation to any year of assessment—

(a) that a non-resident person to whom any such payment as is referred to in subsection (1) is to be made is not, or is not likely to be, liable to tax in Jamaica in that year of assessment; and

(b) that the transaction in respect of which such payment is to be made was entered into in good faith between independent persons dealing at arms length,

he may authorise any person making any such payment as aforesaid to do so without deducting from the payment any sum on account of income tax.

(10) For the purposes of subsection (9) and of this subsection—

(a) a transaction between associated bodies of persons shall be deemed not to be a transaction between independent persons; and

(b) “associated bodies of persons”, “control” and “non-resident” have the same meaning as in subsection (6) of section 18A.”.

Amendment
of section 27
of principal
Law.

7—Subsections (1) and (2) of section 27 of the principal Law are hereby repealed and the following subsections substituted therefor—

“(1) Any share interest paid by a society registered under the Industrial and Provident Societies Law or a building society shall, subject to subsection (1A), be paid without deduction of tax.

Cap. 159.

(1A) Where such share interest as is referred to in subsection (1), is paid to a person not resident in the Island by—

- (a) a society registered under the Industrial and Provident Societies Law, tax shall be deducted at the rate of $\frac{2}{6}$ in the pound;
- (b) a building society, tax shall, unless the income of that person is exempt from income tax pursuant to paragraph (u) of section 7, be deducted at the rate of $\frac{2}{6}$ in the pound or at such lower rate as may be directed by the Commissioner pursuant to subsection (2) of section 18A,

and an account of the payment and of any tax so deducted shall be delivered to the Commissioner who shall assess and charge the payment for which an account is so delivered on the society or building society, as the case may be.

(2) For the purpose of determining the chargeable income of a society, there shall be deducted (in addition to any other deductions) the amount of any share interest

which has been paid by the society during the period in respect of which that income is being computed and an account of the payment of which has been delivered to the Commissioner indicating the person to whom the payment has been made and the amount of tax (if any) deducted from the payment.”.

8—The principal Law is hereby amended by inserting next after section 27 the following section—

Insertion of new section 27A in principal Law.

“Exemption from tax of profits allocated to reserves of building society.

27A—(1) Subject to the provisions of this section, there shall be exempt from tax so much of the profits or gains of a building society as is transferred by the society to its general reserves so as to bring such reserves up to an amount not exceeding $7\frac{1}{2}$ per centum of the assets of the society.

(2) A building society shall establish and maintain a separate account in respect of any profits or gains exempted from tax pursuant to subsection (1) and if it intends to pay any amount by way of a dividend to its shareholders or otherwise out of such profits or gains such amount shall be paid out of such account.

(3) Tax shall be payable by a building society in respect of any amount which is paid out of any account maintained pursuant to subsection (2)—

- (a) by way of dividend to shareholders; or
- (b) for any other purpose not approved by the Minister.

(4) In this section—

“assets” means the aggregate of the

amounts which the Commissioner is satisfied—

- (a) have been expended by the society in acquiring—
 - (i) land owned by the society;
 - (ii) equipment, furniture, machinery, plant and other moveable property in use which are owned by the society; and
 - (iii) investments owned by the society; and
- (b) represent the amounts of—
 - (i) outstanding balances of loans (including insurance and other advances but excluding advances on the security of shares) made by the society;
 - (ii) cash in hand or with the society's bankers less the amount of any bank overdraft;
 - (iii) accrued interest on investments acquired by the society which is not taken into account in sub-paragraph (iii) of paragraph (a);

“general reserves” means the aggregate of the amounts which the Commissioner is satisfied represent—

- (a) balances standing at credit in the Revenue and Appropriation Account of the society; and
- (b) sums set aside for the stability of the society after adequate provision to the satisfaction of the Commissioner has been made to meet accrued liabilities.”.

9—The Second Schedule to the principal Law is hereby amended in the manner specified in the Schedule to this Act.

Amendment
of Second
Schedule to
principal
Law.

SCHEDULE (Section 9)

Amendment of Second Schedule to principal Law

- (a) Delete the words “basis period in which” wherever they appear in the Second Schedule and substitute therefor the words “basis period for which”.
- (b) Insert in sub-paragraph (1) of paragraph 3 of Part I next before the words “the owner” the words “or, as the case may be, on”.
- (c) Delete from sub-paragraph (1) of paragraph 3 of Part I the word “following” where it appears for the second time and substitute therefor the word “in”.
- (d) Insert next after Part I the following as Part 1A—

PART 1A—*Non-residential Buildings*

Depreciation
Allowance
on buildings.

1. (1) Subject to the provisions of this Part, where—

- (a) a person is, at the end of his basis period for any year of assessment

after the year of assessment 1962 entitled to an interest in a building or structure; and

- (b) at the end of that basis period that building or structure is a non-residential building to which this Part applies; and
- (c) that interest is the relevant interest in relation to the capital expenditure incurred prior to or during the basis period for that year of assessment on the construction or alteration of that building or structure; and
- (d) that person during the basis period for that year of assessment acquired income by way of rent from that building or structure,

an allowance (in this Part referred to as a "depreciation allowance") equal to one-fortieth of that expenditure shall be made to him for that year of assessment.

(2) Where the interest in a building or structure which is the relevant interest in relation to any capital expenditure is sold while the building or structure is a non-residential building or structure, the depreciation allowance in respect of that expenditure shall, in the case of years of assessment the basis periods for which end after the time of that sale—

- (a) be computed by reference to the residue (as defined in paragraph 4) of that expenditure immediately after the sale; and

- (b) be the fraction of the said residue the numerator of which is one and the denominator of which is the number of years of assessment comprised in the period which—
- (i) begins with the first year of assessment for which the buyer is entitled to a depreciation allowance in respect of the expenditure; and
 - (ii) ends with the thirty-ninth year of assessment after that in which such an allowance was first granted in relation to that expenditure,

and so on for any subsequent sales.

(3) Notwithstanding anything in the preceding provisions of this paragraph, in no case shall the amount of a depreciation allowance made to a person for any year of assessment in respect of any expenditure exceed what, apart from the writing off falling to be made by reason of the making of that allowance, would be the residue of that expenditure at the end of his basis period for that year of assessment.

Cessation
of depre-
ciation
allowance.

2. No depreciation allowance under this Part in relation to any portion of a sum representing capital expenditure on a building or structure shall be granted in respect of any year of assessment subsequent to the thirty-ninth year of assessment after that in respect of which such an allowance was first granted in relation to that portion.

Balancing
allowances
and
balancing
charges.

3. (1) Where any capital expenditure has been incurred on the construction or alteration of a building or structure and while the building or structure is a non-residential building to which this Part applies—

- (a) the relevant interest in the building or structure is sold; or
- (b) that interest, being a leasehold interest, comes to an end otherwise than on the person entitled thereto acquiring the interest which is reversionary thereon; or
- (c) the building or structure is demolished or destroyed, or, without being demolished or destroyed ceases to be a non-residential building,

an allowance or charge (in this Part referred to as “a balancing allowance” or “a balancing charge”) shall, in the circumstances mentioned in this paragraph, be made to or, as the case may be, on, the person entitled to the relevant interest immediately before the event occurs for the year of assessment in his basis period for which that event occurs:

Provided that no balancing allowance or balancing charge shall be made to or on any person for any year of assessment by reason of any event occurring after the end of his basis period for the fortieth year of assessment after that in respect of which a depreciation allowance under this Part was first granted in relation to the non-residential building.

(2) Where there are no sale, insurance, salvage or compensation moneys, or where the residue of the capital expenditure immediately before the event exceeds those moneys, a balancing allowance shall be made and the amount thereof shall be the amount of the said residue or, as the case may be, of the excess thereof over the said moneys.

(3) If the sale, insurance, salvage or compensation moneys exceed the residue, if any, of the capital expenditure immediately before the event, a balancing charge shall be made and the amount on which it is made shall be an amount equal to the excess, or where the residue is nil, to the said moneys.

(4) For the purposes of this paragraph, the sale moneys of a non-residential building shall be ascertained by deducting the amount which the Commissioner considers the land on which the building is constructed together with any other buildings on such land would fetch if sold on the open market from—

- (a) the amount for which the land and all the buildings are sold; or
- (b) where the Commissioner considers that the land and all the buildings are sold at a price other than that which they would fetch if sold on the open market, the amount which he considers they would fetch if sold on the open market.

(5) Notwithstanding anything in the preceding provisions of this paragraph, in

no case shall the amount on which a balancing charge is made on a person in respect of any capital expenditure on the construction or alteration of a building or structure exceed the amount of any depreciation allowances in respect of that expenditure made to him for years of assessment his basis periods for which end on or before the date of the event which gives rise to the charge.

Writing off
of capital
expendi-
ture and
meaning of
"residue of
expenditure".

4. (1) Any capital expenditure incurred on the construction or alteration of any building or structure shall be written off to the extent and as at the times hereafter specified in this paragraph and references in this Part to the residue of any such expenditure shall be construed accordingly.

(2) Where, by reason of the building or structure being at any time a non-residential building to which this Part applies, a depreciation allowance is made for any year of assessment in respect of the expenditure, the amount of that allowance shall be written off as at the said **time**:

Provided that where at the said time an event occurs which gives rise or may give rise to a balancing allowance or balancing charge, the amount directed to be written off by this sub-paragraph as at the said time shall be taken into account in computing the residue of the expenditure immediately before that event for the purpose of determining whether any and if so what balancing allowance or balancing charge is to be made.

(3) Where on the occasion of a sale, a balancing allowance is made in respect of the expenditure, there shall be written off as at the time of the sale the amount by which the residue of the expenditure before the sale exceeds the net proceeds of the sale.

(4) Where on the occasion of a sale, a balancing charge is made in respect of the expenditure, the residue of the expenditure shall be deemed for the purposes of this Part to be increased as at the time of the sale by the amount on which the charge is made.

Exclusion
of relief
under other
provisions of
this Law.

5. Where an allowance is made to a person under this Part in respect of capital expenditure on any building or structure that expenditure shall not be available for relief under any other Part of this Schedule or any other provisions of this Law.

Interpreta-
tion of
this Part.

6. (1) In this Part—

“basis period” for any year of assessment, means the period on the profits or gains of which income tax for that year falls to be finally computed in respect of the rent arising from the building or structure in question:

Provided that—

- (a) where two basis periods overlap, the period common to both shall be deemed (for the purpose of this definition) to fall

in the first basis period only;

- (b) where there is an interval between the end of the basis period for one year of assessment and the basis period for the next year of assessment, then, unless the second mentioned year of assessment is the year of the permanent cessation of the source of income, the interval shall be deemed to be part of the second basis period; and
- (c) where there is an interval between the end of the basis period for the year of assessment preceding that in which the source of income permanently ceases and the basis period for the year in which it ceases, the interval shall be deemed to form part of the first basis period;

“dwelling house” includes boarding house, lodging house and any building or structure used for any similar purpose;

“non-residential building” means a building or structure which the Commissioner is satisfied is not in use as, or as part of, a dwelling

house or for any purpose ancillary to the purpose of a dwelling house:

Provided that a building or structure may be treated as a non-residential building notwithstanding that a part thereof is used as a dwelling house for persons employed in connection with the maintenance or repair of the building or structure or of any machinery or plant installed for the purposes of providing amenities for the occupants thereof;

“non-residential building to which this Part applies” means a non-residential building which has never been in use otherwise than as a non-residential building and the construction of which the Minister is satisfied was not completed before the 1st day of January, 1961.

(2) Subject to sub-paragraphs (3) and (4), in this Part “the relevant interest” means, in relation to any capital expenditure incurred on the construction or alteration of a building or structure, the interest in that building to which the person who incurred the expenditure was entitled when he incurred it.

(3) Where, when he incurs expenditure on the construction or alteration of a building or structure, a person is entitled to two or more interests in the building or structure, and one of those interests is an

interest which is reversionary on all the others that interest shall be the relevant interest for the purposes of this Part.

(4) An interest shall not cease to be the relevant interest for the purposes of this Part by reason of the creation of any lease or other interest to which that interest is subject, and where the relevant interest is a leasehold interest and is extinguished by reason of the surrender thereof, or on the person entitled thereto acquiring the interest which is reversionary thereon, the interest into which that leasehold interest merges shall thereupon become the relevant interest.

(5) None of the provisions of Part I of this Schedule shall apply for the purpose of interpreting this Part.

Exclusion of land and repairs from capital expenditure.

7. (1) References in this Part to capital expenditure incurred on the construction or alteration of a building or structure do not include—

- (a) any expenditure incurred wholly or primarily to effect repairs;
- (b) any expenditure incurred on the acquisition of, or the rights in or over, any land; or
- (c) any expenditure incurred on preparing, cutting, tunnelling or levelling any land:

Provided that sub-paragraph (c) shall not apply to expenditure on work done on the land to be covered by a building or structure for the purposes of preparing the land to receive the foundations of the building or structure being work which may be expected

to be valueless when the building or structure is demolished and not being work which consists of cutting or tunnelling.

(2) A person who has incurred capital expenditure on the construction or alteration of a building or structure shall be deemed, for the purposes of any provision of this Part referring to his interest therein at the time when the expenditure was incurred, to have had the same interest therein as he would have had if the construction or alteration thereof had been completed at that time.

(3) Without prejudice to any of the other provisions of this Part relating to the apportionment of sale, insurance, salvage or compensation moneys, the sum paid on the sale of the relevant interest in a building or structure, or any other sale, insurance, salvage or compensation moneys payable in respect of any building or structure, shall, for the purposes of this Part, be deemed to be reduced by an amount equal to so much thereof as, on a just apportionment, is attributable to assets representing capital expenditure other than expenditure in respect of which an allowance can be made under this Part."

- (e) Substitute in paragraph 3 of Part V for the words "year of assessment of" the words "year of assessment in".

No. 34-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th July, 1964.

AN ACT Further to Amend the Income Tax Law, 1954

[1st January, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Income Tax (Amendment) (No. 2) Act, 1964, and shall be read and construed as one with the Income Tax Law, 1954 (hereinafter referred to as the principal Law) and all amendments thereto, and shall be deemed to have come into operation on the 1st day of January, 1964.

Short title.
construction
and com-
mencement.
Law 59 of
1954.

Insertion of new heading and section in principal Law.

2—The principal Law is hereby amended by inserting therein next after section 62 the following heading and section—

“

*Returns, assessment and collection of tax
in certain cases*

Special provisions with regard to taxpaying bodies.

62A—(1) In this section “taxpaying body” or “taxpayer” means any person liable to pay income tax other than—

- (a) an individual;
- (b) a person whose statutory income is for the time being determined by the provisions of subsection (2) or (3) of section 6 (which relate to the commencement and cessation of a trade, profession or business);
- (c) a person liable as a trustee to pay income tax by reason of profits or gains arising or accruing to him from the trust estate; and
- (d) a person liable as a personal representative to pay income tax by reason of profits or gains arising or accruing to him from the estate of a deceased person.

(2) Notwithstanding anything to the contrary the provisions of this Law shall, in their application to taxpaying bodies, be modified as follows—

- (a) in the application of subsection (1) of section 43 to such taxpayers, the date “30th of April” shall be substituted for the date “28th of February”;

- (b) the taxpayer shall, on making the return required by subsection (1) of section 43, compute the amount of chargeable income for the year of assessment to which the return relates and the amount of tax payable thereon having regard to the rates of tax specified in this Law; and shall, subject to paragraph (c), pay the amount of such tax to the Collector of Taxes;
- (c) tax payable pursuant to paragraph (b) in respect of any year of assessment may be paid in four equal instalments on or before the following instalment dates—
 - (i) 30th of April in the year of assessment;
 - (ii) 31st of July in the year of assessment;
 - (iii) 31st of October in the year of assessment;
 - (iv) 31st of January in the next succeeding year,

in this section referred to as the first, second, third and fourth instalment dates respectively:

Provided that if on the third instalment date two instalments of tax are in arrears the instalment of tax which would have been payable on or before the fourth instalment date shall be payable instead on or before the 31st day of December next succeeding the third instalment date;

- (d) payment of any instalment of tax pursuant to this subsection may be enforced and the interest collected thereon as if the instalment date specified in relation to that instalment of tax in paragraph (c) were, for the purposes of sections 60 and 61, the collection date for that instalment:

Provided that—

- (i) where the tax as ultimately determined on assessment or on the hearing or other disposal of any objection or appeal arising therefrom exceeds the tax as computed under paragraph (b) of this subsection, the tax as so ultimately determined shall be deemed to be the tax by reference to which the amount of the quarterly instalment should have been determined and interest under section 61 shall, notwithstanding anything contained in that section but subject to paragraph (e) of this subsection, be chargeable on those amounts accordingly;
- (ii) where pursuant to the proviso to paragraph (c) of this subsection any instalment of tax becomes payable on or before the 31st day of December, instead of on or

before the fourth instalment date, the 31st day of December aforesaid shall be deemed to be the collection date in respect of that instalment;

- (e) if there is any delay in the final determination of any assessment (whether on objection or appeal or otherwise) interest on any instalment of tax to which that assessment relates shall cease to accrue at the end of two years from the date on which that instalment is payable pursuant to paragraph (c), so, however, that on the ultimate determination of the assessment (whether on objection or appeal or otherwise) such interest shall start to accrue again thirty days after such ultimate determination:

Provided that in relation to tax payable in respect of any year of assessment the foregoing provisions of this paragraph shall not apply in the case of a taxpayer who refuses, fails or neglects to deliver for that year of assessment any return under the provisions of subsection (1) of section 43 as modified by this section."

-In relation to the year of assessment 1964—

Transitional.

- (a) the first, second, third and fourth instalment dates referred to in subsection (2) of section 62A of the principal Law (as amended by this Act) shall be respectively—
- (i) the 30th of June, 1964;

- (ii) the 30th of September, 1964;
 - (iii) the 31st of December, 1964;
 - (iv) the 31st of January, 1965; and
- (b) a taxpayer as defined in subsection (1) of section 62A of the principal Law (as amended by this Act) shall, notwithstanding the provisions of the principal Law prior to the commencement of this Act, be deemed to have complied with the requirements of subsection (1) of section 43 of the principal Law if he complies with those requirements as modified by this Act on or before the 30th of June, 1964, or on or before such later date as the Commissioner may in any case allow.

THE NURSES AND MIDWIVES ACT, 1964

(Act 35 of 1964)

ARRANGEMENT OF SECTIONS

1. Short title and commencement.
 2. Interpretation.
 3. Establishment of Nursing Council.
 4. Functions of the Council.
 5. Appointment of Registrar and other officers, agents and servants.
 6. Funds of the Council.
 7. Accounts and audit.
 8. Annual reports and estimates.
 9. Registration of nurses and midwives.
 10. Enrolment of assistant nurses.
 11. Suspension and striking off.
 12. Appeals to Nursing Appeal Tribunal.
 13. Supervisors of Midwives.
 14. Notices and reports to be furnished by midwives.
 15. Offences.
 16. Regulations.
 17. Transfer of assets and liabilities.
 18. Repeals.
- First Schedule.
- Second Schedule.

No. 35-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th July, 1964.

AN ACT to Repeal the Midwifery Law and the Nurses Registration Law and to provide for control of the training and practice of nurses, midwives and assistant nurses, for the registration of nurses and midwives and the enrolment of assistant nurses and for matters incidental to or connected with the matters aforesaid.

[The date of any Notice issued by the Minister]
bringing the Act into Operation.

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Nurses and Midwives Act, 1964, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Short title
and com-
mencement.

Interpre-
tation.

2—In this Act—

“the appropriate Medical Officer (Health)” means the Medical Officer (Health) for the parish or area in which any matter, thing or event required by this Act to be reported or notified to the appropriate Medical Officer (Health) exists, occurred or is intended to occur;

“the Council” means the Nursing Council established under section 3;

“mental nurse” means a nurse trained in the nursing care of persons suffering from mental illness;

“nurse” includes mental nurse;

“the register” means—

(a) in relation to nurses, the Register of Nurses; and

(b) in relation to midwives, the Register of Midwives,

specified in section 9;

“the Registrar” means the Registrar appointed under section 5.

“the roll” means the Roll of Assistant Nurses specified in section 10.

Establish-
ment of
Nursing
Council.
Schedule.

3—(1) There shall be established for the purposes of this Act a body to be called the Nursing Council.

(2) The provisions of the Schedule shall have effect as to the constitution of the Council and otherwise in relation thereto.

Functions
of the
Council.

4—The Council shall have power to control the training and practice of nurses, midwives and assistant nurses and to register nurses and midwives and enrol assistant nurses.

5—The Council may appoint and employ at such remuneration and on such terms and conditions as it thinks fit a Registrar and such other officers, agents and servants as it thinks necessary for the proper carrying out of the provisions of this Act:

Appoint-
ment of
Registrar
and other
officers,
agents and
servants.

Provided that no salary in excess of seven hundred and fifty pounds per annum shall be assigned to any post without the prior approval of the Minister.

6—The funds of the Council shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament, and such other moneys as may lawfully be paid to the Council.

Funds
of the
Council.

7—The Council shall keep proper accounts of its receipts, payments, credits and liabilities and such accounts shall be audited annually by an auditor appointed in each year by the Council with the approval of the Minister.

Accounts
and audit.

8—(1) The Council shall in each year prepare and submit to the Minister on or before the thirtieth day of June a report of its proceedings during the twelve months ending on the thirty-first day of March in such year, including a statement of its accounts audited in accordance with section 7.

Annual
reports and
estimates.

(2) The Council shall, on or before the thirty-first day of October in each year, submit to the Minister for approval its estimates of revenue and expenditure in respect of the period commencing on the first day of April next following and ending on the thirty-first day of March of the subsequent year.

9—(1) The Council shall cause the Registrar to keep in such form as it may from time to time determine—

Registra-
tion of
nurses and
midwives.

(a) a register to be known as the Register of Nurses in which shall be entered the name and other

prescribed particulars of every person registered as a nurse; and

- (b) a register to be known as the Register of Midwives in which shall be entered the name and other prescribed particulars of every person registered as a midwife.

(2) The Register of Nurses and the Register of Midwives shall be open to inspection by any member of the public at all reasonable times and a copy of each register shall be published in the *Gazette* by the Registrar at such times as may be prescribed.

Cap. 262.

(3) Every person who immediately before the commencement of this Act was registered under the Nurses Registration Law (now repealed) shall be deemed, at the commencement of this Act, to be registered as a nurse under this Act, and the Registrar shall as soon as practicable after the commencement of this Act enter the name and other prescribed particulars of such person in the Register of Nurses.

Cap. 248.

(4) Every person who immediately before the commencement of this Act was registered as a midwife under the Midwifery Law (now repealed) shall be deemed, at the commencement of this Act, to be registered as a midwife under this Act, and the Registrar shall as soon as practicable after the commencement of this Act enter the name and other prescribed particulars of such person in the Register of Midwives.

(5) Subject to the provisions of subsections (3) and (4) any person who is qualified under this Act to be registered as a nurse or a midwife may apply to the Registrar for registration. Every application under this subsection shall be made in the prescribed form and accompanied by the prescribed fee.

(6) The Registrar shall issue to every person registered under this Act the appropriate certificate of registration in the prescribed form.

10—(1) The Council shall cause the Registrar to keep a roll to be known as the Roll of Assistant Nurses (in this Act referred to as “the roll”) in which shall be entered the name and other prescribed particulars of every person whose application for enrolment as an assistant nurse is approved by the Council.

Enrolment
of assistant
nurses.

(2) The roll shall be open to inspection by any member of the public at all reasonable times.

(3) Notwithstanding subsection (4), any person who was engaged in practical nursing before the commencement of this Act may at any time within six months after the commencement of this Act apply to the Registrar in the prescribed manner for enrolment as an assistant nurse and if the Council, after considering the application and making such other enquiries as it may think fit, is satisfied that such person—

(a) is of good character; and

(b) has gained sufficient experience in practical nursing to perform satisfactorily the duties of an assistant nurse,

the Council may approve the enrolment of such person as an assistant nurse.

(4) Any person who is qualified to be enrolled as an assistant nurse may apply to the Registrar for enrolment. Every application under this subsection shall be made in the prescribed form and accompanied by the prescribed fee.

(5) The Registrar shall issue to every person enrolled as an assistant nurse a certificate of enrolment in the prescribed form.

Suspension
and strik-
ing off.

11—(1) If any person who is registered or enrolled under this Act is found, upon enquiry by the Council—

- (a) to be suffering from any illness rendering such person unfit to practise nursing or midwifery, or to perform satisfactorily the duties of an assistant nurse, as the case may be; or
- (b) to have procured any registration or enrolment under this Act as a result of any misleading, false or fraudulent representation; or
- (c) to be guilty of—
 - (i) dishonesty, negligence or incompetence, in the performance of his duties as a nurse, midwife or assistant nurse, as the case may be; or
 - (ii) conduct that is unbecoming to a nurse, midwife or assistant nurse,

the Council may, if it thinks fit, either suspend the registration or enrolment of such person for a period not exceeding one year or direct the Registrar to strike the name of such person off the appropriate register or off the roll, as the case may require.

(2) The Council may at any time, if it thinks just, direct the name of any person which has been struck off the register or off the roll to be reinstated.

(3) The Council shall, as soon as practicable after—

- (a) the registration or enrolment of any person has been suspended; or
- (b) the name of any person has been struck off the register or off the roll; or

- (c) the reinstatement of any name which was struck off the register or off the roll,

cause notice of the appropriate fact to be published in the *Gazette*.

(4) Whenever the name of any person has been struck off the register or off the roll, the Council may in writing require such person to return to the Registrar his certificate of registration or certificate of enrolment, and such person shall comply with that requirement.

12—(1) Without prejudice to the provisions of subsections (3) and (4) of section 11, any person aggrieved by any decision of the Council in respect of the registration or enrolment of such person may appeal from such decision to the Nursing Appeal Tribunal, hereinafter referred to as "the Tribunal", which shall be constituted for the purposes of this section.

Appeals to
Nursing
Appeal
Tribunal.

(2) The provisions of the Second Schedule shall have effect as to the constitution of the Tribunal and otherwise in relation thereto.

Second
Schedule

(3) Upon allowing an appeal from any decision of the Council under subsection (1) of section 11, the Tribunal shall cause notice of its decision to be published in the *Gazette* and shall, in the event of the appellant's certificate having been returned under subsection (4) of section 11, direct such certificate to be restored to him.

(4) A decision of the Tribunal shall not affect any liability incurred under subsection (1) of section 15 by the appellant prior to such decision.

13—(1) The Council may, for the purpose of ensuring proper supervision of midwives—

Supervisors
of midwives.

- (a) divide Jamaica into such midwifery districts (in this Act referred to as "districts") as it may think fit;

- (b) designate such persons as it may think fit to be Supervisors of Midwives; and
- (c) specify the districts for which each Supervisor of Midwives shall be responsible.

(2) The Council shall, as soon as may be after any Supervisor of Midwives has been designated, cause notice of the fact to be published in the *Gazette* and such notice shall set out the name and address of such Supervisor of Midwives and the districts for which he is responsible.

(3) It shall be the duty of every Supervisor of Midwives—

- (a) to exercise general supervision over midwives practising in the districts for which he is responsible;
- (b) to investigate allegations, in respect of any midwife practising in any district for which he is responsible, of conduct that is unbecoming to a midwife, or of dishonesty, negligence or incompetence on the part of such midwife in the performance of her duties as a midwife, and to report to the Council the result of such investigations;
- (c) to report to the appropriate Medical Officer (Health) and the Council any matter affecting the standard and efficiency of midwifery services in any district for which he is responsible.

Notices
and reports
to be
furnished
by mid-
wives.

14—(1) Every person who at the commencement of this Act is practising as a midwife shall, on or before the prescribed date, supply in writing to the appropriate Medical Officer (Health) and the Council her full name, address, and a description of the area in which she is practising.

(2) Every midwife shall—

- (a) before she begins to practise in any district, give to the appropriate Medical Officer (Health) and the Council notice in writing of her intention to practise in that district, indicating in such notice her place of residence and the date on which she proposes to begin to practise in that district;
- (b) not more than fourteen days after any change in her place of residence occurs, inform the appropriate Medical Officer (Health) and the Council in writing of such change;
- (c) in each year, on or before the thirty-first day of January, submit to the Council a return in the prescribed form showing the districts in which she resided, and those in which she practised, during the twelve months ending on the thirty-first day of December of the previous year.

(3) Where a midwife undertakes any case of emergency outside the area described by her in compliance with subsection (1) or the district mentioned in a notice given by her under paragraph (a) of subsection (2), as the case may be, she shall, not later than three days thereafter, submit to the Supervisor of Midwives responsible for the district in which the case was undertaken and to the appropriate Medical Officer (Health) a report in the prescribed form of the circumstances and particulars of the case.

(4) If any person dies or gives birth within fourteen days after being attended by a midwife, the midwife who attended that person shall, not later than thirty-six hours after such death or birth, submit to the appropriate Medical Officer (Health) a report thereon in the prescribed form.

Offences.

15—(1) Any person who—

- (a) not being registered under this Act as a midwife or not being qualified to practise midwifery under any other enactment for the time being in force in Jamaica, practises midwifery; or
- (b) not being registered under this Act as a nurse, practises as a nurse or takes or uses the name or title of registered nurse either alone or in combination with any other words or letters or uses any name, title, addition, description, uniform or badge implying that she is registered under this Act as a nurse; or
- (c) not being enrolled as an assistant nurse, at any time after the expiration of six months after the commencement of this Act undertakes employment as an assistant nurse; or
- (d) being a nurse, midwife, or assistant nurse, whose registration or enrolment (as the case may be) is suspended under section 11, nevertheless practises as a nurse or midwife or undertakes employment as an assistant nurse; or
- (e) with intent to deceive makes use of any certificate of registration or certificate of enrolment issued under this Act to him or any other person,

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate—

- (a) in the case of a first offence, to a fine not exceeding ten pounds; and
- (b) in the case of a second or subsequent offence, to a fine not exceeding fifty pounds and in default of payment thereof to imprisonment with or without hard labour for a term not exceeding six months.

(2) Any person who wilfully makes, or causes to be made, any falsification in any matter relating to the Register of Nurses or the Register of Midwives or to the roll shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding six months or to both such fine and imprisonment.

(3) Any person who is guilty of a contravention of any of the provisions of this Act for which no penalty is provided in subsection (1) or (2) shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten pounds or to imprisonment with or without hard labour for a term not exceeding thirty days.

16—(1) The Council, with the approval of the Minister, may make regulations generally for the proper carrying out of the provisions and purposes of this Act and in particular but without prejudice to the generality of the foregoing, may make regulations—

Regula-
tions.

- (a) prescribing the requirements which shall be satisfied by persons applying for training as nurses, midwives and assistant nurses;
- (b) providing for the programmes of training and the curricula of study to be followed in the training of nurses, midwives and assistant nurses;
- (c) providing for the establishment, management and control of schools for assistant nurses and regulating the instruction to be given in such schools;
- (d) prescribing the examinations to be passed and the other requirements to be satisfied, whether in addition, or as an alternative, to the passing of examinations, by persons applying for registration as nurses or midwives or enrolment as assistant nurses;

- (e) as to the functions of nurses, midwives and assistant nurses and the nature of the services which may be rendered by them;
- (f) providing for the making of corrections to the register and the roll required by this Act to be kept;
- (g) providing for the establishment of agencies to facilitate the effective utilization of the services of nurses, midwives and assistant nurses, in hospitals or otherwise;
- (h) for the procedure to be followed in respect of enquiries into matters capable of rendering persons registered under this Act liable to be struck off or to have their registration or enrolment suspended;
- (i) prescribing any other matter or thing which is required by this Act to be prescribed.

(2) Regulations made under this section may contain different provisions for nurses, midwives and assistant nurses.

Transfer of
assets and
liabilities.
Cap. 262.

17—All assets and liabilities of the General Nursing Council established under the Nurses Registration Law, being assets and liabilities existing immediately before the commencement of this Act, are hereby transferred to and vested in the Council established by this Act.

Repeals.

18—The following enactments are hereby repealed—

Cap. 248.

(a) the Midwifery Law;

Cap. 262.

(b) the Nurses Registration Law.

FIRST SCHEDULE

(Section 3)

1. The Council shall consist of fifteen members appointed by the Minister, and of such members—
- Constitu-
tion of the
Council.
- (a) five shall be nurses nominated by the Jamaica General Trained Nurses Association or any other body recognised by the Minister as having succeeded to the functions of that Association;
- (b) three shall be midwives who shall be nominated by the Jamaica Midwives Association or any other body recognised by the Minister as having succeeded to the functions of that Association;
- (c) two shall be mental nurses; and
- (d) two shall be assistant nurses.
2. The appointment of a member of the Council shall, subject to the provisions of this Schedule, be for a period not exceeding three years and such member shall be eligible for re-appointment.
- Tenure of
office.
3. The Minister shall appoint one of the members of the Council to be the chairman thereof.
- Chairman.
4. If the chairman or any other member of the Council is absent or unable to act, the Minister may appoint any person to act in the place of the chairman or such other member.
- Acting
appoint-
ments.
5. (1) Any member of the Council, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of receipt by the Minister of such instrument such member shall cease to be a member of the Council.
- Resigna-
tions.
- (2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of such instrument.
6. The Minister may at any time revoke the appointment of any member of the Council if he thinks it expedient so to do.
- Revoca-
tion of
appoint-
ments.
7. If any vacancy occurs in the membership of the Council such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed, so, however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.
- Filling of
vacancies.
8. The names of all members of the Council as first constituted and every change in the membership thereof shall be published in the *Gazette*.
- Gazetting
of appoint-
ments.

Incorporation.

9. (1) The Council shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of land and other property of whatever kind.

(2) The seal of the Council shall be kept in the custody of the chairman or the Registrar and shall be affixed to instruments pursuant to a resolution of the Council in the presence of the chairman or any other member of the Council and the Registrar.

(3) The seal of the Council shall be authenticated by the signatures of the chairman or any other member authorised to act in that behalf and the Registrar, and shall be officially and judicially noticed.

(4) All documents, other than those required by law to be under seal, made by, and all decisions of, the Council may be signified under the hands of the chairman, or any other member authorised to act in that behalf, and the Registrar.

(5) The Council may sue and be sued in its corporate name and may for all purposes be described by such name.

Procedure and meetings.

10. (1) The Council shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Council may determine.

(2) The chairman may at any time call a special meeting of the Council and shall call a special meeting within seven days of the receipt of a written requisition for that purpose addressed to him by any two members of the Council.

(3) The chairman shall preside at all meetings of the Council at which he is present, and in case of the chairman's absence from any meeting the members present and constituting a quorum shall elect a chairman from among their number to preside at that meeting.

(4) A quorum of the Council shall be eight.

(5) The decisions of the Council shall be by a majority of votes and, in addition to an original vote, the chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the Council shall be kept.

(7) The validity of the proceedings of the Council shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(8) Subject to the provisions of this Schedule the Council may regulate its own proceedings.

Committees.

11. (1) The Council may appoint such committees as it may think fit and may delegate to any such committee the power and authority to carry out on its behalf such duties as the Council may determine, so, however, that no such committee shall have the power to make regulations.

(2) The constitution of each committee shall be determined by the Council.

12. (1) No member of the Council shall be personally liable for any act or default of the Council done or omitted to be done in good faith in the course of the operations of the Council.

Protection of members.

(2) Where any member of the Council is exempt from liability by reason only of the provisions of this paragraph the Council shall be liable to the extent that it would be if the member was a servant or agent of the Council.

13. There shall be paid from the funds of the Council to the chairman and other members of the Council such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Remuneration of members.

SECOND SCHEDULE

(Section 12)

1. The Tribunal shall consist of a chairman and two other members to be appointed by the Minister.

Constitution of the Council.

2. The members of the Tribunal shall, subject to the provisions of this Schedule, hold office for such period not exceeding two years as the Minister may determine and shall be eligible for re-appointment.

Tenure of office of members.

3. The Minister may appoint any person to act in the place of the chairman or any other member of the Tribunal in case of the absence or inability to act of the chairman or other member.

Acting appointments.

4. (1) Any member of the Tribunal other than the chairman may at any time resign his office by instrument in writing addressed to the chairman, who shall forthwith cause it to be forwarded to the Minister and, from the date of the receipt by the chairman of such instrument, such member shall cease to be a member of the Tribunal.

Resignations.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and, from the date of the receipt by the Minister of such instrument, such chairman shall cease to be chairman or a member of the Tribunal.

5. The Minister may, if he thinks it expedient so to do, at any time revoke the appointment of the chairman or any other member of the Tribunal.

Revocation of appointments.

6. If any vacancy occurs in the membership of the Tribunal, such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

Filling of vacancies.

7. The names of members of the Tribunal as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Publication of membership.

8. The Minister may make rules—

(a) as to the manner of appealing to the Tribunal;

Power to make rules.

(b) as to proceedings before the Tribunal and matters incidental to or consequential on such proceedings, and, subject to any rules so made, the Tribunal may regulate its own proceedings.

No. 36-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th July, 1964.

AN ACT to make provision as to the operation of the law consequent on Uganda having ceased to be part of Her Majesty's dominions.

[9th October, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Uganda Act, 1964, and shall be deemed to have come into operation on the 9th day of October, 1963.

Short title
and com-
mencement.

2—In this Act—

Interpreta-
tion.

“Minister” means the Minister for the time being responsible for External Affairs;

“Parliament” means the Parliament of Jamaica.

Operation of
existing law.

3—(1) On and after the commencement of this Act, all existing law, that is to say all law which, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, is in force on the date of such commencement or has been passed or made before that date and comes into force thereafter, shall, unless and until provision to the contrary is made by Parliament or some other authority having power in that behalf, and subject to the following provisions of this section, have the same operation in relation to Uganda, and persons and things belonging to or connected with Uganda, as it would have apart from this subsection if Uganda had not ceased to be part of Her Majesty's dominions.

(2) The Minister may, by order, make such adaptations in any Law or Act of Parliament passed before or after the commencement of this Act, or in any instrument having effect under any such Law or Act, as appear to him necessary or expedient in consequence of Uganda having ceased to be part of Her Majesty's dominions; and any such order may, though made after the commencement of this Act, be made so as to have effect from the date of such commencement.

(3) Every order made under subsection (2) of this section shall be subject to negative resolution.

No. 37-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th July, 1964.

AN ACT to Amend the Bank of Jamaica Law, 1960.

[The date of any Notice issued by the Minister]
bringing the Act into operation.

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Bank of Jamaica (Amendment) Act, 1964, and shall be read and construed as one with the Bank of Jamaica Law, 1960, hereinafter referred to as the principal Law and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Short title,
construction
and com-
mencement.
Law 32 of
1960.

2—Section 2 of the principal Law is hereby amended by deleting from subsection (1) the definition of "Commonwealth" and substituting therefor the following—

Amendment
of section 2
of principal
Law.

“ “Commonwealth” means the Commonwealth as defined in section 2 of the Jamaican Nationality Act, 1962;”.

Amendment
of section 3
of principal
Law.

3—Subsection (5) of section 3 of the principal Law is hereby amended by deleting the words “or any other director” and substituting therefor the words “or any director or officer”.

Amendment
of section 6
of principal
Law.

4—Section 6 of the principal Law is hereby amended in the following respects—

- (a) by deleting from subsection (2) the words “the Governor of Jamaica on the recommendation of” and the words “and on the like recommendation”;
- (b) by inserting in subsection (3) next after the word “management” the words “and operations”.

Amendment
of section 7
of principal
Law.

5—Section 7 of the principal Law is hereby amended by deleting from subsection (2) the words “Governor of Jamaica acting in his discretion” and substituting therefor the word “Minister”.

Amendment
of section 16
of principal
Law.

6—Section 16 of the principal Law is hereby amended in the following respects—

- (a) by deleting paragraph (b) of subsection (1);
- (b) by deleting from paragraph (c) of subsection (1) the word “(Imperial)”;
- (c) by deleting subsections (2) and (4).

Amendment
of section 21
of principal
Law.

7—Section 21 of the principal Law is hereby amended in the following respects—

- (a) by deleting from the proviso to subsection (1) the words “by notice published in the *Gazette*”;
- (b) by inserting at the end of subsection (1) the words “and notice of every such charge shall be published in the *Gazette* as soon as possible after it is imposed”;

- (c) by deleting from subsection (2) the words "by notice published in the *Gazette* prescribe" and substituting therefor the word "fix";
- (d) by inserting at the end of subsection (2) the words "and notice of every such minimum amount shall be published in the *Gazette* as soon as possible after it is fixed".

8—Subsection (2) of section 22 of the principal Law is hereby amended by deleting from paragraph (d) all the words appearing after the word "Government" and substituting therefor the words "or of the Government of the United Kingdom".

Amendment of section 22 of principal Law.

9—Section 23 of the principal Law is hereby repealed.

Repeal of section 23 of principal Law.

10—Section 25 of the principal Law is hereby amended in the following respects—

Amendment of section 25 of principal Law.

- (a) by deleting from sub-paragraph (ii) of paragraph (d) all the words appearing after the word "Government" and substituting therefor the words "or of the Government of the United Kingdom";
- (b) by inserting in sub-paragraph (ii) of paragraph (f) next after the word "Government" the words "or of the Government of the United Kingdom";
- (c) by inserting in sub-paragraph (iii) of paragraph (f) next after the word "Government" the words "or by the Government of the United Kingdom";
- (d) by deleting from paragraph (j) the words "established with the approval of or under the authority of the Government" and substituting therefor the words "which with the approval of or under the authority of the Government is established".

Amendment
of section 29
of principal
Law.

11—Section 29 of the principal Law is hereby amended by deleting the words “cheques by” and substituting therefor the words “transactions between”.

Insertion of
new section
30A in princi-
pal Law.

12—The principal Law is hereby amended by inserting therein next after section 30 the following section as section 30A—

“Power to
vary
liquid
assets
require-
ments.

30A—(1) Subject to subsection (2), the Bank may from time to time by notice published in the *Gazette* vary the percentage of deposit liabilities which commercial banks are required to maintain as liquid assets under section 12 of the Banking Law, 1960, so, however, that such percentage shall not be less than fifteen nor more than thirty per centum.

(2) Where any such percentage is to be increased—

- (a) the increase shall be so effected as not to exceed five percentage points in any one period of thirty days; and
- (b) it shall be the duty of the Board to give to all commercial banks at least thirty days’ notice of the date on which the increase is to take effect.”.

Amendment
of section 31
of principal
Law.

13—Section 31 of the principal Law is hereby amended in the following respects—

- (a) by inserting next after the word and figures “section 11” the word and figures “or 12”;
- (b) by inserting next after the word and figures “section 30” the word and figures “or 30A”.

14—The principal Law is hereby amended by inserting next after section 37 the following section as section 37A—

“Power of Bank to act as Registrar for loans to local authorities. Law 2 of 1958.

37A—Where regulations made under the Local Authorities Loans Law, 1958 provide for a Registrar in relation to registered stock issued pursuant to that Law, the Bank may, at the request of the Minister perform the functions of such Registrar.”.

Insertion of new section 37A in principal Law.

15—Subsection (3) of section 42 of the principal Law is hereby amended by deleting the words “fifteenth day and on the last day of” and substituting therefor the words “second and fourth Wednesday in”.

Amendment of section 42 of principal Law.

16—The Schedule to the principal Law is hereby amended in the following respects—

Amendment of Schedule to principal Law.

- (a) by deleting from paragraph 3 the words “Governor of Jamaica on the recommendation of the”;
- (b) by deleting from sub-paragraph (2) of paragraph 4 and from paragraph 7 the words “Governor of Jamaica” and substituting therefor in each case the word “Minister”.

No. 38-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th July, 1964.

AN ACT to Amend the Banking Law, 1960.

[]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Banking (Amendment) Act, 1964, and shall be read and construed as one with the Banking Law, 1960 (hereinafter referred to as the principal Law) and all amendments thereto, and shall come into operation on the commencement of the Bank of Jamaica (Amendment) Act, 1964.

Short title,
construction
and com-
mencement.
Law 31 of
1960.

2—Subsection (1) of section 12 of the principal Law is hereby amended in the following respects—

Amendment
of section
12 of princi-
pal Law.

- (a) by deleting the word "Every" and substituting therefor the words "Subject to section 30A of the Bank of Jamaica Law, 1960, every";
- (b) by deleting the words " , or such other percentage thereof as may be fixed by the Minister by Order".

No. 39-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th July, 1964.

AN ACT to Confer power to raise by loan a sum not exceeding twenty-five million pounds and the cost of issue and for matters connected therewith.

[10th July, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Loan Act, 1964.

Short title.

2—The Minister is hereby authorised to raise by the issue of a loan, either at one time or by instalments, an amount sufficient to produce as nearly as may be the sum of twenty-five million pounds and such further sum as may be necessary to defray the expenses of issue.

Authority to
raise loans.

Appropriation of loan.

3—(1) Any money raised as a loan under the authority of this Act—

- (a) shall, subject to paragraph (b), be appropriated and applied to such capital expenditure as may be specified in the prospectus or other document inviting the loan of that money; and
- (b) may be utilised—
 - (i) to defray the expenses of issue of the loan or part thereof; or
 - (ii) for the repayment of the public debt or any part thereof.

(2) In this section “public debt” means the public debt of Jamaica within the meaning of section 119 of the Constitution of Jamaica.

Mode of raising loan.
Cap. 138.
Cap. 229.
Cap. 92.

4—(1) The loan hereby authorised, or any part thereof, may be raised under the provisions of the General Loan and Stock Law or the Local Registered Stock Law or the Debentures (Local) Law or any other general Law authorising the issues of particular securities in respect of amounts borrowed for public purposes, and any such law shall have effect for purposes of this section with such modifications as the Minister may, by order, direct.

(2) Notwithstanding that the loan authorised to be raised by this Act is expressed to be in pounds, any general law authorising the raising of loans in any country other than Jamaica shall be a general law within the meaning of subsection (1) of this section and, for the purpose of determining the amount which may be raised by the issue of a loan in the currency of such country, any amount expressed in this Act to be in pounds shall be converted into the currency of the country in which the loan or any part thereof is being raised at the rate of exchange determined by the Minister to be, as

nearly as may be conveniently possible, equivalent to the average rate of exchange for the month prior to the month in which the prospectus or other document relating to the raising of such loan is issued in such country.

(3) The loan hereby authorised or any part thereof may be raised in Jamaica or the United Kingdom or Canada or the United States of America or any other country prescribed by the Minister.

5—The principal moneys and interest represented by the loan issued under the provisions of this Act are hereby charged upon, and shall be payable out of, the Consolidated Fund and assets of Jamaica.

Principal and interest to be charged on Consolidated Fund and assets of Jamaica.

6—(1) If the loan hereby authorised or any part thereof is raised under the provisions of the General Loan and Stock Law or under the provisions of the Local Registered Stock Law, the contributions to the sinking fund, as contemplated by each of those Laws, shall be made as from a date not later than one year after the date on which interest on the stock issued under either of those Laws is payable.

Provision as to sinking fund.
Cap. 138.
Cap. 229.

(2) The annual contributions to the sinking fund shall be at the rate of not less than one pound per centum per annum of the loan, or part thereof, raised under such Laws, or either of them.

No. 40-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th July, 1964.

AN ACT to Incorporate the Jamaica Red Cross Society
and to provide for matters related thereto. Title.
Commence-
ment.

[The date of any Proclamation issued by the Governor-
General bringing the Act into operation.]

WHEREAS (1) the International Red Cross is an Associa- Preamble.
tion for the promotion of divers humanitarian purposes
throughout the world and comprises all duly recognised
National Red Cross Societies together with two other
Associations known as the International Committee of the
Red Cross and the League of Red Cross Societies:

(2) one of the conditions for the recognition
of a National Red Cross Society is that it shall be con-
stituted on the territory of an independent State where
one of divers international conventions relative to the
Relief of Sick and Wounded is in force:

(3) the Government of Jamaica has acceded
to certain of such conventions further particulars whereof

are set out in the Schedule to this Act (hereinafter referred to as the said conventions):

(4) the said conventions provide, among other things, for certain of the functions of National Red Cross Societies and other Voluntary Aid Societies recognised and authorised by their Government, and for the use of the distinctive emblem of a Red Cross on a white ground and of the words "Red Cross" or "Geneva Cross", and for the prevention of their misuse:

(5) there has been in operation in Jamaica for some years past an association affiliated to the British Red Cross Society now known as the Jamaica Branch of the British Red Cross Society (hereinafter referred to as the former Branch):

(6) the Executive Committee of the former Branch, being the governing body of the said Branch, is desirous of forming a body corporate, to be known as the Jamaica Red Cross Society, and obtaining recognition for such body corporate as a Voluntary Aid Society within the meaning of the said Conventions, to enable it to be recognised as a National Red Cross Society by the International Committee of the Red Cross and to obtain membership of the League of Red Cross Societies:

(7) the formation of such a body corporate and its recognition as a Voluntary Aid Society would facilitate the promotion of the humanitarian purposes of the International Red Cross in Jamaica:

AND WHEREAS it is expedient to make provision by legislation for the various matters aforesaid:

Enactment.

NOW, THEREFORE, BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same as follows:—

1—This Act may be cited as the Jamaica Red Cross Society Act, 1964, and shall come into operation on a

Short title
commence-
ment and
application.

day to be appointed by the Governor-General by notice in the *Gazette*, after the signification of the pleasure of Her Majesty thereon.

2—In this Act “the Society” means the Jamaica Red Cross Society constituted by this Act. Interpretation.

3—For the purpose of maintaining and carrying on the objects set out in section 4 of this Act, the President, Trustees, Officers and Members of the former Branch, and all persons who may hereafter become President, Officers or Members of the Society in the manner laid down in the Rules of the Society, are hereby constituted a body corporate by the name of the Jamaica Red Cross Society, and shall have perpetual succession and a common seal and power to sue and be sued in its corporate name and to acquire, hold and dispose of movable and immovable property. Incorporation of Jamaica Red Cross Society.

4—(1) The general purposes and powers of the Society shall be— Purposes and Powers of the Society.

- (a) in time of war, to furnish aid to the sick and wounded both of armies and among non-belligerents, and to prisoners of war and civilian sufferers from the effects of war;
- (b) to perform all the duties devolving upon a national Society of a nation which has acceded to the said conventions;
- (c) in time of peace or war, to carry on and assist in work for the improvement of health, the prevention of disease and the mitigation of suffering throughout the world;
- (d) to succeed to and take over all the right and property heretofore or now held and enjoyed by and all the duties heretofore performed by the former Branch;

- (e) to organise classes and lectures and publish and sell or distribute papers, books, pamphlets and information for the purpose of stimulating interest in and promoting the objects of the Society and of qualifying persons to assist therein and to take all other measures which may seem necessary for providing and maintaining an efficient organisation for the purposes of the Society;
- (f) to borrow or raise money with or without security for any of the purposes of the Society and either subject or not subject to any special trust and conditions;
- (g) without prejudice to the scope or effect of any of the provisions of this Act to accept and take by way of gift and absorb upon any terms the undertaking and assets of any association or Society whether incorporated or not carrying on work similar to any work for the time being carried on by the Society and to undertake any of the liabilities of any such other Association or body;
- (h) to make and carry out any arrangement for joint working or co-operation with any other association or body whether incorporated or not carrying on work similar to any work for the time being carried on by the Society;
- (i) to undertake execute and perform any trusts or conditions affecting any real or personal property of any description deemed likely to be useful for any of the purposes of the Society;
- (j) without limiting the scope or effect of any of the provisions of this Act to accumulate sell improve manage develop exchange lease mortgage dispose of or otherwise deal with or turn to account all or any property or rights of the Society;

- (k) to grant continue and pay such salaries pensions gratuities or other sums in recognition of services (whether rendered before or after the coming into operation of this Act) as may from time to time be sanctioned by the Central Committee;
- (l) to invest all moneys and funds of the Society which are not immediately required to be expended for the purposes thereof and to vary and transpose such investments without in any of such cases being in any way limited as to the form or nature of investment by any statutory provision or rule of law relating thereto or otherwise relating to the investment of trust funds;
- (m) to do all such other acts and things as are or may be deemed incidental or conducive to the attainment of any of the purposes of the Society or the exercise of any of its said powers.

(2) The particular purposes of the Society shall be defined by rules made by the Central Committee in accordance with section 7.

5—(1) The Society shall be recognised by the Government of Jamaica as a Voluntary Aid Society, auxiliary to the public authorities in particular for the purposes of the said conventions and shall have the right to have and use or permit to be used in carrying out its purposes as an emblem and badge the heraldic emblem of the red cross on a white ground, formed by reversing the Federal colours of Switzerland.

Recognition
as Voluntary
Aid Society.

(2) The Society is hereby authorised with or without co-operation of any other society, organisation or association which may have been accorded similar powers by Act of the Legislature, to act in matters of relief under the said conventions.

Government
of the
Society.

6—(1) The Governing body of the Society shall be the Central Committee consisting of not more than fifty members appointed in the first instance by the governing body of the former branch and thereafter appointed elected or co-opted in such manner as may be determined from time to time by the General Assembly.

Subject to any rules made in accordance with section 7, the General Assembly shall consist of

- (a) Members of the Central Committee
- (b) Chairmen of local branches or divisions or their representatives
- (c) such other persons as may be determined from time to time by the Central Committee.

(2) the Central Committee shall have power to provide for the organisation of such divisions and branches in various parts of Jamaica as may seem expedient for the more effectual carrying out of the purposes of the Society under such rules as the Central Committee may prescribe. The existing governing body of the former Branch shall continue until other provision is made by the Central Committee of the Society.

(3) The Central Committee shall have power to delegate any or all of its rights powers and duties to anyone or more committees either with or without power to such committee or committees further to delegate any or all of such rights powers and duties to sub-committees as the Central Committee may in its absolute discretion think fit.

(4) No member of the Central Committee or of any committee or sub-committee shall be personally liable for any act or default of the Central Committee or of any committee or sub-committee done or omitted to be done in good faith.

Power to
make Rules.

7—(1) The Central Committee shall make such rules as appear to it expedient for carrying out the purposes of the Society and in particular, and without prejudice to the generality of the foregoing, for providing for:

- (a) the particular purposes of the Society, in accordance with subsection (2) of section 4 of this Act;
- (b) the organisation and functions of branches and divisions of the Society;
- (c) the appointment and duties of the officers of the Society;
- (d) the custody of the property of the Society and the keeping and auditing of accounts;
- (e) the use of the Red Cross emblem and badge by officers and members of the Society;
- (f) the making of appeals to the public for financial or other support for the Society;
- (g) the terms on which the Society may accept grants or subventions from Governments or other public authorities;
- (h) the terms on which the Society may associate with other voluntary organisations for any purpose which is included among the purposes of the Society;
- (i) the qualifications and functions of the members of the Society and their organisation in various classes according to their qualifications:

Provided that the Society shall not withhold membership from any citizen of Jamaica on grounds of race, sex, religion or political opinion.

(2) Notwithstanding anything contained in section 27 of the Interpretation Act, it shall not be necessary for any rules made by the Central Committee under this section to be published in the *Gazette*, but a copy of any such rules shall be furnished to the Minister responsible for defence.

Vesting of
assets of
former
Branch.

8—(1) On the day on which this Act comes into operation, all the assets and liabilities of the former Branch shall be transferred to and vested in the Society by virtue of this section and without further assurance.

(2) All deeds, bonds, instruments and contracts subsisting immediately before the day on which this Act comes into operation to which the trustees of the former Branch are parties shall be of as full force and effect against or in favour of the Society and enforceable as fully and effectually as if, instead of the trustees of the former Branch, the Society had been a party thereto.

(3) All assets held by the former Branch for the purpose of any division of the former Branch shall continue to be held by the Society for the purposes of the corresponding division of the Society.

Offences.

9—Any person who falsely and fraudulently—

- (a) holds himself out to be or knowingly allows himself to be supposed to be a member of or an agent for, the Society for the purpose of soliciting, collecting or receiving money or material; or
- (b) wears or displays the emblem of the Red Cross on article of clothing, badge, piece of paper, or in any other way whatsoever, or any insignia coloured in imitation thereof in such a way as to be likely to deceive those to whom it is visible, for the purpose of inducing the belief that he is a member of, or an agent for, the Society, or that he has been recognised by the Society as possessing any qualification for administering first aid or other treatment for the relief of sickness, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding two years, or to both such fine and imprisonment.

10—Nothing in this Act shall prejudice or affect the rights of Her Majesty the Queen, Her Heirs and Successors or any body politic or corporate or of any other person or persons except such as are mentioned in this Act and those claiming by, from, through or under them. Saving of prerogative.

SCHEDULE

FURTHER PARTICULARS OF CERTAIN INTERNATIONAL CONVENTIONS TO WHICH THE GOVERNMENT OF JAMAICA HAS ACCEDED Preamble.

Geneva Convention for the amelioration of the condition of the wounded and sick in armed forces in the field, of 12th August 1949

Geneva Convention for the amelioration of the condition of wounded sick and shipwrecked members of armed forces at sea, of 12th August, 1949

Geneva Convention relative to the treatment of prisoners of war, of 12th August, 1949

Geneva Convention relative to the protection of civilian persons in time of war, of 12th August, 1949.

No. 41-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th July, 1964.

A LAW for the Incorporation of the Church of God of Prophecy and the Vesting of Property in the Body so Incorporated.

[10th July, 1964]

WHEREAS in or about the year 1929 a number of local Churches or Assemblies were formed or established in various parts of the Island by various Ministers of the Gospel under the name of Bible Church of God: Preamble.

AND WHEREAS in or about the year 1935 it was decided that since the tenets and doctrine of the Bible Church of God were the same as the Church of God of Prophecy with Headquarters in Tennessee in the United States of America which was a long established religious body with wide influence it would be of mutual benefit to both Bodies if the Bible Church of God in Jamaica became affiliated with the Church of God of Prophecy of the United States of America aforesaid and this affiliation was by mutual agreement effected during the course of

the said year 1935 and in accordance with a decision and resolution then reached by the Bishop and Committee of the Bible Church of God in Jamaica the name Church of God of Prophecy of Jamaica was thereupon assumed in lieu thereof :

AND WHEREAS for the purposes of the several Churches or Assemblies and of the Bible Church of God and the Church of God of Prophecy and in furtherance of the religious work carried on in Jamaica by them certain Real Estate set out in the Schedule to this Act and certain personal property had from time to time been acquired by them :

AND WHEREAS in acquiring the aforesaid real estate the title deeds or other documents of title therefor was sometimes taken in the name or names of members of the particular Church or Body by which the said real estate was being acquired and sometimes in the name of Trustees of (including persons for the time being filling official positions in) the particular Church or Body by which the said real estate was being acquired there being sometimes no indication in the said title deeds or other documents of title that the aforesaid real estate was to be held in trust for the Church or Body by which the said real estate was acquired although in fact all of such property both real and personal was at the time of its acquisition intended to be held generally for the benefit of the particular Church or Body by which it was acquired and is now intended to be held for the benefit of the Church of God of Prophecy of Jamaica in connection with the religious work and charitable and educational purposes in Jamaica carried on by it and the local Churches of which it is comprised :

AND WHEREAS inconvenience is likely to be caused and expense is likely to be incurred by reason of changes from time to time connected with the Church of God of Prophecy of Jamaica and of the death of the persons in whom the

legal ownership of the aforesaid real and personal property is vested unless some remedy be applied to prevent the same and it is therefore expedient and desirable that the Church of God of Prophecy of Jamaica should be a Corporate Body in which may be vested the real and personal property already and hereafter to be acquired in Jamaica for and on behalf of the said Church of God of Prophecy of Jamaica and that such corporate body shall have the power to acquire, hold, deal with and dispose of the real and personal property for the purposes of the said church and possessed with the powers by this Act conferred.

“BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—”

1—This Act may be cited as the Church of God of Prophecy of Jamaica (Incorporation and Vesting) Act 1964. Short title Act.

2—In this Act “the Church” means the persons for the time being associated in Jamaica under the name of “Church of God of Prophecy of Jamaica”; Interpretation.

“the Corporation” means the Body incorporated by this Act.

3—(1) The following persons, that is to say, the Rev. Rudolph Clifford Smith, the present Island Overseer of the Church so appointed by the Church of God of Prophecy of Tennessee in the United States of America and the Reverends Jonathan Augustus Riley, Percival Nathaniel Graham and Austin A. Burke the present Parish Overseers of the Church and the Rev. Clarabelle Lawrence the Treasurer and Secretary of the Church and their successors for the time being in the said respective offices of Island Overseer, Overseers, Secretary and Treasurer Incorporation of the Church of God of Prophecy of Jamaica.

of the Church are hereby declared, constituted and appointed a Corporation or Body Corporate to have continuance for ever and perpetual succession by the name of "The Church of God of Prophecy of Jamaica" and possessed of a Corporate Seal and by that name may sue and be sued in all Courts of this Island and its Dependencies.

(2) No act or proceeding of the Corporation shall be invalidated by reason of any vacancy in the Body or in any of the offices mentioned in subsection (1) of this section or by any defect in the appointment of any such person to any such office.

(3) The Seal of the Corporation shall be of such design and pattern as the Corporation may from time to time determine.

(4) Upon the recording in the Island Record Office or the lodging in the Office of Titles of a Certificate under seal of the Corporation of the appointment of any person to any of the offices mentioned in subsection (1) of this section the persons named in such Certificate shall be deemed to be the holders of the offices named therein until the recording or lodging of a Certificate of the appointment of another person to such office.

(5) No deed or document purport to be executed by the Corporation shall be of any force or validity unless it be sealed with the Corporate Seal and signed by not less than two members of the Corporation of whom the Island Overseer for the time being of the Church shall be one.

(6) In the case of any other Church or Congregation desiring to unite with the Corporation and to adopt its tenets, doctrine and forms of worship and to submit to its jurisdiction, the Corporation may accept the transfer of the property of such Church, to be held subject to the Trusts from time to time affecting the property vested

in the Corporation, and such transfer shall be made by the Trustees of such property under the resolution of such Church or Congregation directing such transfer, duly passed at a Church Meeting of such Church or Congregation by the like majority and in like manner as would authorize the sale of the said lands, or otherwise duly passed in accordance with the rules or practices of such Church or Congregation.

4—(1) All lands and hereditaments in Jamaica mentioned and referred to in the Schedule to this Act now held by or vested in the several grantees mentioned in the said Schedule as Trustees express or implied for the benefit of the Bible Church of God or the Church of God of Prophecy of Jamaica and which are now legally or equitably the property of the Church, or are held in trust for the purposes of the Church or are now held or possessed on behalf of the Church by the officials, Ministers or members of the Church or any of them are hereby transferred to and vested in the Corporation their successors and assigns for the same estate and interest to which the same were respectively held by or vested in the said grantees hereinbefore named at the time of the passing of this Act subject to all trusts, mortgages, charges or encumbrances, if any, affecting the same or any part thereof.

Realty
Vested
in the
Church sub-
ject to all
trust mort-
gages etc.

(2) All property real and personal in the Island of Jamaica and its Dependencies bequeathed by will or otherwise given to the Church or any person for the benefit of the Church shall be held by and is hereby vested in and shall be deemed to be the property of the Corporation.

5—The Corporation shall have the following powers:

Powers.

- (a) to acquire, hold, purchase, lease, possess and enjoy any lands or hereditaments whatsoever in fee simple, leasehold, or for any other estate or

- interest therein and all other property real personal or mixed;
- (b) To give, grant, let, charge, improve, manage, develop, exchange, lease, mortgage, sell, convey, assign, dispose of, turn to account or otherwise deal with all or any of the property both present and future, so held or vested or any part thereof;
 - (c) To borrow, raise or secure the payment of money in such manner as may be thought fit and in particular by the issue of debentures or scrip charged upon all or any of the property, both present and future, held by or vested in the Corporation and to redeem and pay off such securities;
 - (d) To appoint a person or persons as the Attorney or Attorneys of the Corporation either generally or for a limited period and for such purposes and with such powers as may be stated in the Power of Attorney and to revoke any such appointment.

Application
of Act to De-
pendencies.

6—All the Provisions of this Act shall apply to the Dependencies.

Saving of
Prerogative.

7—Nothing in this Act shall prejudice or affect the rights of Her Majesty the Queen, Her Heirs and Successors or any body politic or corporate or of any other person or persons except such as are mentioned in this Act and those claiming by, from, through or under them.

SCHEDULE

1. Name of Church	2. Real Estate belonging to or held in trust for the Church mentioned in Column 1 hereof	3. Documents of Title for real estate described in Column 2 hereof
Bible Church of God— Airy Castle	Land at Airy Castle, Stony Hill	Certificate of Title registered in Volume 657 Folio 93 of the Register Book of Titles in the names of Rudolph Clifford Smith, David G. Matthews and Lloyd Bucknor as Trustees for the Bible Church of God now the Church of God of Prophecy.
Bible Church of God— Highholborn Street	19 Highholborn Street	Conveyance dated 16th June, 1954 Donald Selvyn Adolphus Fitzritson to Rudolph Clifford Smith <i>et al</i> for and on behalf of the Bible Church of God now the Church of God of Prophecy. (Conveyance recorded in the Record Office at L.N.S. 793 Folio 409).
Bible Church of God— Chapelton	2 roods 19 perches land at Chapelton butting and bounding now or formerly north on land in the occupation of Olive Jones; south on land in the occupation of Edward Nathaniel Thomas; east on land in the occupation of William Miller and west on the Main Road from Summerfield to May Pen.	Conveyance dated 30th April, 1948 Jackson, E. E. to Eubanks, G. P. Receipt dated 11/1/52 for last payment of purchase money (£130) given by George Eubanks to Rev. R. C. Smith, purchaser of land on behalf of Bible Church of God now Church of God of Prophecy.
Bible Church of God— Point Hill	3 roods more or less at Point Hill, St. Catherine butting and bounding now or formerly east on land in the occupation of Daniel Armstrong, west on land in the occupation of William Brown, north on the Main Road leading from Spanish Town to Kellits and south on land of H. Tennant.	Conveyance dated 25th day of May, 1944 Mable Folin Watson to Rudolph Clifford Smith on behalf of Bible Church of God now Church of God of Prophecy.
Bible Church of God— Mount Moreland	1 square chain more or less at Mount Moreland, Saint Catherine butting and bounding now or formerly west on land in the occupation of Ethlin Hamilton north, south and east on the remainder of the same property in the ownership and possession of Egbert A. Watson.	Conveyance dated 18th March, 1952 Egbert A. Watson to Rudolph Clifford Smith for and on behalf of the Bible Church of God now Church of God of Prophecy.

SCHEDULES, *Contd.*

1.	2.	3.
Name of Church	Real Estate belonging to or held in trust for the Church mentioned in Column 1 hereof	Documents of Title for real estate described in Column 2 hereof
Bible Church of God— Lloyd, St. Ann	1 square chain more or less at Lloyd, St. Ann butting and bounding now or formerly east on the Parochial Road leading to Harrison Town district; north, south and west on the remainder of the same property in the ownership and possession of Stanley Paisley.	Conveyance dated 26th August, 1940 Stanley Paisley to Rudolph Clifford Smith for and on behalf of the Bible Church of God now Church of God of Prophecy.
Bible Church of God— Plowden	¼ square chain more or less at Plowden, Manchester butting and bounding now or formerly west on the Parochial Road, north on land in the occupation of Florence Wright, south and east on the remainder of the same property in the ownership and possession of Richard and Julia Forbes.	Conveyance dated 23rd November, 1944 Richard and Julia Forbes to Rudolph Clifford Smith for and on behalf of the Bible Church of God now Church of God of Prophecy.
Bible Church of God— Colonel's Ridge	¼ acre at Colonel's Ridge, Clarendon butting and bounding now or formerly as appears by the plan thereof prepared by H. G. Walker, Commissioned Land Surveyor on the 28th day of March, 1952 attached to the Receipt mentioned in Column 3 hereof.	Written Memorandum of Agreement to sell in form of Receipt dated 2nd July, 1951 signed by Linnette Wilson evidencing sale by her to Cecil Williams for and on behalf of the Bible Church of God now Church of God of Prophecy.
Bible Church of God— Lima, St. James	¾ square chain at Lima, St. James butting and bounding now or formerly east on the Main Road Montego Bay to Falmouth; west on land in the occupation of Isabel Riley; north and south on the remainder of the same property in the ownership and possession of Herbert Alexander McBean and Urcella McBean.	Conveyance dated 12th August, 1957 Herbert Alexander McBean <i>et ux</i> to Rudolph Clifford Smith for and on behalf of the Bible Church of God now Church of God of Prophecy.
Bible Church of God— York	¼ acre part of York in the parish of St. Thomas.	Certificate of Title registered in Volume 482 Folio 51 of the Register of Titles in the names of Rudolph Clifford Smith and James Samuels Johnson as joint tenants as Trustees for the Bible Church of God now Church of God of Prophecy.

SCHEDULES, *Contd.*

1. Name of Church	2. Real Estate belonging to or held in trust for the Church mentioned in Column 1 hereof	3. Documents of Title for real estate described in Column 2 hereof
Bible Church of God— Seaforth	2 roods 0.4 perches part of Seaforth in the parish of Saint Thomas as described in the plan and conveyances mentioned in Column 3.	Conveyance dated 15th July, 1932 Moses Black to Othniel Adolphus Gregnion. Conveyance 20th June 1946 O. A. Gregnion to Milton Ambrose Tomlinson <i>et al</i> for and on behalf of the Bible Church of God now Church of God of Prophecy. Plan bearing Survey Department Examination No. 1025 prepared by E. I. Morrison Commissioned Land Surveyor on 19th February 1946.
Bible Church of God— Hopewell	1 rood 1.25 perches part of Hopewell in the parish of Portland.	Certificate of Title registered in Volume 633 Folio 120 of the Register Book of Titles in the names of Rudolph Clifford Smith and Cecil Uriah Williams as joint tenants for and on behalf of the Bible Church of God now Church of God of Prophecy.
Bible Church of God— Above Rocks	1 acre 5.9 perches part of Everton Park, Parks Road in the parish of Saint Andrew.	Certificate of Title registered in Volume 524 Folio 76 of the Register Book of Titles in the name of Rudolph Clifford Smith <i>et al</i> for and on behalf of the Bible Church of God now Church of God of Prophecy.
Bible Church of God— Rose Hill	4863.6 square feet part of Rose Hill in the parish of Manchester as described in the conveyance mentioned in Column 3 hereof.	Conveyance dated 22nd September, 1945 Charles Brown to Milton Ambrose Tomlinson <i>et al</i> for and on behalf of the Bible Church of God now Church of God of Prophecy.
Bible Church of God— Pembroke Hall	¾ of a square chain at Pembroke Hall in the parish of Saint Andrew as described in the conveyances mentioned in Column 3 hereof.	Conveyance dated 8th June, 1954 Arthur N. Hay to Rudolph Clifford Smith <i>et al</i> for and on behalf of the Bible Church of God now Church of God of Prophecy.
Bible Church of God— Hampshire	4 square chains Hampshire in the parish of Saint Catherine as described in the conveyance mentioned in Column 3 hereof.	Conveyance dated 2nd October, 1953 James Marshall to Bible Church of God now Church of God of Prophecy.

SCHEDULES, *Contd.*

1.	2.	3.
Name of Church	Real Estate belonging to or held in trust for the Church mentioned in Column 1 hereof	Documents of Title for real estate described in Column 2 hereof
Bible Church of God— Comfort	4500.5 square feet at Comfort in the parish of Manchester as described in the conveyance mentioned in Column 3 hereof.	Conveyance dated the 19th September, 1945 Eustace Nelson to Tomlinson, M. A. <i>et al</i> for and on behalf of the Bible Church of God now Church of God of Prophecy.

No. 42-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

16th July, 1964

AN ACT to Amend the Land Taxation (Relief)
Law, 1960.

[18th July, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Land Taxation (Relief) (Amendment) Act, 1964, and shall be read and construed as one with the Land Taxation (Relief) Law, 1960, hereinafter referred to as the principal Law.

Short title
and con-
struction.
Law 4 of
1960.

2—Section 1 of the principal Law is hereby amended by deleting therefrom the words “, and shall expire on the 31st day of March, 1969”.

Amendment
of section 1
of principal
Law.

No. 43-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

16th July, 1964.

AN ACT to Amend the Travel Tax Act, 1963

[The date of any Notice issued by the Minister]
bringing the Act into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Travel Tax (Amendment) Act, 1964, and shall be read and construed as one with the Travel Tax Act, 1963, hereinafter referred to as the principal Act, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Short title.
construction
and com-
mencement.
Act 26 of
1963.

2—Section 2 of the principal Act is hereby amended—

- (a) by deleting therefrom the definition of "visitor";
and

Amendment
of section 2
of principal
Act.

- (b) by inserting therein next after the definition of "Collector" the following definition—

“ “immigration officer” means the “Chief Immigration Officer” and any “immigration officer” appointed by the Governor-General under the Aliens Law;”.

Cap. 9.

Amendment of section 3 of principal Act.

- 3—Subsection (3) of section 3 of the principal Act is hereby amended by deleting paragraph (c) thereof.

Amendment of section 4 of principal Act.

- 4—Section 4 of the principal Act is hereby amended—

- (a) by deleting subsection (1) and substituting therefor the following—

“ (1) The travel tax payable by a traveller pursuant to section 3 shall be collected and paid over to a Collector—

- (a) by the carrier who issues to the traveller any ticket or other document authorising that traveller to be transported by a carrier from Jamaica to any place outside Jamaica; or
- (b) in default of collection pursuant to paragraph (a), by the carrier transporting the traveller from Jamaica as aforesaid.”;

- (b) by adding thereto the following as subsections (5) and (6)—

“ (5) Any claim to entitlement to exemption from travel tax pursuant to subsection (3) of section 3 which cannot be resolved by a carrier shall be referred to a Collector or to an immigration officer; and

the decision of the Collector or immigration officer thereon shall, subject to section 8, be final.

(6) For the purpose of deciding any claim pursuant to subsection (5) the Collector or immigration officer, as the case may be, may make such enquiries (either of the traveller or of any other person) as he thinks fit.”.

5—Section 5 of the principal Act is hereby amended by adding thereto the following as subsection (3)—

Amendment
of section 5
of principal
Act.

“ (3) Any person who fails, without reasonable cause, to furnish to a Collector or immigration officer, as the case may be, any information required by the Collector or immigration officer, as the case may be, for the purposes of subsection (6) of section 4, shall be liable on summary conviction in a Resident Magistrate’s Court to a fine not exceeding ten pounds or in default of payment thereof to imprisonment with or without hard labour for a term not exceeding one month.”.

6—Section 6 of the principal Act is hereby amended—

Amendment
of section 6
of principal
Act.

(a) by renumbering the existing section as subsection (1) of the section; and

(b) by adding thereto as subsection (2) the following—

“ (2) Where the carrier referred to in paragraph (a) of subsection (1) of section 4 is not the same person as the carrier referred to in paragraph (b) of that subsection, the Collector may enforce payment against either or both of such carriers, so,

however, that nothing in this subsection shall be construed as empowering the Collector to enforce payment of a greater sum than that which would have been payable if the travel tax were collected by one carrier."

No. 44-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

16th July, 1964.

AN ACT to Amend the Land Valuation Law, 1956.

[18th July, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Land Valuation (Amendment) Act, 1964, and shall be read and construed as one with the Land Valuation Law, 1956 (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Law 73 of
1956.

2—(1) Subsection (1) of section 17 of the principal Law is hereby repealed and the following substituted therefor—

Amendment
of section 17
of princi-
pal Law.

“ (1) A valuation roll shall, as soon as practicable, be prepared for each district and shall be in such form as may be prescribed and in it shall be set forth

(so far as is practicable) in respect of each valuation the following particulars—

- (a) the name and postal address of the owner;
- (b) the situation, description and measurement or area of the land;
- (c) the unimproved value of the land;
- (d) such additional particulars, including the improved value of land, as may be prescribed."

(2) Subsection (1) of this section shall be deemed to have come into operation immediately after the commencement of the Land Valuation (Amendment) Law, 1959.

Law 23 of 1959.

Amendment of sections 20, 22 and 23 of principal Law.

3—Sections 20, 22 and 23 of the principal Law are hereby amended by deleting the words "thirty days" wherever they appear and substituting therefor the words "sixty days".

Repeal and replacement of section 24 of principal Law.

4—Section 24 of the principal Law is hereby repealed and the following section substituted therefor—

"Collection of tax pending objection or appeal.

24—(1) Subject to the provisions of this section, the fact that an objection has been made or that an appeal is pending shall not in the meantime interfere with or affect the recovery of tax under any Law for the time being imposing a tax on land or the making and levying and recovery of rates by or on behalf of any local authority or the making and levying and recovery of any other statutory rate, charge or assessment based on the unimproved value or improved value of land and, if the valuation is altered, due adjustment shall be made for which purpose amounts paid in excess shall be refunded and amounts underpaid shall be recoverable as arrears.

(2) A person required to pay land tax in respect of any land which is the subject matter of an objection under this Law or any appeal arising therefrom may in the prescribed form and manner and within the prescribed time declare what in his opinion are the unimproved value and the improved value of the land; and, pending determination of the objection or appeal, as the case may be, the collection and recovery of land tax in respect of that land shall, subject to subsection (3), be effected as if the values so declared were the unimproved or improved value of the land, as the case may be.

(3) When the valuation of land which is the subject matter of an objection or appeal and in relation to which a declaration has been made pursuant to subsection (2) is ultimately ascertained upon the hearing or other disposal of the objection or appeal, as the case may be—

- (a) an adjustment of land tax shall, where necessary, be made so as to ensure that land tax is assessed and paid as from the collection date on the basis of the valuation as so ultimately ascertained; and accordingly any amount paid in excess shall be refunded and any amount underpaid shall be recovered as arrears of tax;
- (b) interest shall be charged on any amount underpaid from the collection date until the date of payment at the rate of 8 per cent per

annum or at such other rate as the Minister responsible for Finance may, subject to subsection (4), from time to time by order prescribe and such interest may be added to the amount payable as land tax and may be collected and recovered as if it were land tax.

(4) Any order made by the Minister responsible for Finance pursuant to subsection (3) shall be subject to negative resolution of the House of Representatives.

(5) In this section—

- (a) “collection date”, in relation to any land tax payable in respect of any land, means the date on which such tax would be due and payable if there had been no objection or appeal in respect of the valuation of that land;
- (b) “land tax” means any such tax, rate, statutory rate, charge or assessment as is referred to in subsection (1);
- (c) notwithstanding any power to enlarge the time for an appeal, a valuation shall be deemed to be ultimately ascertained if the time for appeal, or, as the case may be,

for any further appeal, has elapsed :

Provided that where the time for appeal, or for such further appeal, is enlarged the Court enlarging the time may order that for the purpose of this section the valuation shall be regarded as not being ultimately ascertained until the hearing or disposal of the appeal or further appeal as the case may be."

No. 45-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

16th July, 1964.

AN ACT to Amend the Motor Vehicles Insurance
(Third-Party Risks) Law.

[18th July, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same as follows:—

1—This Act may be cited as the Motor Vehicles Insurance (Third-Party Risks) (Amendment) Act, 1964, and shall be read and construed as one with the Motor Vehicles Insurance (Third-Party Risks) Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title and construction.
Cap. 257.

2—Section 2 of the principal Law is hereby amended in the following respects—

Amendment of section 2 of principal Law.

- (a) by inserting therein immediately before the definition of "chief officer of police" the following definition—

Act 45
of 1964.

“ “appointed day” means such day, not being earlier than six months after the commencement of the Motor Vehicles Insurance (Third-Party Risks) (Amendment) Act, 1964, as the Minister shall specify in a notice published in the *Gazette* and in at least one issue of a daily newspaper printed and circulating in Jamaica;”;

- (b) by deleting the definition of “Insurer” and substituting therefor the following—

“ “insurer” means any person carrying on the business of—

(a) issuing policies of insurance; or

(b) giving securities,

against liabilities to third-parties in relation to the user of motor vehicles, being a person registered under section 19B of this Law;”.

Amendment
of section 4
of principal
Law.

3—Section 4 of the principal Law is hereby amended by deleting from the proviso to subsection (2) the words “twenty-five” and “five” and substituting therefor the words “one hundred” and “twenty-five” respectively.

Amendment
of section 5
of principal
Law.

4—Section 5 of the principal Law is hereby amended in the following respects—

- (a) by deleting from paragraph (a) of subsection (1) all the words appearing after the word “insurer”;
- (b) by deleting from paragraph (b) of subsection (1) the word “giver of the security” and substituting therefor the word “insurer”;
- (c) by deleting from subsection (2) the word “person” where that word appears for the first time and substituting therefor the word “insurer”.

5—Section 6 of the principal Law is hereby amended by deleting from the proviso to subsection (1) the words “or the giver of the security”.

Amendment of section 6 of principal Law.

6—Section 18 of the principal Law is hereby amended by deleting therefrom the words “to an “insurer” ” and “, to the giver of the security,” respectively.

Amendment of section 18 of principal Law.

7—The principal Law is hereby amended by inserting therein next after section 19, the following sections as sections 19A, 19B, 19C, 19D, 19E and 19F respectively—

Insertion of sections 19A, 19B, 19C, 19D, 19E and 19F in principal Law.

“Insurers to be registered.

19A—From and after the appointed day no person shall carry on the business of—

- (a) issuing policies of insurance; or
- (b) giving securities,

against liabilities to third-parties in relation to the user of motor vehicles unless such person is registered under this Law.

Registration of insurers.

19B—(1) The Minister shall cause to be kept a register, to be known as the Register of Insurers, in such form and manner and containing such particulars as may be prescribed.

(2) The Register of Insurers shall be open to inspection by any member of the public at all reasonable times.

(3) Any person desiring to be registered under this Law shall make application in such form and manner as may be prescribed.

(4) Where the Minister decides to grant an application he shall cause the applicant to be registered—

- (a) unconditionally; or

- (b) subject to such restrictions and conditions as the Minister may specify in writing,

and direct that a certificate of registration in the prescribed form be issued to the applicant.

(5) Where the Minister refuses an application he shall cause the applicant to be informed in writing accordingly.

(6) The Minister shall cause to be published in the *Gazette* and at least one daily newspaper printed and circulating in Jamaica—

- (a) a list containing the names and addresses of all insurers as soon as may be after the appointed day, and thereafter in the months of January, April, July and October in each year; and
- (b) notice of additions to or alterations in the list as soon as may be after such additions or alterations are made.

Cancellation
of registra-
tion.

19c—(1) Subject to the provisions of subsections (2) and (3) of this section the Minister may cause the registration of an insurer to be cancelled—

- (a) where the Minister is satisfied that such registration was procured as a result of any misleading, false or fraudulent representation or in consequence of any incorrect information (whether such information was supplied wilfully or otherwise); or

- (b) where there has been a breach of any restriction or condition subject to which such insurer was registered; or
- (c) where such insurer fails to make any deposit required by the Minister; or
- (d) where such insurer fails to make any return or furnish any information in compliance with the requirements of regulations made under this Law, or fails to furnish, within a reasonable time, any information requested by the Minister concerning the operations of such insurer; or
- (e) where the Minister has reason to believe that such insurer has been or will be unable, as a result of the state of his financial affairs, to satisfy claims made against him pursuant to policies of insurance issued, or securities given, by him.

(2) Before the Minister causes the registration of an insurer to be cancelled, he shall give such insurer notice in writing informing him—

- (a) of the ground on which it is proposed to cancel the registration; and
- (b) that he may show cause within a specified time why the registration should not be cancelled.

If such insurer fails to show cause within the specified time why the registration

should not be cancelled, or if the cause shown is inadequate in the opinion of the Minister, he may thereupon cause the registration to be cancelled.

(3) Upon the cancellation of the registration of an insurer the Minister shall cause notice of such cancellation to be published in the *Gazette* and at least one daily newspaper printed and circulating in Jamaica and a copy of the notice to be sent to such insurer by registered post.

Issuing policies or giving certificates without being registered.

19D—(1) Any person who contravenes the provisions of section 19A of this Law shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one thousand pounds or to imprisonment with or without hard labour for a term not exceeding six months or to both such fine and imprisonment and in the case of a continuing offence to a further fine not exceeding fifty pounds for each day on which the offence continues after conviction.

(2) Where a company is guilty of a contravention of the provisions of section 19A of this Law every director, manager, agent and officer of the company in Jamaica who is knowingly a party to the contravention shall be liable to the penalties prescribed by subsection (1) of this section.

Deposits.

19E—The Minister may at any time require any insurer to make a deposit within such time and in such amount as the Minister may specify, and different

amounts may be specified in respect of different insurers.

Saving
of certain
contracts.

19F—Notwithstanding anything contained in this Law, where any document purporting to be—

(a) a policy of insurance; or

(b) a security,

against liabilities to third-parties in relation to the user of motor vehicles has been issued by a person who is not an insurer or by a person whose registration as an insurer was cancelled, whether before or after the issue of the document, such person shall be bound by any offer or undertaking made or given by him in such document to the same extent that he would be if the document were a policy or security which complies with the requirements of this Law, and sections 10 to 14 and section 16 of this Law shall have effect in relation to him as if he were an insurer.”

8—Section 20 of the principal Law is hereby amended in the following respects—

Amendment
of section 20
of principal
Law.

(a) by deleting the fullstop at the end of subsection (1), substituting therefor a semi-colon and adding the following paragraphs—

“(g) prescribing the form and manner in which deposits shall be made by insurers, and the manner of holding and dealing with such deposits and any income earned therefrom;

(h) as to the returns to be made, and the information to be furnished, by insurers or any specified class of insurers.”;

- (b) by inserting therein next after subsection (1) the following subsection as subsection (1A)—

“ (1A) Notwithstanding the provisions of section 26 of the Interpretation Law, regulations made under this section may prescribe greater penalties than those specified in the said section 26, so, however, that the maximum penalty that may be imposed shall be imprisonment with hard labour for a term of six months and a fine of five hundred pounds.”

Transitional. **9**—All policies of insurance and all securities issued or given, as the case may be, before the appointed day, being policies and securities which, but for this Act would have complied with the requirements of the principal Law, shall be deemed, after the commencement of this Act, to comply with the requirements of the principal Law, and the persons by whom such policies and securities were issued or given, as the case may be, shall, after the commencement of this Act, be deemed during the subsistence and for the purpose of such policies and securities to be insurers.

No. 46-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

27th July, 1964.

AN ACT Relating to foods, drugs, cosmetics and
therapeutic devices.

[The date of any Notice issued by the Minister]
bringing the Act into Operation.

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and
House of Representatives of Jamaica, and by the authority
of the same, as follows:—

PART I—*Preliminary*

1—This Act may be cited as the Food and Drugs Act, 1964, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Short title
and com-
mencement.

2—(1) In this Act—

“advertisement” includes any representation by any
means whatever for the purpose of promoting

Interpreta-
tion.

directly or indirectly the sale or disposal of any food, drug, cosmetic or device;

“analyst” means an analyst designated under section 17;

“article to which this Act applies” includes—

- (a) any food, drug, cosmetic or device;
- (b) anything used for the manufacture, preparation, preservation, packaging or storing thereof;
- (c) any labelling or advertising material;

“cosmetic” includes any substance or mixture of substances manufactured, sold or represented for use in cleansing, improving or altering the complexion, skin, lips, hair, fingernails or toenails, teeth, and includes deodorants and perfumes;

“device” means any instrument, apparatus, or contrivance including components, parts and accessories thereof, manufactured or sold or represented for use in the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state or the symptoms thereof in man or animal;

“drug” means any substance or mixture of substances manufactured, sold or represented for use in—

- (a) the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical state or the symptoms thereof in man or animal;
- (b) restoring, correcting or modifying organic functions in man or animal;
- (c) disinfection in premises in which food is manufactured, prepared, preserved, packaged or stored for sale or sold or for the

control of vermin or insects in such premises;

“food” includes any article used for food or drink by man, chewing gum and any ingredient that may be mixed with food or drink for any purpose;

“importer” in relation to an imported article, includes any person who, whether as owner, consignee, agent or broker is in possession of the article or in any way entitled to the custody or control of it;

“insanitary conditions” means such conditions or circumstances as might contaminate a food, drug or cosmetic as the case may be with dirt or filth or render the same injurious to health or unsafe for use;

“inspector” means an inspector designated under section 17;

“label” includes any legend, word, record or mark attached to, included in, belonging to, or accompanying any food, drug, cosmetic, device or package;

“package” includes anything in which any food, drug, cosmetic or device is wholly or partly contained, placed or packed;

“sell” includes offer for sale, expose for sale, have in possession for purposes of sale (whether by the person in possession or by some other person) and distribute.

(2) Where in this Act the expression “this Act” is used it shall be deemed to include references to regulations made under this Act.

PART II—*Foods, Drugs, Cosmetics and Devices*

GENERAL

No food, drug, etc., to be advertised or sold for the treatment, etc. of certain diseases. First Schedule.

3—(1) A person shall not advertise any food, drug, cosmetic or device to the general public for the treatment, prevention or cure of any of the diseases, disorders or abnormal physical states mentioned in the First Schedule.

(2) A person shall not sell any food, drug, cosmetic or device—

(a) that is represented by label; or

(b) that he advertises to the general public, for the treatment, prevention or cure of any of the diseases, disorders or abnormal physical states mentioned in the First Schedule.

Restrictions on importation.

4—(1) Except as provided by the regulations, a person shall not import into the Island any food, drug, cosmetic or device unless it wholly conforms to the law of the country in which it was manufactured or produced and is accompanied by a certificate in prescribed form and manner that it does not contravene any known requirement of the law of that country and that its sale therein for consumption or use by or for man or animal, as the case may be, would not constitute a violation of the law thereof.

(2) A person shall not sell any food, drug, cosmetic or device imported into the Island in contravention of subsection (1).

(3) Except as provided by the regulations a person shall not import into the Island any food, drug, cosmetic or device, the sale of which would be an offence under this Act.

FOOD

Prohibited sales of food.

5—A person shall not sell any food that—

(a) has in or upon it any poisonous or harmful substance;

(b) is unfit for human consumption;

- (c) consists in whole or in part of any filthy, putrid, disgusting, rotten, decomposed or diseased animal or vegetable substance;
- (d) is adulterated; or
- (e) was manufactured, prepared, preserved, packaged or stored under insanitary conditions.

6—(1) A person shall not label, package, treat, process, sell or advertise any food in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety.

Food to be correctly labelled, packaged, etc.

(2) Any food that is not labelled or packaged as required by the regulations, or is labelled or packaged contrary to the regulations, shall be deemed to be labelled or packaged contrary to subsection (1).

(3) Where a standard has been prescribed for a food, a person shall not label, package, sell or advertise any article in such a manner that it is likely to be mistaken for such food, unless the article complies with the prescribed standard.

7—A person shall not manufacture, prepare, preserve, package or store for sale any food under insanitary conditions.

Insanitary conditions.

DRUGS

8—A person shall not sell any drug that—

- (a) was manufactured, prepared, preserved, packaged or stored under insanitary conditions;
- (b) is adulterated; or
- (c) is stale.

Prohibited sales of drugs.

9—(1) A person shall not label, package, treat, process, sell or advertise any drug in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety.

Drugs to be correctly labelled, packaged, etc.

(2) A drug that is not labelled or packaged as required by the regulations, or is labelled or packaged contrary to the regulations, shall be deemed to be labelled or packaged contrary to subsection (1).

(3) Where a standard has been prescribed for a drug, a person shall not label, package, sell or advertise any substance in such a manner that it is likely to be mistaken for such drug, unless the substance complies with the prescribed standard.

Second
Schedule.

(4) Where a standard has not been prescribed for a drug, but a standard for the drug is contained in any publication mentioned in the Second Schedule, a person shall not label, package, sell or advertise any substance in such a manner that it is likely to be mistaken for such drug, unless the substance complies with such standard.

(5) Where a standard for a drug has not been prescribed and no standard for the drug is contained in any publication mentioned in the Second Schedule, a person shall not sell such drug, unless—

- (a) it is in accordance with the professed standard under which it is sold; and
- (b) it does not resemble, in a manner likely to deceive, any drug for which a standard has been prescribed or which is contained in any publication mentioned in the Second Schedule.

Insanitary
conditions.

10—A person shall not manufacture, prepare, preserve, package or store for sale any drug under insanitary conditions.

Distribu-
tion of
samples.

11—(1) A person shall not distribute or cause to be distributed any drug as a sample.

(2) Subsection (1) shall not apply to the distribution of samples of drugs to registered medical practitioners, registered dentists or veterinary surgeons, or by a manufacturer of drugs to any person acting as a distributor of drugs on behalf of such manufacturer.

COSMETICS

12—A person shall not sell any cosmetic that—

Prohibited
sales of
cosmetics.

- (a) has in or upon it any substance that may cause injury to the health of the user when the cosmetic is used—
- (i) according to the directions on the label or accompanying such cosmetic; or
 - (ii) for such purposes and by such methods of use as are customary or usual therefor;
- (b) consists in whole or in part of any filthy or decomposed substance or of any foreign matter; or
- (c) was manufactured, prepared, preserved, packaged or stored under insanitary conditions.

13—Where a standard has been prescribed for a cosmetic, a person shall not label, package, sell or advertise any article in such a manner that it is likely to be mistaken for such cosmetic, unless the article complies with the prescribed standard.

Cosmetic to
be correctly
labelled,
packaged,
etc.

14—A person shall not manufacture, prepare, preserve package or store for sale any cosmetic under insanitary conditions.

Insanitary
conditions.

DEVICES

15—A person shall not sell any device that, when used according to directions or under such conditions as are customary or usual, may cause injury to the health of the purchaser or user thereof.

Prohibited
sales of
devices.

16—(1) A person shall not label, package, treat, process, sell or advertise any device in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, composition, merit or safety.

Devices to
be correctly
labelled,
packaged,
etc.

(2) A device that is not labelled or packaged as required by the regulations, or is labelled or packaged contrary to the regulations, shall be deemed to be labelled or packaged contrary to subsection (1).

(3) Where a standard has been prescribed for a device, a person shall not label, package, sell or advertise any article in such a manner that it is likely to be mistaken for such device, unless the article complies with the prescribed standard.

PART III—*Administration and Enforcement*

Designation of officers.

17—The Minister may from time to time designate any public officer whether by name or by the title of his office to be an inspector or analyst for the purposes of this Act.

Administrative expenses.

18—There shall be defrayed out of sums provided for the purpose by Parliament all expenses properly incurred in the administration of this Act.

Powers and duties of inspectors and analysts.

19—(1) An inspector may at any reasonable time—

- (a) enter any place where he reasonably believes any food, drug, cosmetic or device is manufactured, prepared, preserved, packaged or stored for sale or sold, examine such food, drug, cosmetic or device and take samples thereof free of charge and examine anything that he reasonably believes is used or is capable of being used for the manufacture, preparation, preservation, packaging or storing thereof;
- (b) open and examine any receptacle or package found in any such place as is mentioned in paragraph (a) that he reasonably believes contains any article to which this Act applies;
- (c) examine any books, documents or other records found in any such place as is mentioned in para-

graph (a), which he reasonably believes contains any information that may assist in the enforcement of this Act and make copies thereof or extracts therefrom;

- (d) seize and detain for such time as may be prescribed and subject to such conditions as may be prescribed any article by means of or in relation to which he reasonably believes any provision of this Act has been contravened.

(2) An inspector may examine or analyse any article seized by him or any sample therefrom or any sample taken by him or submit such article or sample to an analyst for examination or analysis.

(3) Where an inspector or analyst has made an examination or analysis he may issue a certificate or report setting out the result of his examination or analysis.

(4) An inspector shall be furnished with a certificate of designation and on entering any place pursuant to subsection (1) he shall, if required to do so, produce the certificate to the person in charge of the place.

(5) The owner or person in charge of a place entered by an inspector pursuant to subsection (1) and every person found therein shall give the inspector all reasonable assistance in their power and shall furnish him with such information as he may reasonably require.

(6) Any article seized under this Act may at the option of an inspector be stored or kept in the building or place where it was seized or may on his direction be removed to any other place which he considers satisfactory for the purpose.

20—(1) An inspector shall release any article seized by him under this Act when he is satisfied that all the provisions of this Act with respect thereto have been complied with.

Disposal
of article
seized.

(2) Where a person has been convicted of an offence under this Act, the court may order that any article by means of or in relation to which the offence was committed, belonging to the accused, be forfeited and upon such order being made, such article shall be forfeited and may be destroyed or otherwise disposed of as the Minister may direct.

Power of
Minister to
make regu-
lations.

21—The Minister may make regulations for carrying the purposes and provisions of this Act into effect and in particular but without prejudice to the generality of the foregoing may make regulations—

- (a) declaring that any food, drug or class of food or drugs is adulterated if any prescribed substance or class of substances is present therein or has been added thereto or extracted or omitted therefrom;
- (b) respecting—
 - (i) the labelling and packaging and the offering, exposing and advertising for sale of food, drugs, cosmetics and devices;
 - (ii) the size, dimensions, fill and other specifications of packages of food, drugs, cosmetics and devices;
 - (iii) the sale, the prohibition of sale or the conditions of sale of any food, drug, cosmetic or device; and
 - (iv) the use, the prohibition of use or the conditions of use of any substance as an ingredient in any food, drug, cosmetic or device,

to prevent the consumer or purchaser thereof from being deceived or misled as to its quantity, character, value, composition, merit or safety or to prevent injury to the health of the consumer or purchaser;

- (c) prescribing standards of composition, strength, potency, purity, quality or other property of any article of food, drug, cosmetic or device;
- (d) respecting the importation of foods, drugs, cosmetics and devices, in order to ensure compliance with this Act;
- (e) respecting the method of preparation, manufacture, preserving, packaging, storing and testing of any food, drug, cosmetic or device in the interests of, or for the prevention of injury to, the health of the consumer or purchaser;
- (f) exempting any food, drug, cosmetic or device from all or any of the provisions of this Act and prescribing the conditions of such exemption;
- (g) prescribing forms for the purposes of this Act;
- (h) respecting the powers and duties of inspectors and analysts and the taking of samples and the seizure, detention, forfeiture and disposal of articles;
- (i) providing for the analysis of food, drugs, or cosmetics other than for the purposes of this Act and prescribing a tariff of fees to be paid for such analysis;
- (j) adding anything to or deleting anything from either of the Schedules, in the interests of, or for the protection of the public health;
- (k) requiring persons who sell food, drugs, cosmetics or devices to maintain such books and records as the Minister considers necessary for the proper enforcement and administration of this Act and to produce such books and records to any person authorised in that behalf by the Minister;
- (l) prescribing anything required to be prescribed under this Act.

Procedure
with respect
to regula-
tions.

22—(1) A draft of all regulations proposed to be made under section 21 shall be published in the *Gazette* so as to permit representations to be made to the Minister by any person concerning any provision of the regulations to which that person objects.

(2) The Minister shall, when making the regulations, consider every such objection if made in writing within thirty days of the date of publication of the draft regulations.

(3) Where the Minister considers it necessary in the public interest or in the interest of, or for the protection of the public health, he may make regulations under section 21 without regard to the provisions of subsection (1), so, however, that any regulations so made shall be subject to negative resolution.

Power of
Minister
to require
information.

23—(1) For the purpose of enabling him to exercise his functions under this Act, the Minister may by order require every person who at the date of the order or at any subsequent time carries on a business which includes the production, importation or use of substances of any class specified in the order to furnish to the Minister, within such time as may be so specified, such particulars as may be so specified, of the composition and use of any substances which in the course of that business are used, or sold for use, in the preparation of food, drugs or cosmetics.

(2) Without prejudice to the generality of subsection (1), an order made thereunder may require the following particulars to be furnished in respect of any substance, that is to say—

- (a) particulars of the composition and chemical formula of the substance;
- (b) particulars of the manner in which the substance is used or proposed to be used in the preparation of food, drug or cosmetic;

- (c) particulars of any investigations carried out by or to the knowledge of the person carrying on the business in question, for the purpose of determining whether and to what extent the substance, or any product formed when the substance is used as aforesaid, is injurious to, or in any other way affects health;
- (d) particulars of any investigations or inquiries carried out by or to the knowledge of the person carrying on the business in question for the purpose of determining the cumulative effect on the health of a person consuming the substance in ordinary quantities.

24—(1) The Minister may establish—

Establishment of
Advisory
Committees

- (a) a Food Advisory Committee to assist and advise him with respect to food standards, labelling and other matters connected with the manufacture and distribution of foods in the interest of, and for the protection of, the public health;
- (b) a Drug Advisory Committee to assist and advise him with respect to drug standards, conditions of sale of drugs and any other matters connected therewith in the interest of, and for the protection of, the public health.

(2) A committee established under subsection (1) shall be representative of lay and professional interests and shall comprise such persons as by reason of their knowledge, interest and experience are considered suitable for appointment thereto.

Offences

25—Every person who—

Offences.

- (a) moves or causes or allows to be moved any article in contravention of this Act;

- (b) assaults or obstructs any officer designated under this Act acting in the execution of his duty under this Act;
- (c) bribes or attempts to bribe any inspector or analyst in connection with any matter arising in the exercise or performance of his powers or duties under this Act;
- (d) being an inspector or analyst accepts any bribe in connection with any matter arising in the exercise or performance of his powers or duties under this Act;
- (e) knowingly gives false or misleading information to an inspector;
- (f) contravenes sections 3 to 16 inclusive or subsection (5) of section 19,

shall be guilty of an offence and shall on summary conviction before a Resident Magistrate be liable to a fine not exceeding one thousand pounds or to imprisonment with or without hard labour for a term not exceeding twelve months.

Offence
by body
corporate.

26—Where a person committing an offence against this Act is a body corporate, the chairman, president, the officers and every director thereof concerned in the management of the body corporate, shall be guilty of the same offence unless he proves that the act or omission constituting the offence took place without his knowledge or that he exercised all due diligence to prevent the commission thereof.

Fiat of the
Director
of Public
Prosecu-
tions.

27—A prosecution for an offence under paragraph (c) or (d) of section 25 shall not be instituted without the sanction of the Director of Public Prosecutions.

Penalties in
regulations.
Cap. 165.

28—Notwithstanding the provisions of section 26 of the Interpretation Law regulations made under section 21 or an order made under section 23 may prescribe greater

penalties than those specified in the said section 26, so, however, that the maximum penalty that may be imposed by any such regulations shall be a fine of one thousand pounds or imprisonment with or without hard labour for a term of twelve months.

Evidence

29—(1) In a prosecution for the sale of any article in contravention of this Act, if the person charged proves to the satisfaction of the Resident Magistrate that—

Want of knowledge.

- (a) he purchased the article from another person in packaged form and sold it in the same package and in the same condition the article was in at the time he purchased it; and
- (b) that he could not with reasonable diligence have ascertained that the sale of the article would be in contravention of this Act,

the person charged shall be acquitted.

(2) Subsection (1) shall not apply in any prosecution unless the accused, at least ten days before the day fixed for the trial, has given to the prosecutor notice in writing that he intends to avail himself of the provisions of subsection (1) and has disclosed to the prosecutor the name and address of the person from whom he purchased the article and the date of purchase.

30—(1) For the purpose of this Act—

Presumptions.

- (a) any article commonly used for human consumption shall, if sold, be presumed, until the contrary is proved, to have been sold for human consumption;
- (b) any article commonly used for human consumption which is found on premises used for the manufacture, preparation, preservation, packaging or storage for sale or sale of that article and any

article commonly used in the manufacture or preservation of products for human consumption which is found on premises used for the manufacture, preparation, preservation, packaging or storage for sale or sale of these products, shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing products for sale, for human consumption;

- (c) any substance capable of being used in the composition or preparation of any article commonly used for human consumption which is found on premises on which that article is prepared shall, until the contrary is proved, be presumed to be intended for such use.

(2) In a prosecution for an offence under this Act it shall be sufficient proof of the offence to establish that it was committed by an employee or agent of the accused whether or not such employee or agent has been prosecuted for the offence; and for the purposes of this subsection, any person selling or ostensibly employed to sell shall be presumed to be employed to sell.

Possession
of adulterating
substances.

31—Where a person is prosecuted under this Act for having manufactured an adulterated food or drug for sale, and it is established that—

- (a) the food or drug has by regulation been declared to be adulterated if any prescribed substance has been added thereto; and
(b) such person had in his possession or on his premises any such prescribed substance,

the onus of proving that the food or drug was not adulterated by the addition of such substance shall be on the person charged.

Name of
manufacturer.

32—Proof that a package containing any article to which this Act applies bore a name or address purporting to be

the name or address of the person by whom it was manufactured or packaged shall be *prima facie* proof, in a prosecution for a contravention of this Act, that the article was manufactured or packaged, as the case may be, by the person whose name or address appeared on the package.

33—(1) Subject to subsection (2), the certificate of an inspector or analyst stating that he has examined or analysed an article or sample for the purposes of this Act and stating the result of his examination or analysis shall be admissible in evidence in a prosecution for a contravention of this Act and shall be *prima facie* proof of the statements contained in the certificate but the party against whom it is produced may require the attendance of the inspector or analyst for the purpose of cross-examining him.

Certificates
of analysis.

(2) A certificate under subsection (1) shall not be admissible in evidence unless the party intending to produce it has before the trial given to the party against whom it is intended to produce it reasonable notice of such intention and a copy of the certificate.

34—In a prosecution for a contravention of this Act a copy of a record or an extract therefrom certified to be a true copy by the inspector who made it pursuant to paragraph (c) of subsection (1) of section 19 shall be admissible in evidence and shall be *prima facie* proof of the contents thereof.

Copies of
records.

35—The following enactments are hereby repealed: Repeal.

- | | |
|--|-----------|
| (a) the Antibiotics Law | Cap. 15. |
| (b) Section 13, paragraph (a) of subsection (1) of section 14, subsection (3) of section 16 and section 17 of the Drugs and Poisons Law. | Cap. 105. |
| (c) The Food and Drugs (Adulteration) Law. | Cap. 132. |
| (d) Section 30 of the Public Health Law. | Cap. 320. |

FIRST SCHEDULE

(Sections 3, 21)

Alcoholism
Appendicitis
Arteriosclerosis
Blood Poisoning
Bright's Disease
Cancers and Sarcomas
Cataract
Diabetes
Disorders of menstrual flow
Disorders of the prostatic gland
Dropsy
Epilepsy
Gallstones, Kidney Stones, Bladder Stones
Glaucoma
Goitre
Heart Diseases
High Blood Pressure
Infantile Paralysis
Influenza
Lockjaw
Locomotor Ataxia
Osteo-arthritis
Paralysis
Pleurisy
Pneumonia
Rheumatoid Arthritis
Ruptures
Sexual Impotence
Tuberculosis
Tumours
Typhoid Fever
Ulcers of the gastro-intestinal tract
Venereal Diseases

SECOND SCHEDULE

(Sections 9, 21)

Pharmacopoeia Internationalis

The British Pharmacopoeia

The Pharmacopoeia of the United States of America

The Canadian Formulary

The British Pharmaceutical Codex

The National Formulary

The Extra Pharmacopoeia-Martindale

No. 47-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

7th November, 1964

AN ACT to Amend the King George VI Memorial Park
Law, 1956

[1st November, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and
House of Representatives of Jamaica, and by the
authority of the same, as follows:—

1—This Act may be cited as the King George VI Memorial Park (Amendment) Act, 1964, and shall be read and construed as one with the King George VI Memorial Park Law, 1956 (hereinafter referred to as the principal Law) and all amendments thereto and shall be deemed to have come into operation on the 1st day of November, 1964.

Short title,
construc-
tion and
commence-
ment.

Law 29 of
1956.

Amendment
of section
8 of prin-
cipal Law.

2—Section 8 of the principal Law is hereby amended by substituting a colon for the fullstop at the end of the section and adding next thereafter the following proviso—

“Provided that nothing in this section shall prevent any such land being reserved for use in connection with the burial of the remains of distinguished persons.”.

No. 48-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

18th November, 1964

AN ACT Relating to the employment of persons who are not citizens of Jamaica, and matters incidental thereto or connected therewith.

[The date of any Notice issued by the Minister]
bringing the Act into operation.

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Foreign Nationals and Commonwealth Citizens (Employment) Act, 1964, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Short title
and com-
mencement.

2—In this Act—

“authorised person” means an immigration officer under the Aliens Law and any person appointed

Interpre-
tation.

Cap. 9.

to be an authorised person under section 5 of this Act;

“Commonwealth citizen” means a person who has the status of a Commonwealth citizen pursuant to section 9 of the Constitution of Jamaica and who is not a citizen of Jamaica;

“foreign national” means a person who is not a citizen of Jamaica nor a Commonwealth citizen;

“Minister” means the Minister for the time being charged with responsibility for the subject of Immigration;

“work permit” or “permit” means—

(a) in relation to a person who is or is about to be employed by another, a permit in writing—

(i) issued under this Act by the Minister to and in the name of the employee or person about to be employed; or

(ii) referred to in paragraph (b) of Cap. 9. section 6 of the Aliens Law,

and also specifying the name of the employer or the place of employment or both; and

(b) in relation to any other person, a permit in writing issued under this Act by the Minister authorising such person to engage in an occupation.

Control of
employment
of foreign
nationals
and Com-
monwealth
citizens.

3—(1) Subject to the provisions of this Act, a foreign national or a Commonwealth citizen shall not—

(a) engage in any occupation in Jamaica for reward or profit; or

(b) be employed in Jamaica,

unless there is in force in relation to him a valid work permit and he so engages or is so employed in accordance with the terms and conditions which may be specified in the permit.

(2) A foreign national or a Commonwealth citizen who at the commencement of this Act is engaging in any occupation in Jamaica for reward or profit or is employed in Jamaica shall be exempt from the provisions of subsection (1) until—

- (a) he ceases so to engage or to be employed; or
- (b) the expiration of four months after the commencement of this Act,

whichever shall first occur.

(3) Subject to the provisions of this Act, no person shall have in his employment in Jamaica a foreign national or a Commonwealth citizen without there being in force a valid work permit in relation to that employment.

(4) Subject to the provisions of this Act—

- (a) any foreign national or Commonwealth citizen who engages in any occupation in Jamaica or is employed in Jamaica in contravention of the provisions of subsection (1); and
- (b) any person who has in his employment in Jamaica a foreign national or a Commonwealth citizen in contravention of the provisions of subsection (3),

shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding six months or to both such fine and imprisonment; and in the case of a continuing offence to a further fine not exceeding twenty-five pounds for each day upon which the offence continues after conviction.

(5) It shall be presumed, upon the trial of any person for a contravention of subsection (1), that the accused, and, upon the trial of any person for a contravention of subsection (3), that the person alleged to have been in employment in contravention of the said subsection

(3), is not a citizen of Jamaica unless the contrary is proved.

(6) A prosecution in respect of a contravention of subsection (3) shall not be instituted without the sanction of the Director of Public Prosecutions.

(7) A Commonwealth citizen who is ordinarily resident in Jamaica at the date of the passing of this Act and who—

- (a) resided in Jamaica for not less than nine months (whether continuously or not) in each of the ten years immediately prior to that date; and
- (b) was employed in Jamaica for not less than nine months (whether continuously or not) in each of the ten years aforesaid,

may, notwithstanding subsection (1) or subsection (2), engage in any occupation for reward or profit or be employed without a work permit so long as he continues ordinarily to reside in Jamaica.

In paragraph (b) of this subsection "employed" includes to engage in any occupation for reward or profit.

(8) In any proceedings under this Act against a Commonwealth citizen the proof that he satisfies the requirements of paragraphs (a) and (b) of subsection (7) shall lie upon him and as *prima facie* evidence he may produce a certificate from the Minister (which certificate the Minister may in writing at any time cancel if he shall think fit) that he satisfies those requirements.

Application
for work
permit.

4—(1) An application for the grant of a work permit shall be addressed to the Minister, who may in his absolute discretion grant the permit either conditionally or without conditions or may refuse to grant it.

(2) A work permit shall be in such form as the Minister may think fit and different forms of work permit may be issued as respects different classes of persons and as the circumstances require.

5—(1) The Minister may appoint such persons as he thinks fit to be authorised persons for the purposes of this Act.

Appointment
of authorised
persons.

(2) Every authorised person appointed under this section shall be furnished with a certificate of appointment and where he seeks to exercise his power under this Act, shall, if so required, produce his certificate of appointment.

6—(1) Every work permit shall be kept by the person to whom it is issued, who shall at all times produce the permit to an authorised person or a constable on demand, or within three days after such demand at such police station as may be specified by the person first-mentioned at the time of the demand.

Production
of work
permit.

(2) A person having in his possession a work permit appearing to have been issued under this Act shall answer all questions put to him by an authorised person or a constable for the purpose of establishing his identity and shall, if so required by the authorised person or constable, submit to his fingerprints being taken for the purpose.

(3) Every person who—

- (a) fails without reasonable excuse or refuses to produce a permit as required by subsection (1);
or
(b) refuses to answer any question put to him, or to submit to his fingerprints being taken, contrary to subsection (2),

shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding twenty-five pounds or to imprisonment with or without hard labour for a term not exceeding three months.

7—The Minister may in writing at any time vary or cancel a work permit.

Power of
Minister to
vary or
cancel work
permit.

8—The Minister may prescribe that any person or class of persons shall be exempt either unconditionally

Power to
grant
exemptions.

or subject to such conditions as may be prescribed from all or any of the provisions of this Act.

Offences
and
penalties.

9—Any person who—

- (a) makes any statement which he knows to be false for the purpose of procuring whether for himself or any other person the grant of a permit under this Act; or
- (b) unlawfully uses or permits to be so used any permit issued under this Act; or
- (c) obstructs, hinders or opposes any authorised person or constable in the execution of his duty under this Act; or
- (d) being a person exempt, subject to conditions imposed by the Minister, from all or any of the provisions of this Act, contravenes any such condition,

shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding six months, or to both such fine and imprisonment.

Regulations.

10—(1) The Minister may make regulations generally for giving effect to the provisions of this Act, and without prejudice to the generality of the foregoing may make regulations—

- (a) providing for the establishment and maintenance of a register of persons to whom or in respect of whom work permits have been issued;
- (b) providing for the issue to any person who is exempt from any of the provisions of this Act of a certificate stating the nature of the exemption;
- (c) regulating the issue, amendment or replacement of work permits and for the payment of fees by the persons or any class of persons applying therefor;

- (d) with respect to the surrender or cancellation of work permits and certificates issued by the Minister pursuant to subsection (8) of section 3;
- (e) for the making, with regard to any person to whom or in respect of whom a work permit has been issued, of returns containing particulars of any change of circumstances affecting the accuracy of particulars furnished by such person or recorded in the register mentioned in paragraph (a);
- (f) prescribing forms to be used for the purposes of this Act; and
- (g) prescribing any other matter or thing which is required to be or may be prescribed under this Act.

(2) Notwithstanding the provisions of section 26 of the Interpretation Law, regulations made under this section may prescribe greater penalties than those specified in the said section 26, so, however, that the maximum penalty that may be imposed shall be imprisonment with hard labour for a term of six months or a fine of one hundred pounds. Cap. 165.

(3) Regulations made under this section shall be subject to negative resolution.

11—Section 6 of the Aliens Law is hereby amended by deleting from paragraph (b) thereof the words “for his engagement issued to the employer by the Minister” and substituting therefor the words “issued to him and in his name under the provisions of the Foreign Nationals and Commonwealth Citizens (Employment) Act, 1964”, so, however, that a permit in writing issued to an employer pursuant to the aforesaid paragraph and in force immediately before the commencement of this Act shall be deemed to be a work permit issued under this Act to and in Amendment
of section 6
of Aliens
Law.
Cap. 9.

Act 48 of
1964.

the name of the person for whose engagement it was issued and as such shall continue in full force and effect until the date of expiry set forth in such permit or until cancelled or varied by the Minister under section 7 of this Act.

No. 49-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

18th November, 1964

AN ACT to make temporary modifications in the Law as respects the holding of elections of members to serve in the House of Representatives and the preparation of official lists.

[19th November, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica and by the authority of the same, as follows:—

1—This Act may be cited as the Representation of the People (Special Provisions) Act, 1964. Short title.

2—In this Act—

“constituency” has the meaning assigned to it by the Constitution of Jamaica;

“election” has the meaning assigned to it by section 2 of the principal Law;

Interpreta-
tion.

“the principal Law” means the Representation of the People Law.

Cap. 342.

PART I—*Elections*

Modifica-
tions in
application
of principal
Law to
elections.

3—Where pursuant to section 26 of the principal Law any election is held in a constituency prior to such date after the commencement of this Act as the Minister may by notice prescribe—

Act 54
of 1963.

- (a) the principal Law in its application to such election shall have effect as if the amendments made to sections 39, 41, 50 and 51 of that Law by the Representation of the People (Amendment) Act, 1963, were not in force; and
- (b) the official lists in force in respect of the polling divisions in that constituency immediately prior to the commencement of the Act last mentioned shall be deemed to be the current official lists for the purposes of such election unless or until the official lists in respect of the year 1964 have been published in the prescribed manner and are in force.

Duration
of Part I.

4—The provisions of this Part shall remain in force until the date prescribed by the Minister under section 3.

PART II—*Official List of Electors*

Prepara-
tion of
official list.

5—As respects the year 1964 it shall be lawful for the official list of electors in each polling division to be prepared and published at any time prior to the 31st July, 1965 and section 8 and the other relevant provisions of the principal Law shall be construed accordingly but without prejudice to the validity of anything done or commenced by virtue of those provisions prior to the coming into operation of this Act.

No. 50-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

18th November, 1964

AN ACT to Apply the West Indies (Retirement and Compensation) (Amendment) Order in Council, 1963 and the West Indies (Retirement and Compensation) (Amendment) (No. 2) Order in Council, 1963 as part of the law of Jamaica.

[]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the West Indies (Retirement and Compensation) (Application of Orders in Council) Act, 1964, and shall be deemed to have come into operation—

Short title
and com-
mencement.

First
Schedule

(a) with respect to the Order in Council set out in the First Schedule, on the date of commencement of that Order in Council, that is to say, the 5th February, 1963;

Second
Schedule.

(b) with respect to the Order in Council set out in the Second Schedule, on the 20th April, 1963.

Application
of Order in
Council set
out in First
Schedule to
Jamaica.

2—The provisions of the Order in Council set out in the First Schedule shall have effect as part of the law of Jamaica.

Application
of Order in
Council set
out in
Second
Schedule to
Jamaica.

3—The provisions of the Order in Council set out in the Second Schedule shall have effect as part of the law of Jamaica.

FIRST SCHEDULE (Sections 1 and 2)

THE WEST INDIES (RETIREMENT AND COMPENSATION) (AMENDMENT)
ORDER IN COUNCIL 1963

At the Court at Buckingham Palace, the 28th day of January, 1963

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue of the powers conferred upon Her by section 3 of the West Indies Act 1962 and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation,
construction
and commence-
ment.

1—(1) This Order may be cited as the West Indies (Retirement and Compensation) (Amendment) Order in Council 1963 and shall be read and construed as one with the West Indies (Retirement and Compensation) Order in Council 1962 (hereinafter called "the principal Order"), as amended by the West Indies (Retirement and Compensation) (Amendment) Order in Council 1962.

(2) This Order shall come into operation on a day to be declared by the Commissioner appointed under article 4 of the West Indies (Dissolution and Interim Commissioner) Order in Council 1962, such day being not earlier than 2nd February, 1963.

Amendment
of princi-
pal Order.

2—In relation to any officer who was a member of the Meteorological Service of the Federation immediately before the operative date, paragraphs 8(3)(a), 10 and 12 of the Schedule to the principal Order shall apply as if the references therein to Territory were references to the Bahama Islands, British Guiana and British Honduras in addition to references to each of the colonies mentioned

in article 1 of the Constitution of the West Indies, and paragraph 16(3) of the Schedule to the principal Order shall apply as if the Bahama Islands were added to the territories specified in that paragraph.

W. G. AGNEW.

SECOND SCHEDULE (Sections 1 and 3)

THE WEST INDIES (RETIREMENT AND COMPENSATION) (AMENDMENT)
(No. 2) ORDER IN COUNCIL, 1963

At the Court at Windsor Castle, the 11th day of April, 1963

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue of the powers conferred upon Her by section 3 of the West Indies Act 1962 and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the West Indies (Retirement and Compensation) (Amendment) (No. 2) Order in Council 1963 and shall be read and construed as one with the West Indies (Retirement and Compensation) Order in Council 1962 (hereinafter called "the principal Order"), as amended by the West Indies (Retirement and Compensation) (Amendment) Order in Council 1962 and the West Indies (Retirement and Compensation) (Amendment) Order in Council 1963, and shall come into operation on 20th April, 1963.

Citation,
construction and
commence-
ment.

2—(1) Notwithstanding anything contained in the principal Order and subject to the provisions of paragraph (2) of this article, where an officer whose retirement has taken place pursuant to paragraph 5 of the Schedule to the principal Order is eligible for the grant of, or has been granted, in pursuance of the provisions of that Schedule—

Modifica-
tion of
principal
Order.

(a) a pension; or

(b) a pension and an additional pension,

and the amount of the unreduced pension or the aggregate amount of the unreduced pension and the unreduced additional pension, as the case may be, does not exceed £100, he may, at his option exercisable not later than one month after his redundancy date or after 20th May, 1963 whichever is the later, be granted in lieu of such pension or such pension and additional pension a gratuity equal to the amount of the unreduced pension or to the aggregate amount of the unreduced pension and the unreduced additional pension, as the case may be, multiplied by the factor set out in Table I of the Annex to that Schedule appropriate to his age at the date of his retirement:

Provided that the amount of any sums that may have been paid to him by way of pension, additional pension or gratuity in pursuance of paragraph 6(1) or 7(2) of that Schedule, shall be deducted from any gratuity payable under this paragraph.

(2) Where benefits might enure under the Widows' and Children's Pensions Act 1960 of The West Indies as applied and modified by the Interim Commissioner (Pensions) Regulations 1962 to the widow of an officer and to his or her children that officer shall not be entitled to exercise the option referred to in paragraph (1) of this article.

(3) "Unreduced" in relation to a pension or an additional pension means the full pension or full additional pension, as the case may be, without taking into account any reduction for the purposes of effecting a partial commutation thereof in pursuance of the provisions of the Schedule to the principal Order.

W. G. AGNEW.

No. 51-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

20th November, 1964

AN ACT to Amend the Coroners Law.

[21st November, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Coroners (Amendment) Act, 1964, and shall be read and construed as one with the Coroners Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 77.

2—Section 3 of the principal Law is hereby amended by deleting the definitions of "Registration Laws", "Base" and "member of the United States forces".

Amendment
of section
3 of princi-
pal Law.

3—Section 6 of the principal Law is hereby amended by deleting the proviso thereto.

Amendment
of section
6 of princi-
pal Law.

Amendment
of section
14 of princi-
pal Law.

4—Section 14 of the principal Law is hereby amended by deleting the proviso thereto.

Insertion of
new section
16A in
principal
Law.

5—The principal Law is hereby amended by inserting therein, next after section 16, the following section as section 16A—

“Procedure
where
body is
destroyed
or irre-
coverable.

16A—Where a Coroner has reason to believe that a death has occurred in or near the area within which he has jurisdiction in such circumstances that an inquest ought to be held, and that owing to the destruction of the body by fire or otherwise or to the fact that the body is lying in a place from which it cannot be recovered, an inquest cannot be held except by virtue of the provisions of this section, he may report the facts to the Minister, and the Minister may, if he considers it desirable so to do, direct an inquest to be held touching the death, and an inquest shall be held accordingly by the Coroner making the report or such other Coroner as the Minister may direct, and the law relating to Coroners and Coroners' inquests shall apply with such modifications as may be necessary in consequence of the inquest being held by virtue of the provisions of this section.”.

Amendment
of section 18
of principal
Law.

6—Section 18 of the principal Law is hereby amended by deleting subsection (7) and substituting therefor the following:—

- “ (7) Where the jury fail to agree on a verdict—
- (a) if the minority consists of not more than two, the Coroner may accept the verdict of the majority and the majority shall in that case, certify the verdict in accordance with the requirements of subsection (5) of this section;

- (b) in any other case the Coroner may discharge the jury and issue a warrant for summoning another jury, and thereupon the inquest shall proceed in all respects as if the proceedings which terminated in the disagreement had not taken place."

7—(1) Section 20 of the principal Law is hereby amended by deleting from paragraph (b) of subsection (1) the word "otherwise" and substituting therefor the words "any other circumstances or considerations, whether similar to the foregoing or not".

Amendment
of section
20 of princi-
pal Law.

(2) Subsection (1) of this section shall be deemed to have come into operation on the 10th day of December, 1962.

No. 52-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

20th November, 1964

AN ACT to Amend the Agricultural Small
Holdings Law.

[21st November, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and
House of Representatives of Jamaica, and by the
authority of the same, as follows:—

1—This Act may be cited as the Agricultural Small
Holdings (Amendment) Act, 1964, and shall be read and
construed as one with the Agricultural Small Holdings
Law (hereinafter referred to as the principal Law) and
all amendments thereto. Short title
and construc-
tion.
Cap. 8.

2—The principal Law is hereby amended by deleting
the words "Director of Agriculture" wherever they
occur and substituting therefor the word "Minister". Amendment
of principal
Law.

Amendment
of section 2
of principal
Law.

3—Section 2 of the principal Law is hereby amended by deleting the figures “10” in the definition of the expression “controlled area” and substituting therefor the figure “9”.

Amendment
of section 10
of principal
Law.

4—Section 10 of the principal Law is hereby amended by deleting subsection (1) and substituting therefor the following subsection—

“(1) It shall not be lawful for any person to enter into a contract of tenancy, other than a crop-sharing tenancy, for a term of less than—

- (a) two years where the landlord is a company holding a mining lease for bauxite in respect of the land;
- (b) five years where the landlord is not a company referred to in paragraph (a) of this subsection.”.

Repeal and
replacement
of section
18 of principal
Law.

5—Section 18 of the principal Law is hereby repealed and the following section substituted therefor—

“Continuation of tenancy in absence of notice to quit.

18—(1) Subject to the provisions of this section, the tenancy of a small holding shall not terminate on the expiration of the period fixed by the contract of tenancy unless—

- (a) the tenant has given six months' notice in writing to terminate such tenancy at the expiration of such period; or
- (b) the landlord has given—
 - (i) two years' notice in writing to terminate such tenancy at the expiration of such period, where the landlord is a company which holds a mining lease for bauxite in respect of the

land and requires the land for mining purposes; or

- (ii) five years' notice in writing to terminate such tenancy at the expiration of such period, where the landlord is not a company referred to in sub-paragraph (i) of this paragraph.

(2) In the case of a tenancy not terminated in the manner provided by subsection (1) on the expiration of the period fixed by the contract of tenancy, the tenancy shall continue on its existing terms, in so far as the same are applicable, until it is terminated—

- (a) by six months' notice given by the tenant in writing to expire at the end of any half year of the tenancy; or

(b) by the landlord—

- (i) by two years' notice in writing to expire at the end of any half year of the tenancy, where the landlord is a company which holds a mining lease for bauxite in respect of the land and requires the land for mining purposes; or
- (ii) by five years' notice in writing to expire at the end of any half year of the tenancy, where the landlord

is not a company referred to in sub-paragraph (i) of this paragraph.

(3) Every notice given by any landlord under subsection (1) or (2) of this section shall specify the reasons for the termination of the tenancy to which such notice relates.

(4) Subject to the provisions of subsections (5) and (6), this section shall apply to any tenancy of a small holding, other than an establishment tenancy, which has not been terminated prior to the date of the commencement of the Agricultural Small Holdings (Amendment) Act, 1964, or which commences on or after that date, and such application shall not be affected by any notice given by a landlord or counter notice given by a tenant in accordance with section 18 of this Law prior to its repeal and replacement by the said Act.

Act 52 of
1964.

(5) Nothing contained in this section shall prejudice the effect of any notice, other than a counter notice, given by a tenant in accordance with section 18 of this Law prior to its repeal and replacement by the said Act.

(6) Where the landlord of a small holding is a company which—

- (a) was the landlord in respect of the tenancy of the holding, and was the holder of a mining lease for bauxite in respect of the land, prior to the commencement of the said Act; and

- (b) requires the land for mining purposes pursuant to the lease mentioned in paragraph (a) of this subsection,

the company may terminate the tenancy of the small holding as if section 18 of this Law had not been repealed or replaced by the said Act.

(7) In this section—

- (a) any reference to the period fixed by a contract of tenancy includes a reference to any extension or renewal thereof under section 17; and
- (b) “existing terms” means—
 - (i) in relation to a tenancy which would have expired but for section 18 of this Law prior to its repeal and replacement by the said Act, the terms upon which the tenancy subsisted immediately before the date of commencement of the said Act;
 - (ii) in relation to any other tenancy, the terms upon which the tenancy subsisted at the time when it would have expired but for this section.”.

6—Section 19 of the principal Law is hereby amended in the following respects—

- (a) by deleting the words “contract of tenancy may, notwithstanding any period of tenancy stipulate therein” and substituting therefor the words

Amendment
of section 19
of principal
Law.

“tenancy may, notwithstanding anything provided in section 18 or any period of tenancy stipulated in the contract of tenancy”;

- (b) by deleting the words “contract of” wherever they appear in sub-paragraph (iii) of paragraph (b);
- (c) by deleting the word “contract” in paragraph (c) and substituting therefor the word “tenancy”.

Amendment
of section 20
of principal
Law.

7—Subsection (4) of section 20 of the principal Law is hereby amended by deleting therefrom the words “subsection (1) of”.

Amendment
of section 31
of principal
Law.

8—Section 31 of the principal Law is hereby amended by deleting therefrom the words “subsection (1) of”.

Amendment
of section 47
of principal
Law.

9—(1) Section 47 of the principal Law is hereby amended in the following respects—

- (a) by deleting the words “the commencement of this Law” in subsection (1) and substituting therefor the words and figures “the 1st day of June, 1949”; and
- (b) by adding the following subsection—

“ (3) In this section “subsisting contract of tenancy” means any contract of tenancy entered into before the 1st day of June, 1949, and subsisting on such day.”

(2) This section shall be deemed to have come into operation upon the coming into force of the Revised Edition of the Laws of Jamaica, that is to say, on the 1st day of July, 1955.

Amendment
of section 48
of principal
Law.

10—(1) Section 48 of the principal Law is hereby amended by deleting subsection (3).

(2) This section shall be deemed to have come into operation upon the coming into force of the Revised

Edition of the Laws of Jamaica, that is to say, on the 1st day of July, 1955.

11—The principal Law is hereby amended by inserting immediately after section 49 the following section—

Insertion of
new section
50 in prin-
cipal Law.

“ Rent res-
triction.

Act 52 of
1964.

50—(1) Notwithstanding anything contained in this Law, where the tenancy of a small holding is subsisting at the commencement of the Agricultural Small Holdings (Amendment) Act, 1964, no increase shall thereafter be made in the rent of the holding during the continuance of such tenancy or upon or during any extension or renewal thereof.

(2) Any landlord who increases the rent payable in respect of the tenancy of a small holding as aforesaid in contravention of the provisions of subsection (1) shall, on summary conviction before a Resident Magistrate, be liable to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

(3) The Court before which any landlord is convicted of an offence under this section may, without prejudice to any other right which the tenant may have to recover any rent overpaid, order the landlord to repay the same.

(4) This section shall continue in force for a period of five years after the commencement of the Agricultural Small Holdings (Amendment) Act, 1964, and may be continued in force for further periods not exceeding five years at any

time by resolution of the Senate and the House of Representatives.”.

Amendment
of First
Schedule to
principal
Law.

12—The First Schedule to the principal Law is hereby amended by deleting from clause 1 of the form of “Contract of Tenancy” all the words appearing after the words “continue” and substituting therefor the words “after such term, or any term or terms for which this contract may be extended or renewed, unless and until terminated in the appropriate manner provided by the Agricultural Small Holdings Law”.

No. 53-1964

I assent,

[L.S.]

C. C. CAMPBELL,

Governor-General

12th December, 1964.

AN ACT to Amend the Interpretation Law.

[12th December, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Interpretation (Amendment) Act, 1964, and shall be read and construed as one with the Interpretation Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title and construction.
Cap. 165.

2—Section 32 of the principal Law is hereby amended in the following respects—

Amendment of section 32 of principal Law.

(a) by re-numbering the section as subsection (1) of the section;

- (b) by inserting next after subsection (1) the following as subsection (2)—

“(2) Where by or under any statutory provision a power to make any appointment to an office is conferred, the authority having that power may if—

- (a) the office is vacant; or
(b) for any reason the substantive holder of the office is unable to perform the functions thereof,

direct that those functions shall be performed by such person and during such period as the authority may prescribe (not exceeding the period for which an appointment to fill the vacancy, if any, could have been made); and any reference in any enactment, instrument or document whatsoever to the holder of the office shall during such period be construed as a reference to the person so prescribed.”.

No. 54-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

23rd December, 1964

AN ACT to Amend the Towns and Communities Law.

[24th December, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Towns and Communities (Amendment) Act, 1964, and shall be read and construed as one with the Towns and Communities Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.

Cap. 384.

2—Section 12 of the principal Law is hereby amended in the following respects—

Amendment
of section
12 of
principal
Law.

(a) by deleting subsection (1) and substituting therefor the following—

“ (1) Subject to the provisions of subsection (5) of this section every person who

sings, or sounds or plays upon any musical or noisy instrument or operates or causes or permits to be operated any loudspeaker, amplifier, microphone, gramophone or other instrument of a similar nature—

- (a) between the hours of 6 o'clock in the morning and 9.30 o'clock in the evening in any public place or in or in connection with any shop or business or other premises to which the public are admitted or in any other premises of any kind; or
- (b) between the hours of 9.30 o'clock in the evening and 6 o'clock in the morning in the vicinity of any house or any other inhabited premises,

after having been required by the occupant or any inmate of any house or office or other premises or by a constable to desist from making the sounds or noises caused by such singing or such instrument because such sounds or noises are audible beyond a distance of one hundred yards from the source thereof or on account of the serious illness of any person or for any other reasonable cause, shall be guilty of an offence against this section and a constable may seize and detain for so long only as may be necessary for the purposes of any investigation, trial or inquiry any instrument by means of which the offence was committed.”;

(b) by deleting from subsection (4) the word "ten" and substituting therefor the word "twenty-five";

(c) by adding thereto the following subsections as subsections (5) and (6) respectively—

" (5) Nothing in this section shall apply to anything done at and in the course of any political meeting.

(6) In this section "political meeting" means any assembly or gathering of persons—

(a) convened by—

- (i) a member of Parliament; or
- (ii) a member of a Parish Council or a Councillor of the Kingston and Saint Andrew Corporation; or
- (iii) a political party or any member of a political party, for the purpose of the transaction of matters of public interest or for the discussion of such matters or for the purpose of the expression of views upon such matters; or

(b) convened—

- (i) for the purpose of furthering or criticizing the aims, objects, action or programme of any political party; or
- (ii) for the purpose of supporting or opposing the candidature of any individual as against any other or

others at an election for a member of Parliament or a member of a Parish Council or a Councillor of the Kingston and St. Andrew Corporation,

and if any speaker at any meeting held as aforesaid refers to or discusses the aims, objects, action or programme of any political party or the candidature of any individual at such election such meeting shall, until the contrary is proved, be deemed to be a political meeting.”.

No. 55-1964

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

23rd December, 1964

AN ACT to Amend the Kingston and St. Andrew (Water
Commission) Law

[24th December, 1964]

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and
House of Representatives of Jamaica, and by the authority
of the same, as follows:—

1—This Act may be cited as the Kingston and St. Andrew (Water Commission) (Amendment) Act, 1964, and shall be read and construed as one with the Kingston and St. Andrew (Water Commission) Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and construction.

Cap. 194.

2—Section 3 of the principal Law is hereby amended in the following respects—

Amendment
of section 3
of principal
Law.

- (a) by deleting subsection (2) and substituting therefor the following—

“ (2) The Water Commissioners shall be such persons as may from time to time be appointed by the Minister and who shall, subject to the provisions of this Law, be Water Commissioners for a period of five years from the date of their respective appointments.”;

- (b) by deleting subsection (4) and substituting therefor the following—

“ (4) The Minister may fill any vacancy on the Commission caused by the death, resignation, revocation of appointment, illness, absence on leave or inability to act, however caused, of any Commissioner.”; and

- (c) by deleting from subsections (5) and (6) the word “Nominated” wherever it occurs.

