

ABILL

ENTITLED

AN ACT to Validate and confirm as lawful all official acts done by the purported members of the Quarantine Authority, in good faith and inadvertent as to their being unlawful, during the period commencing on the 4th day of February, 2011, and ending on the 12th day of June, 2011, in the purported exercise of the functions and duties of a member of the Authority; to indemnify the Members of the Authority and all other persons from liability in relation thereto; and for connected matters.

WHEREAS section 3(1) of the Quarantine Act (hereinafter referred to as "the Act") establishes a Quarantine Authority which shall consist

of a Chairman and four other members to be appointed in accordance with provisions of that section:

AND WHEREAS pursuant to section 3(3) of the Act, the members of the Quarantine Authority, other than the Chairman, shall hold office for such period not exceeding three years as the Minister may determine, but shall be eligible for reappointment:

AND WHEREAS section 3(6) of the Act specifies that the appointment of any member of the Quarantine Authority shall be notified in the *Gazette*:

AND WHEREAS the requisite notice of the appointment of members of the Quarantine Authority by the Minister with effect from the 4th day of February, 2008 was published in the Jamaica Gazette, Vol. CXXXI No. 23 as Government Notice No. 153, on the 5th day of June, 2008:

AND WHEREAS the members of the Quarantine Authority so appointed, would cease to hold office on the 3rd day of February, 2011:

AND WHEREAS the members of the Quarantine Authority appointed with effect from the 4th day of February, 2008, purported to continue to hold office after the 3rd day of February, 2011, without being duly reappointed by the Minister, and in good faith and inadvertent as to the unlawfulness of so continuing in office, purported to exercise powers and perform duties exercisable by members of the Quarantine Authority during the period commencing on the 4th day of February, 2011 and ending on the 12th day of June, 2011:

AND WHEREAS, it is expedient to validate the exercise of those powers and the performance of those duties during the period commencing on the 4th day of February, 2011 and ending on the 12th day of June, 2011, by those persons who were members of the

Quarantine Authority until the expiry of their tenure immediately before the 4th day of February, 2011:

[]

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 Quarantine (Validation and Indemnification) Act, 2014. Short title.

2. In this Act "former members of the Quarantine Authority" means the persons appointed as members of the Quarantine Authority by the Minister with effect from the 4th day of February, 2008 and which was notified in the Jamaica Gazette, Vol. CXXXI, No. 23 as Government Notice No. 153, published on the 5th day of June, 2008. Interpretation.

3.—(1) Notwithstanding the Quarantine Act or anything to the contrary in any other enactment, the powers exercised, duties performed, decisions taken, agreements entered into and any other acts done, in good faith, during the period commencing on the 4th day of February, 2011 and ending on the 12th day of June, 2011, by the former members of the Quarantine Authority without being lawfully constituted to act as members of the Authority, are hereby declared to have been validly, properly and lawfully done and carried out to all intents and purposes and with effect as if done under lawful authority. Validation and indemnification.

(2) Every person liable to be legally proceeded against on the ground of any illegality in relation to decisions taken, agreements entered into and any other acts mentioned in subsection (1), which were done, in good faith, without lawful authority, is hereby freed, acquitted, discharged and indemnified against The Queen's Most

Excellent Majesty, Her Heirs and Successors as well as against all other persons, whatsoever, from such liability.

Passed in the House of Representatives this 18th day of November, 2014.

MICHAEL PEART

Speaker

MEMORANDUM OF OBJECTS AND REASONS

Under section 3(3) of the Quarantine Act, members of the Quarantine Authority appointed by the Minister shall serve for three years and shall be eligible for reappointment.

This Act seeks to validate the purported exercise by certain persons of powers and performance of duties in the capacity of members of the Quarantine Authority. Those persons, although properly appointed as members of the Authority for a period of three years with effect from February 4, 2008, on ceasing to hold office, and not having been duly reappointed by the Minister at the end of their three year tenure, purported to continue to act, to exercise powers and perform duties exercisable by members of the Quarantine Authority during the period February 4, 2011 to June 12, 2011.

FENTON FERGUSON, M.P.
Minister of Health.

A BILL

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As passed in the Honourable House of Representatives.

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