

## ABILL

### ENTITLED

AN ACT to Validate and confirm all acts in relation to the charging and collection of certain fees done in good faith and inadvertent as to the absence of statutory authority, by the Administrator-General and officers, employees and agents of the Administrator-General's Department in the exercise of their functions under the Administrator-General's Act, during the period commencing on the 30th day of March, 2004, and ending on the 23rd day of December, 2014; to indemnify persons against liability arising out of *bona fide* carrying out their functions; and for connected matters.

WHEREAS section 60 of the Administrator-General's Act (hereinafter called "the Act") provides that the Minister may make regulations, subject to negative resolution, prescribing anything required by the Act to be prescribed:

AND WHEREAS the Administrator-General's (Fees) Regulations, 1999, (hereinafter called "the principal Regulations") were so prescribed, and promulgated on the 16th day of December, 1999, and later amended by the Administrator-General's (Fees) (Amendment) Regulations, 2004, (hereinafter called "the amending Regulations") which replaced the fees set out in the Schedule to the principal Regulations:

AND WHEREAS it was the intention of the Minister that the amending Regulations institute a new Investment Fee of ".75 of 1% of the principal sum invested for each investment period":

AND WHEREAS the investment fee was inadvertently printed in error in the amending Regulations, as published, to read ".75% of 1% of the principal sum invested for each investment period":

AND WHEREAS thereafter the Administrator-General and officers, employees and agents of the Administrator-General's Department (the Administrator-General and all such persons being hereinafter collectively called "the Department") charged and collected an investment fee of .75 of 1% of the principal sum invested for each investment period, and not the .75% of 1% of the principal sum specified by the amending Regulations as published:

AND WHEREAS the principal Regulations were further amended by Regulations promulgated on the 23rd day of December, 2014 by the Administrator-General's (Fees) (Amendment) Regulations, 2014 so as to correct the aforementioned printing error:

AND WHEREAS during the period commencing on the 30th day of March, 2004, and ending on the 23rd day of December, 2014, the Department and other persons acting in support of the Department, acted in good faith and inadvertent as to their being without statutory authority, in the purported exercise of the Department's statutory functions in relation to the charging and collection of the investment fee:

AND WHEREAS it is desirable to validate and confirm as lawful the acts of the Department and other persons acting in its support in relation to the charging and collection of the investment fee:

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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 Administrator-General's (Fees Short title. Collection) (Validation and Indemnity) Act, 2015.

2.—(1) Notwithstanding any provision to the contrary in any other enactment, the charging and collection of an investment fee at the rate of .75 of 1% of the principal sum invested for each investment period done in good faith and inadvertent as to their being without statutory authority, during the period commencing on the 30th day of March, 2004 and ending on the 23rd day of December, 2014, by the Department and other persons acting in its support, are hereby declared to have been validly, properly and lawfully done to all intents and purposes and with effect as if done in accordance with the Administrator-General's Act and regulations made thereunder. Validation and indemnity.

(2) Every person liable to be legally proceeded against on the ground that any act referred to in subsection (1) was unauthorized, unlawfully done, or otherwise illegal or improper, for any such reason is freed, acquitted, discharged and indemnified as well against The Queen's Most Excellent Majesty, Her Heirs and Successors and as against all persons whosoever, from liability.

Passed in the Senate this 25th day of September, 2015.

FLOYD E. MORRIS

*President.*

## MEMORANDUM OF OBJECTS AND REASONS

The Administrator-General's (Fees) Regulations, 2004, as published on the 30th day of March, 2004, inadvertently contained a printing error specifying the investment fee to be collected as ".75% of 1%" instead of the intended ".75 of 1%". In order to correct this error, the Administrator-General's (Fees) (Amendment) Regulations, 2014 were promulgated on the 23rd day of December, 2014, correctly specifying the investment fee as .75 of 1%.

This Bill seeks to validate and confirm the acts of the Administrator-General and the officers, employees, staff and agents of the Administrator-General's Department in relation to the charging and collection of the investment fee at the rate of .75 of 1% (rather than at the rate of .75% of 1% that had been inadvertently printed in the published Administrator-General's (Fees) Regulations, 2004) during the intervening period. The Bill also seeks to indemnify the Administrator-General, the Department and all other persons acting in its support, from liability in relation thereto.

MARK J. GOLDING  
Minister of Justice.

# A BILL

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As passed in the Honourable Senate

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