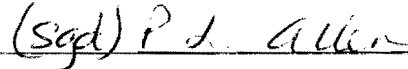


JAMAICA

No. 7 – 2011

I assent,

[L.S.]



Governor-General

25 MAR 2011

AN ACT to Amend provisions relating to penalties and monetary obligations in legislation relating to certain health and allied professions and services; and for connected matters.

[25 MAR 2011]

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 Health and Allied Professions and Services (Miscellaneous Penalty Provisions) Act, 2011. Short title.

2. The provisions of the enactments specified in the first column of the Schedule are amended in the manner specified respectively in relation to them in the second column of the Schedule. Amendment
of Acts.
Schedule

“ SCHEDULE (Section 2)

Amendment of Acts

Enactments

Amendments

Anatomy Act

Section 15

Delete the words “two hundred” and substitute therefor the words “five hundred thousand”.

New section
16A

Insert next after section 16 the following as section 16A—

“Penalties in regulations. 16A. Notwithstanding section 29(b) of the *Interpretation Act*, regulations made under section 16 may provide in respect of a breach of any of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate's Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.”.

Section 17(1)

Delete the word “ten” and substitute therefor the words “one hundred thousand”.

New section
18

Insert next after section 17 the following as section 18—

“Minister may amend monetary penalties. 18. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”.

Children (Adoption
of) Act

Section 4(1)

Delete the words “four hundred” and substitute therefor the words “five hundred thousand”.

| Enactments | Amendments |
|---|--|
| Section 6(4) | Delete the words “one hundred” and substitute therefor the words “five hundred thousand”. |
| Section 8 | Delete subsection (2) and substitute therefor the following— “ (2) Notwithstanding section 29(b) of the <i>Interpretation Act</i> , regulations made under this section may provide in respect of a breach of any of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate’s Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.”. |
| Section 21(2) | Delete the words “one hundred” and substitute therefor the words “one million”. |
| Section 23(3) | Delete the words “one hundred” and substitute therefor the words “five hundred thousand”. |
| New section 26 | Insert next after section 25 the following as section 26— “Minister may amend monetary penalties. 26. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”. |
| Children (Guardianship and Custody) Act | |
| Section 17(1) | Delete the word “fifty” and substitute therefor the words “two hundred and fifty thousand”. |
| New section 17A | Insert next after section 17 the following as section 17A— “Minister may amend monetary penalties. 17A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”. |

[No.] *The Health and Allied Professions and Services
(Miscellaneous Penalty Provisions) Act, 2011*

Enactments

Amendments

Dental Act

Section 16

1. In subsection (1), delete the words “six hundred” and substitute therefor the words “one million”.

2. In subsection (2), delete the words “four hundred” and substitute therefor the words “one million”.

3. In subsection (3), delete the words “two hundred” and substitute therefor the words “one million”.

Section 17

Insert next after subsection (2) the following as subsection (3)—

“ (3) Notwithstanding section 29(b) of the *Interpretation Act*, regulations made under this section may provide in respect of a breach of any of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate’s Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.”.

New section
18

Insert next after section 17 the following as section 18—

“Minister may amend monetary penalties. 18. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”.

Food and Drugs
Act

Section 25

Delete the words “fifty thousand” and substitute therefor the words “one million”.

Section 28

Delete the words “two thousand” and substitute therefor the words “one million”.

| Enactments | Amendments |
|--------------------|--|
| New section 28A | Insert next after section 28 the following as section 28A— “Minister may amend monetary penalties. 28A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.” |
| Leprosy Act | |
| Section 15 | Delete the words “two hundred” and substitute therefor the words “two hundred and fifty thousand”. |
| Section 22(2) | Delete the words “one thousand” and substitute therefor the words “one million”. |
| Section 25 | Insert next after subsection (2) the following as subsection (3)— “ (3) Notwithstanding section 29(b) of the <i>Interpretation Act</i> , rules made under section 25 may provide in respect of a breach of any of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate’s Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.” |
| Section 26 | <ol style="list-style-type: none">1. In paragraph (a) delete the word “one” and substitute therefor the words “one thousand”.2. In paragraph (b), delete the words “, and to receive only bread and water or such other diet as the Medical Superintendent may order”. |
| Section 27 | Delete the words “, and to receive only bread and water or such other diet as the Medical Superintendent may order”. |

[No.] *The Health and Allied Professions and Services
(Miscellaneous Penalty Provisions) Act, 2011*

| Enactments — | Amendments — |
|---------------------|--|
| Section 36 | Delete the words “one hundred” and substitute therefor the words “five hundred thousand”. |
| New section 37 | Insert next after section 36 the following as section 37 <div style="display: flex; align-items: flex-start; margin-left: 40px;"> <div style="margin-right: 10px;">“Minister may amend monetary penalties.</div> <div>37. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”.</div> </div> |
| Marriage Act | |
| Section 25 | Delete the word “forty” and substitute therefor the words “two hundred and fifty thousand”. |
| Section 55 | Delete the word “twenty” and substitute therefor the words “one million”. |
| Section 56 | Delete the word “forty” and substitute therefor the words “one million”. |
| New section 71 | Insert next after section 70 the following as section 71— <div style="display: flex; align-items: flex-start; margin-left: 40px;"> <div style="margin-right: 10px;">“Minister may amend monetary penalties.</div> <div>71. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”.</div> </div> |
| Medical Act | |
| Section 14 | <ol style="list-style-type: none"> 1. In subsection (1), delete the words “sixty thousand” and substitute therefor the words “one million”. 2. In subsections (2) and (3), delete the words “forty thousand” wherever they appear and substitute therefor in each case the words “one million”. |

| Enactments | Amendments |
|-------------------|--|
| Section 15 | <p>Renumber section 15 as subsection (1) of the section and insert next after subsection (1) as renumbered the following as subsection (2)—</p> <p>“ (2) Notwithstanding section 29 (b) of the <i>Interpretation Act</i>, regulations made under subsection (1) may provide in respect of any breach of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate’s Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.”.</p> |
| New section 16 | <p>Insert next after section 15 the following as section 16—</p> <p>“Minister may amend monetary penalties. 16. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”.</p> |
| Mental Health Act | |
| Section 34(a) | <p>Delete the words “fifty thousand” and substitute therefor the words “five hundred thousand”.</p> |
| Section 35(4)(a) | <p>Delete the words “two hundred thousand” and substitute therefor the words “one million”.</p> |
| Section 36 | <p>Delete the words “twenty thousand” and substitute therefor the words “two hundred and fifty thousand”.</p> |
| Section 37 | <p>Delete the words “twenty thousand” and substitute therefor the words “two hundred and fifty thousand”.</p> |
| Section 38 | <p>Delete the words “twenty thousand” and substitute therefor the words “one million”.</p> |

[No.] *The Health and Allied Professions and Services
(Miscellaneous Penalty Provisions) Act, 2011*

Enactments

Amendments

Section 39

Renumber section 39 as subsection (1) of the section and insert next after subsection (1) as renumbered the following as subsection (2) —

“ (2) Notwithstanding section 29(b) of the *Interpretation Act*, regulations made under subsection (1) may provide in respect of a breach of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate’s Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.”.

New section
40

Insert next after section 39 the following as section 40—

“Minister may amend monetary penalties. 40. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”.

National Council on
Drug Abuse Act

Section 15

Insert next after subsection (1) the following as subsection (2)—

“ (2) Notwithstanding section 29(b) of the *Interpretation Act*, regulations made under subsection (1) may provide in respect of a breach of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate’s Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.”.

Section 17

Delete the words “ten thousand” and substitute therefor the words “one million”.

Enactments

Amendments

New section
18

Insert next after section 17 the following as section
18—

“Minister
may amend
monetary
penalties.

18. The Minister may, by
order subject to affirmative
resolution, amend the
monetary penalties specified
in this Act.”.

National Health
Fund Act

New section
25A

Insert next after section 25 the following as section
25A—

“Minister
may amend
monetary
penalties.

25A. The Minister may, by
order subject to affirmative
resolution, amend the
monetary penalties specified
in this Act.”.

Section 26

Insert next after subsection (3) the following as
subsection(4)—

“ (4) Notwithstanding section 29(b) of
the *Interpretation Act*, regulations made
under subsection (1) may provide in respect
of a breach of the provisions thereof for the
imposition of penalties on summary
conviction in a Resident Magistrate’s Court
of a fine not exceeding one million dollars
or imprisonment for a term not exceeding
twelve months or both such fine and
imprisonment.”.

Nurses and
Midwives Act

New section
17

Insert next after section 16 the following as section
17—

“Minister
may amend
monetary
penalties.

17. The Minister may, by
order subject to affirmative
resolution, amend the
monetary penalties specified
in this Act.”.

Enactments

Amendments

Nursing Homes
Registration Act

Section 3(1)

Delete the words “thirty thousand” wherever they appear and substitute therefor respectively, the words “two hundred and fifty thousand” and “five hundred thousand”.

Section 6

Insert next after subsection (3) the following as subsection (4)—

“ (4) Notwithstanding section 29 (b) of the *Interpretation Act*, regulations made under subsection (1) may provide in respect of a breach of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate’s Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.”.

Section 8(1)

Delete the words “twenty thousand” and substitute therefor the words “one million”.

New section
8A

Insert next after section 8 the following as section 8A—

“Minister
may amend
monetary
penalties. 8A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”.

Opticians Act

Section 15

Delete the word “forty” and substitute therefor the words “five hundred thousand”.

Section 16

Insert immediately after the words “liable to” the words “a fine not exceeding one million dollars or”.

| Enactments | Amendments |
|-----------------------------|---|
| New sections 16A and 16B | Insert next after section 16 the following as sections 16A and 16B— “Regulations. 16A.—(1) The Minister may make regulations for the better carrying out of the provisions and purposes of this Act. (2) Notwithstanding section 29(b) of the <i>Interpretation Act</i> , regulations made under this section may provide in respect of a breach of any of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate’s Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment. “Minister may amend monetary penalties. 16B. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”. |
| Pesticides Act | |
| Section 16(2) | Delete the words “fifty thousand” and the word “six”, respectively, and substitute therefor the words “one million” and the word “twelve”, respectively. |
| Section 20(1) | Delete the words “fifty thousand” and substitute therefor the words “five hundred thousand”. |

[No.] *The Health and Allied Professions and Services
(Miscellaneous Penalty Provisions) Act, 2011*

Enactments

Amendments

New Section
20A

Insert next after section 20 the following as section
20A—

“Minister
may amend
monetary
penalties.

20A. The Minister may, by
order subject to affirmative
resolution, amend the
monetary penalties specified
in this Act.”.

Pharmacy Act

Section 25

Delete subsection (2) and substitute therefor the
following—

“ (2) Notwithstanding section 29(b)
of the *Interpretation Act*, regulations made
under this section may provide for the
imposition of penalties on summary
conviction in a Resident Magistrate’s Court
of a fine not exceeding one million dollars
or imprisonment for a term not exceeding
twelve months or both such fine and
imprisonment.”.

Section 26(1)

Delete the words “fifty thousand” and substitute
therefor the words “five hundred thousand”.

New section
26A

Insert next after section 26 the following as section
26A—

“Minister
may amend
monetary
penalties.

26A. The Minister may, by
order subject to affirmative
resolution, amend the
monetary penalties specified
in this Act.”.

Professions
Supplementary
to Medicine Act

Section 15

1. In subsection (1)—

- (a) delete from paragraph (a) the word
“twenty” and substitute therefor
the words “two hundred and fifty
thousand”; and

| Enactments | Amendments |
|----------------------|---|
| ----- | ----- |
| New Section 15A | <p>(b) delete from paragraph (b) the words “one hundred” and substitute therefor the words “five hundred thousand”.</p> <p>2. In subsection (2), delete the words “one thousand” and substitute therefor the words “five hundred thousand”.</p> |
| Section 16 | <p>Insert next after section 15 the following as section 15A—</p> <p>“Minister may amend monetary penalties 15A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”.</p> <p>Insert next after subsection (2) the following as subsection (3)—</p> <p>“ (3) Notwithstanding section 29(b) of the <i>Interpretation Act</i>, regulations made under subsection (1) may provide in respect of a breach of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate’s Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.”.</p> |
| Public Health Act | |
| Section 15 | Delete the words “fifty thousand” and substitute therefor the words “one million”. |
| Section 18 | Delete the words “two thousand five hundred” wherever they appear and substitute therefor, in each case, the words “two hundred and fifty thousand”. |
| Section 19 | 1. In subsection (2), delete the words “fifty thousand” and substitute therefor the words “five hundred thousand”. |

Enactments

Amendments

| | |
|------------|--|
| Section 22 | Delete the words “twenty-five thousand” and substitute therefor the words “one million”. |
| Section 23 | Delete the section and substitute therefor the following— <p style="margin-left: 40px;">“Penalty for breach where no specific penalty is provided.</p> <p style="margin-left: 40px;">23. Every person who commits an offence under this Act or any regulations hereunder for which no specific penalty is provided shall be liable on summary conviction before a Resident Magistrate—</p> <p style="margin-left: 80px;">(a) in the case of a first offence, to a fine not exceeding two hundred and fifty thousand dollars and in default of payment of the fine, to imprisonment for a term not exceeding three months; and</p> <p style="margin-left: 80px;">(b) in the case of a second or subsequent offence, to a fine not exceeding five hundred thousand dollars</p> |

2. Delete subsection (3) and substitute therefor the following—

“ (3) Where a person is convicted of a second or subsequent offence, that person shall be liable to a penalty not exceeding one million dollars, and in default of payment thereof, to imprisonment for a period not exceeding twelve months.”.

Enactments

Amendments

or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.”.

New section
23A

Insert next after section 23 the following as section 23A—

“Minister may amend monetary penalties.

23A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”.

Quarantine Act

Section 7

Insert next after subsection (4) the following as subsection (5)—

“ (5) Notwithstanding section 29(b) of the *Interpretation Act*, regulations made under this section may provide in respect of a breach of any of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate’s Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.”.

Section 10

Delete the words “four hundred” wherever they appear and substitute therefor, in each case, the words “five hundred thousand”.

New section
10A

Insert next after section 10 the following as section 10A—

“Minister may amend monetary penalties.

10A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”.

| Enactments | Amendments |
|--|---|
| ----- | ----- |
| Registration (Births and Deaths) Act | |
| Section 17 | Delete the word “twenty” and substitute therefor the words “two hundred and fifty thousand”. |
| Section 19B(3) | Delete the words “one hundred” and substitute therefor the words “two hundred and fifty thousand”. |
| Section 29 | Delete the word “twenty” and substitute therefor the words “two hundred and fifty thousand”. |
| Section 32 | 1. In subsection (3), delete the word “four” and substitute therefor the words “five hundred thousand”. 2. In subsection (6), delete the word “twenty” and substitute therefor the words “five hundred thousand”. |
| Section 33(2) | Delete the word “twenty” and substitute therefor the words “five hundred thousand”. |
| Section 34 | Delete the word “twenty” and substitute therefor the words “five hundred thousand”. |
| Section 35 | Delete the word “four” and substitute therefor the words “five hundred thousand”. |
| Section 64 | Delete the words “one hundred” and substitute therefor the words “one million”. |
| Section 65 | Delete the word “four” and substitute therefor the words “one million”. |
| New section 68A | Insert next after section 68 the following as section 68A-- “Minister may amend monetary penalties. 68A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”. |

Enactments

Amendments

New section
72A

Insert next after section 72 the following as section
72A—

“Penalties in regulations. 72A. Notwithstanding section 29(b) of the *Interpretation Act*, regulations made under this Act may provide in respect of a breach of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate’s Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.”.

University
Hospital Act

Section 8(3)

Delete the word “four” and substitute therefor the words “two hundred and fifty thousand”.

New Section
8A

Insert next after section 8 the following as section
8A—

“Minister may amend monetary penalties. 8A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”.

Section 9

1. In subsection (4)(b) delete the word “one” and substitute therefor the words “ten thousand”.

2. Insert next after subsection (4) the following as subsection (5)—

“ (5) Notwithstanding section 29(b) of the *Interpretation Act*, regulations made under this section may provide in respect of any of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate’s Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.”.

[No.] *The Health and Allied Professions and Services
(Miscellaneous Penalty Provisions) Act, 2011*

Enactments

Amendments

Venereal
Disease Act

Section 5

Delete the words “twenty” and “fifty” and substitute therefor the words “two hundred and fifty thousand” and “five hundred thousand”, respectively.

New sections
6 and 7

Insert next after section 5 the following as sections 6 and 7—

“Regulations. 6.—(1) The Minister may make regulations for the better carrying out of the provisions and purposes of this Act.

(2) Notwithstanding section 29(b) of the *Interpretation Act*, regulations made under this section may provide in respect of a breach of any of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate’s Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.

Minister
may amend
monetary
penalties.

7. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.”.

Passed in the House of Representatives this 1st day of February, 2011.

DELROY H. CHUCK,
Speaker.

Passed in the Senate this 11th day of February, 2011.

OSWALD G. HARDING, OJ, CD, QC
President.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Clerk to the Houses of Parliament.

