

GOJ LEGISLATION PROGRAMME 2012/2013 AS AT 31 DECEMBER 2012

| PASSED IN PARLIAMENT | | | | |
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| | | MINISTRY | NAME OF LEGISLATION | PURPOSE |
| 1. | | Ministry of Education | The National Parenting Support Commission Act, 2012 <i>(Act 7/2012)</i> | To provide for the establishment of a National Parenting Support Commission to oversee the implementation and operation of the National Parenting Policy. |
| 2. | | Ministry of Finance and Planning | The Appropriation Act, 2012 <i>(Act 5/2012)</i> | To apply a sum out of the Consolidated Fund to the service of the year ending on the 31 st day of March 2013, and to appropriate the sums granted in this Session of Parliament. |
| 3. | | Ministry of Finance and Planning | The Income Tax (Amendment) Act, 2012 <i>(Act 6/2012)</i> | To effect legislative changes directed at encouraging businesses to establish their group head offices in Jamaica. |
| 4. | | Ministry of Finance and Planning | The Public Debt Management Act, 2012 <i>(Act 11/2012)</i> | To repeal the Loan Act, 1964 and the subsidiary Loans Acts, and their replacement by a single law governing the raising of loans for, and on behalf of, the Government of Jamaica and for the management of public debt. |
| 5. | | Ministry of Industry, Investment and Commerce | Consumer Protection (Amendment) Act, 2012 <i>(Act 13/2012)</i> | To: (i) expand the power of the CAC to provide legal representation; (ii) establish a Hearing Tribunal; (iii) expand investigative provisions; (iv) strengthen the provisions on warranties; (v) strengthen provisions regarding advertisements and the display of prices; (vi) improve record keeping and reporting requirements. |
| 6. | | Ministry of Industry, Investment and Commerce | The Processed Food (Amendment) Act, 2012 <i>(Act 2/2012)</i> | (i) To increase fines in order to effectively address contraventions identified below to make them more effective in deterring unlawful trends and practices in the industry: (a) Processors operating illegally, for example without their establishments being registered with the Bureau of Standards, Jamaica (BSJ); (b) Manufacturing and exporting of products without codes assigned by the BSJ; (c) Trading uncertified products; (d) Use of fraudulent labels to trade products both locally and internationally; (e) Breaches of the Standards (Labelling of Processed Food) Regulations |

Categories

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|---|---|---|--------------------|---|---------------------------------|
| 1 | Passed | 2 | Tabled | 3 | Approved by Cabinet for tabling |
| 4 | Being considered/Approved by LC | 5 | Bill being drafted | 6 | Drafting instructions issued |
| 7 | Cabinet approval of drafting instructions | | | | |

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| | | | | <p>which govern general standards for labelling of processed food prior to export or sale.</p> <p>(ii) To discontinue the use of the continuing offence; and</p> <p>(iii) To empower the Minister to amend monetary penalties in the Act by way of order subject to affirmative resolution of both Houses.</p> |
| 7. | | Ministry of Industry, Investment and Commerce | The Standards (Amendment) Act, 2012 <i>(Act 3/2012)</i> | <p>(i) To increase fines in order to effectively address contraventions identified below to make them more effective in deterring unlawful trends and practices in the industry:</p> <p>(a) Processors operating illegally, for example without their establishments being registered with the BSJ;</p> <p>(b) Manufacturing and exporting of products without codes assigned by the BSJ;</p> <p>(c) Trading uncertified products;</p> <p>(d) Use of fraudulent labels to trade products both locally and internationally;</p> <p>(e) Breaches of the Standards (Labelling of Processed Food) Regulations which govern general standards for labelling of processed food prior to export or sale.</p> <p>(ii) To discontinue the use of the continuing offence</p> <p>(iii) To empower the Minister to amend monetary penalties in the Act by way of order subject to affirmative resolution of each House of Parliament.</p> |
| 8. | | Ministry of Justice | Evidence (Special Measures) Act, 2012 <i>(Act 12/2012)</i> | To provide for admissibility of evidence in Criminal and Civil proceedings by way of television links and video link; Removal of certain procedural requirements to the admissibility of computer generated evidence in proceedings generally. |
| 9. | | Ministry of Justice | The Judicature (Supreme Court) (Validation and Amendment) Act, 2012 <i>(Act 8/2012)</i> | To amend the Judicature (Supreme Court) Act in order to give power to judges of the Supreme Court to make orders for interim payment, and to validate orders for interim payment made by judges of the Supreme Court in the absence of such authority. |

Categories

1 Passed

4 Being considered/Approved by LC

7 Cabinet approval of drafting instructions

2 Tabled

5 Bill being drafted

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| 10. | | Ministry of Justice | The Legal Profession (Amendment) Act, 2012 <i>(Act 9/2012)</i> | To provide for: (i) intervention by the General Legal Council in the practice of an Attorney-at-Law; (ii) mandatory professional development programmes (continuing legal education) and (iii) mandatory maintenance of client's trust accounts and records. |
| 11. | | Ministry of Justice | The Spirit Licence (Amendment) Act, 2012 <i>(Act 10/2012)</i> | To: (i) amend Section 34 of the Spirit License Act to provide that the Minister be empowered, by Order published in the Jamaica Gazette, to prescribe the hours for keeping open establishments licensed under the Act, and the days on which those establishments were permitted to open (ii) allow the Minister to thereafter make an Order prescribing that: a. the hours for keeping open all licensed establishments referred to in section 34 of the Act would now be between seven o'clock in the morning and midnight on weekdays (including Saturdays); and b. the hours for keeping open all licensed establishments on Sundays would be between three o'clock in the afternoon and eleven o'clock at night (except for hotels, which would continue to open between seven o'clock in the morning and midnight on weekdays and Sundays). |
| 12. | | Ministry of Labour and Social Security | National Insurance (Amendment) Act, 2012 | To provide for amendments to the National Insurance Act to increase the insurable wage ceiling; to increase weekly contributions for domestic workers, self-employed and voluntary contributors; and to increase the weekly rate of benefits under the National Insurance Scheme, with effect from 10 January 2013. |
| 13. | | Ministry of National Security | The Road Traffic (Temporary Ticket Amnesty) Act, 2012 <i>(Act 1/2012)</i> | To enhance revenue administration and collection by granting an amnesty on all unpaid or un-adjudicated traffic tickets issued on or before 20 September 2010. |
| 14. | | Ministry of Science, Technology, Energy and Mining | Telecommunications (Amendment) Act, 2012 <i>(Act 4/2012)</i> | To: (i) address the sharing of telecommunications facilities and infrastructure, where feasible; (ii) allow the Office of Utilities Regulation (OUR), when determining rates, to take |

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| | | | <p>into account all relevant approaches, including cost orientation and local/international benchmarks;</p> <p>(iii) grant the OUR an express power to set interim rates for wholesale and retail services where there was a marked diversity in rates; and without the application of such rates having retroactive effect;</p> <p>(iv) provide for procedures for the use and operation of the spectrum to ensure its efficient use and operation;</p> <p>(v) provide for the expansion of the principle of universal service, beyond physical access through connectivity, to encompass resource access and basic access;</p> <p>(vi) make the quantum of the universal service levy subject to affirmative resolution of the House of Representatives;</p> <p>(vii) provide for the OUR to impose remedies, including, orders for compensation to persons adversely affected by any action by licensees, which contravene the Act, or any rule made thereunder or any spectrum licence, determination, memorandum, order, regulation or directive of the OUR; and</p> <p>(viii) provide for the OUR and the Spectrum Management Authority (SMA) to be given direct enforcement powers, hereby enabling them to:</p> <p>a. issue orders to terminate, modify or nullify agreements, activities or decisions of licensees, found to be in contravention of the Act, any rule made thereunder or any licence, spectrum licence, determination, memorandum, order, regulation or directive of the OUR and the SMA, as the case may be; and</p> <p>b. petition the court for an interim injunction against any licensee whose actions, in the opinion of the OUR and the SMA, may cause irreparable damage; and, prevent the OUR and the SMA having to make a financial undertaking.</p> |

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| 15. | 1 | Ministry of Agriculture and Fisheries | Protection of Plant Genetic Resources for Food and Agriculture Bill | To provide a framework for the effective functioning of the International Treaty on Plant Genetic Resources for Agriculture in Jamaica; further the conservation and sustainable use of plant genetic resources; and facilitate access to, and use of, plant genetic resources, and promote the equitable sharing of benefits arising out of their use. |
| 16. | 2 | Ministry of Finance and Planning | Retiring Allowances (Legislative Service) (Amendment) Bill | (i) To widen the eligibility criteria for the receipt of a pension and allow for service as a Parish Councillor to be taken into account in determining the eligibility of a Legislator for retiring allowance; (ii) To provide that where service as a Councillor and as a Legislator were to be combined for the purpose of eligibility for a pension, the period should be an aggregate of not less than eleven years; and (iii) bring the arrangement into effect from 1 March 2005, the date the Retiring Allowance (Parish Councillors) Act became operational |
| 17. | 3 | Ministry of Justice | Caribbean Court of Justice Bill | To make provisions for the implementation of the Agreement establishing the Caribbean Court of Justice, and for connected matters |
| 18. | 4 | Ministry of Justice | Committal Proceedings Bill | To abolish the existing procedure of preliminary examinations in cases of indictable offences and seeks to put in its place a new committal proceedings regime in the Resident Magistrates Court. |
| 19. | 5 | Ministry of Justice | Constitution (Amendment) (Caribbean Court of Justice) Bill | To provide for the replacement of appeals to Her Majesty in Council with new provisions for appeals to the Caribbean Court of Justice as Jamaica's final appellate court; and for connected matters |
| 20. | 6 | Ministry of Justice | Judicature (Appellate Jurisdiction) (Amendment) Bill | To repeal the provisions for appeal to Her Majesty in Council and to replace those provisions for appeals to the Caribbean Court of Justice; and To enact transitional provisions to exclude from the application of the provisions of the Bill, appeals to Her Majesty in Council which were instituted, where leave was granted or application for leave was made, before the date of commencement of the amending provisions. |

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| 21. | 7 | Ministry of Justice | The Larceny (Amendment) Bill | To abolish whipping as a penalty for certain criminal offences; and for connected matters. |
| 22. | 8 | Ministry of Justice | The Law Reform (Flogging and Whipping)(Abolition) Bill | To repeal all legislation making provision for flogging and whipping in judicial sentencing; to amend provisions of enactments relating to and referring to flogging and whipping as penalties for certain criminal offences; and for connected matters. |
| 23. | 9 | Ministry of Justice | The Obeah (Amendment) Bill | To abolish whipping as a penalty for certain criminal offences; and for connected matters. |

| APPROVED BY CABINET FOR TABLING | | | | |
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| | | MINISTRY | NAME OF LEGISLATION | PURPOSE |
| 24. | 1 | Ministry of Finance and Planning | Bauxite (Production Levy) (Validation and Indemnity) Bill | To validate the unauthorised withdrawal of funds from the Capital Development Fund (arising from the bauxite production levy) and to indemnify implementing officers who acted in good faith, from the period commencing 1 January 1999 to the date the Act comes into operation. |

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| | | MINISTRY | NAME OF LEGISLATION | PURPOSE |
| 25. | 1 | Ministry of Finance and Planning | Income Tax (Amendment) Bill (No.5) | i.) To resolve a conflict between Section 70 of the Income Tax Act which allowed expansive power to obtain information and the Revenue Administration Act which were more instructive; ii) To adapt the recommendations of the Global Forum on Transparency and Exchange of Information for Tax Purposes and affiliate OECD, that Jamaica amend its tax laws to eliminate the current position where under the Revenue Administration Act, information was obtained on pensions of interest to the Jamaica tax authorities. |
| 26. | 2 | Ministry of Finance and Planning | Revenue Administration (Amendment) Bill | Jamaica was Peer Reviewed by the Global Forum on Transparency and Exchange of Information, an affiliate of the OECD. The review highlighted deficiencies in the RAA, Income Tax Act and Companies Act, all of which need to be amended in order to achieve greater transparency and facilitate effective exchange of information. This Bill will remove domestic tax interest and facilitate effective exchange of information. This is in response to the requirements of the Global Forum on Transparency and Exchange of Information for Tax purposes. |
| 27. | 3 | Ministry of Health | Professions Supplementary to Medicine (Validation and Indemnity of Functions of Council) Bill | Validating and indemnifying legislation would be required with regard to the tenure of the Council for the period 16 October 2008 to 31 May 2011. |
| 28. | 4 | Ministry of Justice | Defamation Bill | To modernize the laws relating to libel and slander. |
| 29. | 5 | Ministry of Justice | Evidence (Amendment) Bill | To provide for the introduction of significant reforms to, among other things, allow for the reports of experts to be admitted into evidence without the need to call the expert who made the report. |
| 30. | 6 | Ministry of Local Government and Community Development | Building Bill | (i) To improve the efficiency of the building approval process and provide a framework for the effective management of the building industry. (ii) To incorporate the Kingston and St. Andrew Building Act and the Parish Council Building Act. |

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Cabinet Office

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| 31. | 7 | Ministry of Local Government and Community Development | National Solid Waste Authority (Amendment) Bill | (i) To amend the Act to increase the number of Board Members from 11 to 13 by the inclusion of two (2) representatives of the Association of Local Government Authorities of Jamaica. (ii) To allow the Minister, by order and subject to affirmative resolution of each House of Parliament, to amend the monetary penalties specified in the Act and any of the Schedules of the Act. |
| 32. | 8 | Ministry of National Security | Criminal Justice (Suppression of Criminal Gangs and Organised Criminal Groups) Bill | To introduce legislation for the suppression and disruption of criminal gangs criminal gang-related activities and make consequential amendments to existing legislation as necessary. |
| 33. | 9 | Ministry of Transport, Works and Housing | Road Maintenance Fund (Amendment) Bill | To: (i) facilitate the Road Maintenance Fund (RMF) using funds received from the Special Consumption Tax on fuel or any other source except the motor vehicle licensing fees to undertake road construction works inclusive of bridges, retaining walls, sea defence works, river training and any other related infrastructure road works; (ii) change the name of the RMF to the Jamaica Road Fund; (iii) amend the definition of the word maintenance to include parochial roads. |
| 34. | 10 | Ministry of Transport, Works and Housing | Road Traffic (Amendment) Bill | To: (i) provide for comprehensive revision of Act ; (ii) repeal and replace the current Road Traffic Act and Regulations (1938) and Companion Acts and Regulations; and (iii) establish Island Traffic Authority as a statutory body. |
| 35. | 11 | Ministry of Water, Land, Environment and Climate Change | Crown Property (Vesting) (Amendment) Bill | To establish a National Divestment Committee to advise Minister responsible for Land and Environment; To provide for the Minister making an Order to exempt certain categories of divestment being routed through the Committee. |

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| | | MINISTRY | NAME OF LEGISLATION | PURPOSE |
| 36. | 1 | Ministry of Agriculture and Fisheries | Agricultural Credit Board (Repeal) Bill | To repeal the Act to, inter alia, transfer functions of the Agricultural Credit Board to the Registrar of Co-operatives and wind up the operations of the Board. |
| 37. | 2 | Ministry of Agriculture and Fisheries | Animal Disease and Importation of (Amendment) Bill | To facilitate importation, distribution, storage of animal products including milk and by-products with regard to disease and safety |
| 38. | 3 | Ministry of Agriculture and Fisheries | Aquaculture Inland and Marine Products and By-Products (Inspection, Licensing and Export) (Amendment) Bill | To plug loopholes discovered in the Act since the opening of the conch season in 2001 and make provision for imports. |
| 39. | 4 | Ministry of Agriculture and Fisheries | Fishing Industry (Amendment) Bill | To repeal and replace existing Act for the better management of the fishing industry |
| 40. | 5 | Ministry of Agriculture and Fisheries | Plants (Quarantine) (Amendment) Bill | To harmonise sanitary and phytosanitary measures with WTO requirements |
| 41. | 6 | Ministry of Education | Jamaica Teaching Council Bill | To provide for the establishment of the Jamaica Teaching Council, consequential amendments to the provisions of the Education Act dealing with the Teachers Service Commission, and for the introduction of a system of teacher licensing. |
| 42. | 7 | Ministry of Education | Jamaica Tertiary Education Commission Bill | To provide for the establishment of a national oversight body for tertiary education in Jamaica (J-TEC). |
| 43. | 8 | Ministry of Finance and Planning | An Act to amend the constituent Acts of various Statutory Bodies consequential amendments to the PBMA and FAA Acts (Harmonization Bills) | To harmonize the enabling statute of statutory bodies to the PBMA Act so as to improve the governance and accountability of such bodies and for related matters. |
| 44. | 9 | Ministry of Finance and Planning | Bank of Jamaica (Amendment) Bill | To designate the Bank of Jamaica with overall responsibility for financial stability. |

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| 45. | 10 | Ministry of Finance and Planning | Bank of Jamaica (Omnibus) Bill | To facilitate the enactment of a single new legislation to merge the provisions of the Banking Act, the Financial Institutions Act, and the Bank of Jamaica (Building Societies) Act and Regulations, and for amendments to existing provisions to enhance the supervision of deposit taking institutions. |
| 46. | 11 | Ministry of Finance and Planning | Casino Gaming (Amendment) Bill | To make corrections to some errors within the Casino Gaming Act. |
| 47. | 12 | Ministry of Finance and Planning | Customs (Validation and Indemnification) (Amendment) Bill | To validate the implementation of the Customs User Fee (CUF) and the amendment of the Customs Regulations to unequivocally reflect the use of the Fee so that it accords with GATT standards. |
| 48. | 13 | Ministry of Finance and Planning | Executive Agencies (Amendment) Bill | (i) To allow Parliament's approval to be given through negative resolution rather than affirmative resolution when prescribing the fees and charges to be imposed by an Executive Agency; (ii) To recognise bodies that have been designated as Executive Agencies and to empower the Minister, through order, to update this list periodically; and (iii) To allow for pensions portability between Executive Agencies and Central Government. |
| 49. | 14 | Ministry of Finance and Planning | General Consumption Tax (Amendment) Bill (2) | To provide for (i) Fixed penalties for not displaying the GCT Certificate and failure to return said Certificate; (ii) Amendment of Section 28 to compel the tax payer to be registers whether or not he had been served a notice by the Commissioner; (iii) Relevant sections of the Act to be amended to restrict the periods and circumstances in which tax credits may be paid; (iv) GCT to be payable on one-off major entertainment events; (v) Persons who are registered to notify the Commission of any changes which affect registration; (vi) The unauthorised collection of tax and not paying over the tax collected to the Revenue to be made offences; |

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| | | | | (vii) Section 61 of the GCT to be amended to expand the powers of the Commissioner with respect to anti-avoidance; (viii) Elimination of the requirement for registration of persons below the threshold; (ix) Removal of the disparity between the treatment of imported raw materials and the procurement of raw material locally by manufacturers; (x) Shortening of the period for claiming tax credits on capital goods; (xi) Execution of documents (returned and other declarations); (xii) Expansion of the provisions of Section 23(2) as regards transfer/sale of a business as a going concern; and (xiii) The offences and penalties. |
| 50. | 15 | Ministry of Finance and Planning | General Consumption Tax (Amendment) Bill (3); Validation of GCT Provisional Orders; Amendment of Schedules | To validate the Provisional Orders to amend the GCT Act, which were introduced between 2003-2011 to implement revenue measures. Also to make additional amendments to the GCT Act to remove ambiguous provisions and increase penalties. |
| 51. | 16 | Ministry of Finance and Planning | General Consumption Tax (Amendment) Bill (No.1) | To provide for: (i) a definition of Imported Services to be included in the legislation; (ii) a Time of Supply of an imported service to be specified; (iii) certainty in the application of GCT to Imported Services, by deleting 'a taxable activity' in section 23B(1) and replacing it with 'an activity which would have been subject to tax if provided locally'; (iv) where there was no consideration for a taxable supply, the value of the taxable supply, for tax purposes, to be the open market value; (v) a threshold of J\$90,000.00 (US\$1000.00) for purposes of charging GCT on Imported Services; (vi) the specification that imported services secured locally but completely performed, utilized or consumed outside of Jamaica are exempt from GCT; and (vii) a Standard Method of Calculating Input Tax Credits with respect to a combination of taxable and exempt supplies. |

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| 52. | 17 | Ministry of Finance and Planning | Income Tax (Amendment) Bill (No.1) | To provide incentives to companies listed on the Jamaica Stock Exchange Junior Market. A new provision, namely 36A to be inserted. |
| 53. | 18 | Ministry of Finance and Planning | Insurance (Amendment) Bill | To address weaknesses identified in the legislation |
| 54. | 19 | Ministry of Finance and Planning | Pensions (Superannuation Funds and Retirement Schemes) (Amendment) Bill (2) | To regulate the National Pension Scheme including vesting, portability and indexation. |
| 55. | 20 | Ministry of Finance and Planning | Pensions (Superannuation Funds and Retirement Schemes) (Validation and Indemnity) Bill; and Pensions (Superannuation Funds and Retirement Schemes) (Amendment) Bill | To: (i) validate all actions taken by the Financial Services Commission in collecting licensing fees from investment managers since 2006 pursuant to the Pensions (Superannuation Funds and Retirement Schemes) Act, 2004 and the Registration, Licensing and Reporting Regulations, 2006; (ii) indemnify officials of the Financial Services Commission in respect of actions taken pursuant to the aforesaid Pensions Act and Regulations over the relevant period; (iii) amend the Pensions (Superannuation Funds and Retirement Schemes) Act, 2004 to: (iv) allow the Financial Services Commission to collect fees from investment managers and administrators for all pension schemes; (v) allow provisional registration of pension schemes; and (vi) harmonize the contribution rate with the provisions of the Income Tax Act |
| 56. | 21 | Ministry of Finance and Planning | Property Tax (Amendment) Bill | i. To increase property tax rates with effect from 1st April, 2010 ii. To implement other measures to significantly improve the compliance notes for property taxes. |
| 57. | 22 | Ministry of Finance and Planning | Public Accountancy (Amendment) Bill | To improve and strengthen the effectiveness of the accountancy profession. |

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| 58. | 23 | Ministry of Finance and Planning | Public Enterprises (Removal of Tax Concessions) (Amendment) Bill | To remove tax exemptions from certain public enterprises. |
| 59. | 24 | Ministry of Finance and Planning | Public Sector Procurement Bill | To provide for the framework for public sector procurement system and to legally separate that National Contracts Commission from the Office of the Contractor General. |
| 60. | 25 | Ministry of Finance and Planning | Revenue Administration (Amendment) Bill | To create the Revenue Appeals Division in replacement of the Taxpayer Appeals Departments; and to establish the Division, Commissioner, Officers, functions and powers. |
| 61. | 26 | Ministry of Finance and Planning | Securities (Amendment) Bill | To inhibit the establishment of unlawful financial organizations, modernize the framework for the regulation of collective investment schemes and correct other deficiencies in the legislative framework for the regulation of the securities industry |
| 62. | 27 | Ministry of Foreign Affairs and Foreign Trade | Diving Regulation Bill | To regulate commercial diving activities and diving equipment, safety standards and other pertinent matters |
| 63. | 28 | Ministry of Foreign Affairs and Foreign Trade | Geneva Conventions and its Protocols Bill | To provide for implementing the obligations under the Convention and Protocols. |
| 64. | 29 | Ministry of Foreign Affairs and Foreign Trade | Hague Convention on Civil Aspects of International Child Abduction Bill | To implement obligations under the Convention. |
| 65. | 30 | Ministry of Foreign Affairs and Foreign Trade | International Convention for the Suppression of Acts of Nuclear Terrorism | To provide for implementing the obligations under the Convention established by Security Council Resolution 1373 |
| 66. | 31 | Ministry of Health | Chemical Weapons Convention Implementation Bill | To implement the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical weapons and on their destruction. |
| 67. | 32 | Ministry of Health | Food and Drugs (Amendment) Bill | To include and define over-the-counter products and five new categories of substances for human consumption. |
| 68. | 33 | Ministry of Health | Mental Health (Amendment) Bill | To provide for treatment of patients by Mental Health Officers without their consent. |

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| | | MINISTRY | NAME OF LEGISLATION | PURPOSE |
| 69. | 34 | Ministry of Health | Nurses and Midwives (Amendment) Bill | <ul style="list-style-type: none"> To establish a Nurse Practitioner Council to regulate control and monitor all categories of Nurse Practitioner. To provide for the legal recognition of the clinical practice of Family Nurse Practitioners, Nurse Anaesthetists and Mental Health Nurse Practitioners to enable them to prescribe a limited list of drugs set out in their practice protocols. |
| 70. | 35 | Ministry of Health | Pharmacy (Amendment) Bill | To authorise the prescribing of specified drugs by Nurse Practitioners. |
| 71. | 36 | Ministry of Health | Pharmacy (Validation and Indemnity of Functions of the Registration Appeal Tribunal) Bill | To validate and confirm acts done in good faith by the Tribunal in carrying out their functions under the Act and to indemnify persons from liability in respect of such acts for the period 3 August 2011 to 6 November 2011. |
| 72. | 37 | Ministry of Health | Profession Supplementary to Medicine (Amendment) Bill | To change the name of the legislation; change the name of the Council to "Council for Health and Allied Health Professions;" and to delete proviso to section 15 (1) which allows persons in related professions in the public sector to be exempt from registration. |
| 73. | 38 | Ministry of Health | Quarantine (Validation and Indemnity of Functions of the Quarantine Authority) Bill | To validate and confirm acts done in good faith by the Authority in carrying out their functions under the Act and to indemnify persons from liability in respect of such acts for the period 24 February 2011 to 12 June 2011. |
| 74. | 39 | Ministry of Health | Radiation (Safety & Control) Bill | To regulate safety of radiation to users & unsuspecting public |
| 75. | 40 | Ministry of Health | Registration (Births and Deaths) (Amendment) Bill | To make provision for: <ul style="list-style-type: none"> (i) the compulsory registration of the names of unmarried fathers; (ii) the inclusion of penalties for misrepresentation or refusal of the mother to name the father; (iii) the imposition of fees for the provision of services relating to section 19B (4) of the Act. |
| 76. | 41 | Ministry of Health | Rotterdam Convention Bill | To provide for prior informed consent for hazardous chemical and to make provision for the protection of human health and the environment from potential harm. |

Categories

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|---|---|---|--------------------|---|---------------------------------|
| 1 | Passed | 2 | Tabled | 3 | Approved by Cabinet for tabling |
| 4 | Being considered/Approved by LC | 5 | Bill being drafted | 6 | Drafting instructions issued |
| 7 | Cabinet approval of drafting instructions | | | | |

GOJ LEGISLATION PROGRAMME 2012/2013 AS AT 31 DECEMBER 2012

| BILL BEING DRAFTED | | | | |
|---------------------------|----|---|---|--|
| | | MINISTRY | NAME OF LEGISLATION | PURPOSE |
| 77. | 42 | Ministry of Industry, Investment and Commerce | Cooperative & Friendly Societies (Amendment) Bill | (i) To place the activities of Credit Unions within the regulatory ambit of BOJ; (ii) To develop Youth Credit Unions, (iii) To register deposit taking businesses, amalgamation, conversion and acquisitions etc.; (iv) To restrict deposit taking activities of the Co-operative Societies. |
| 78. | 43 | Ministry of Industry, Investment and Commerce | Copyright (Amendment) Bill (No.1) | To ensure Jamaica's accession to the World Intellectual Property Organisation (WIPO) Copyright Treaty. To incorporate provisions of the WIPO Copyright Treaty to protect authors, composers and creators of literature. To allow for: (a) access to copyright works by the print and hearing disabled; (b) establishment of a voluntary deposit system for copyright works to be hosted by the Jamaica Intellectual Property Office; (c) establishment of the duration of copyright for works created by the Crown and corporate bodies; (d) provision for access to "orphan works;" (e) clarification of the rights in adapted works; (f) extension of the rights of libraries and archivists to archive material that was in digital format; and (g) protection of first importers of sound recordings in Jamaica by ensuring them the first right of distribution of same. |
| 79. | 44 | Ministry of Industry, Investment and Commerce | Fair Competition (Amendment) Bill | To improve efficacy of the FTC in fulfilling its duties, including: (i) Restructuring the FTC to include an independent Tribunal with responsibility to adjudicate matters investigated by the Commission and hear appeals; (ii) Allowing the Act to apply to all markets and industries, except where specifically exempted by another law; and (iii) Generally update the Act to ensure conformity with best practices in the markets with which the FTC is concerned. |

Categories

1 Passed

4 Being considered/Approved by LC

7 Cabinet approval of drafting instructions

2 Tabled

5 Bill being drafted

3 Approved by Cabinet for tabling

6 Drafting instructions issued

GOJ LEGISLATION PROGRAMME 2012/2013 AS AT 31 DECEMBER 2012

| BILL BEING DRAFTED | | | | |
|---------------------------|----|---|---|--|
| | | MINISTRY | NAME OF LEGISLATION | PURPOSE |
| 80. | 45 | Ministry of Industry, Investment and Commerce | Food Storage and Prevention of Infestations (Amendment) Bill Pesticides (Amendment) Bill | To amend the Acts to: (i) increase the powers of the FSPID inspectors to include the right to seize equipment, related to any articles to which the Act applies, which are defective; and the rights to request documents in relation to the articles being inspected and the power to detain vehicles and containers used to transport food, and also buildings, if they are infested or contaminated, or liable to be infested or contaminated; (ii) amend certain definitions to give effect to new Provisions; (iii) allow the FSPID to pass the cost associated with removal, storage and/or destruction of infested or contaminated commodities to the offending party; and (iv) remove the powers that the FSPID has for licensing pest control operations in food areas but retain powers to certification of such activities. |
| 81. | 46 | Ministry of Industry, Investment and Commerce | <ul style="list-style-type: none"> • Holding Company and International Business Company Bill • Trusts Bill • Trust and Service Provider Bill • Limited Liability Bill | To support the suite of services offered by the Jamaica International Financial Services Centre (IFSC). |
| 82. | 47 | Ministry of Industry, Investment and Commerce | Patents & Industrial Designs Bill | To: (i) replace and repeal Patents Act and the Design Act; (ii) fulfil all the provisions of the Trade-Related aspects of Intellectual Property Rights (TRIPS) Agreement and the USA/Jamaica Bilateral Treaty on Intellectual Property; and (iii) bring Act into conformity with international standards of protection for inventors and innovators. |
| 83. | 48 | Ministry of Industry, Investment and Commerce | Trade Marks (Amendment) Bill | (i) To reflect Jamaica's membership in the WTO; (ii) To establish that the registration fees do not include the cost of advertising; |

Categories

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2 Tabled

5 Bill being drafted

3 Approved by Cabinet for tabling

6 Drafting instructions issued

GOJ LEGISLATION PROGRAMME 2012/2013 AS AT 31 DECEMBER 2012

| BILL BEING DRAFTED | | | | |
|---------------------------|----|--|--|--|
| | | MINISTRY | NAME OF LEGISLATION | PURPOSE |
| | | | | (iii) To provide for the suspension of a trademark as a result of disuse for a period of five years without good reason; (iv) To empower the Minister to amend the monetary penalties in the Act by way of order subject to affirmative resolution of each House of Parliament; (v) To introduce the concept of a cooling-off period; and (vi) To provide the basis on which the revocation of a trademark can be effected. |
| 84. | 49 | Ministry of Justice | Arbitration Bill | Cabinet approved the repeal and replacement of the Arbitration Act (1900), the Arbitration Clauses Act (1931), and the Arbitration (Recognition and Enforcement of Foreign Awards) Act (2001) and consequential implementation of a new comprehensive Arbitration Act to govern the conduct and practice of domestic as well as international arbitration in Jamaica. |
| 85. | 50 | Ministry of Justice | Offences Against the Person (Amendment) Bill | To repeal and replace certain sections of the Offences Against the Person Act to provide for a myriad of sexual offences. These are consequential from the Sexual Offences Act. |
| 86. | 51 | Ministry of Labour and Social Security | National Assistance Bill | To incorporate institutional changes under the Social Safety Net Reform (a Unified Benefits Programme) and repeal the Poor Relief Law of 1886. |
| 87. | 52 | Ministry of Labour and Social Security | National Disabilities Bill | To provide for further protection and legal entrenchment of rights of persons with disabilities |
| 88. | 53 | Ministry of Labour and Social Security | Occupational Health & Safety Bill | To provide for safety standards at workplace |
| 89. | 54 | Ministry of Local Government and Community Development | Disaster Risk Management Bill | To provide for a strengthened legislative framework for disaster management. This Bill will replace the Disaster Preparedness and Emergency Management Act. |
| 90. | 55 | Ministry of National Security | Constabulary Force (Amendment) Bill | To amend section 5 of the Act to provide for a term of enlistment for gazetted officers and to increase applicable fine for contravention. |

Categories

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Cabinet Office

GOJ LEGISLATION PROGRAMME 2012/2013 AS AT 31 DECEMBER 2012

| BILL BEING DRAFTED | | | | |
|---------------------------|----|--|--|---|
| | | MINISTRY | NAME OF LEGISLATION | PURPOSE |
| 91. | 56 | Ministry of National Security | Police Management Authority Bill | The establishment of a Police Authority as an oversight mechanism for policing functions. |
| 92. | 57 | Ministry of National Security | Private Security Regulations Authority (Amendment) Bill | <ul style="list-style-type: none"> • To increase fees and fines; • To amend Section 12 to widen the circumstances under which licences can be revoked or refused; • To amend Section 17 to provide an exception under the Companies Act for lifting the corporate veil to ascertain the identities of company directors and shareholder |
| 93. | 58 | Ministry of Science, Technology, Energy and Mining | Quarries Control (Amendment) Bill | To amend the existing Act to improve the management of quarries. |
| 94. | 59 | Ministry of Tourism and Entertainment | Timeshare/Vacation Ownership | To develop a framework to facilitate the introduction of Timeshare/Vacation Owners schemes in Jamaica. |
| 95. | 60 | Ministry of Transport, Works and Housing | Port Authority of Jamaica Bill | Repeal and replace existing Act, to ensure that the legislation relating to the Authority was in keeping with the Shipping Act, 1998. To bring several Acts relating to maritime activities and port operations, repeal a number of existing Acts, viz, the Harbour Fees Act, the Harbour Lights and Lighthouse Act and the Port Authority Act. Address the weakness in power and functions of the Port Authority of Jamaica. |
| 96. | 61 | Ministry of Transport, Works and Housing | Rent Restriction (Change of Name & Amendment) Bill | To facilitate the provision of adequate legislation governing the rental of properties in Jamaica and to bring about greater efficiency in the processing of applications & complaints |
| 97. | 62 | Ministry of Transport, Works and Housing | Shipping (Pollution Prevention, Response, Liability and Compensation) Bill | To implement several international conventions (including International Convention on Civil Liability for Bunker Oil Damage; International Convention on Oil Pollution Preparedness & Response Cooperation (ICOPP & R); Safety of Life at Sea (SOLAS) to protect shipping & preserve the marine environment from pollution by ships. |

Categories

1 Passed

4 Being considered/Approved by LC

7 Cabinet approval of drafting instructions

2 Tabled

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6 Drafting instructions issued

GOJ LEGISLATION PROGRAMME 2012/2013 AS AT 31 DECEMBER 2012

| DRAFTING INSTRUCTIONS ISSUED | | | | |
|-------------------------------------|---|---|---|---|
| | | MINISTRY | NAME OF LEGISLATION | PURPOSE |
| 98. | 1 | Ministry of Education | Mico University College (Validation and Indemnification) Bill | To provide for the validation and indemnity of all acts by the Mico University College from 2006 to 2010, during which time the College operated without the existence of a valid scheme of management, due to an omission to gazette the order approving its scheme of management. |
| 99. | 2 | Ministry of Finance and Planning | Contractor General (Amendment) Bill | To validate the actions of the National Contracts Commission with respect to its mandate to register and classify contractors pursuant to sections 23G(1) and (2) of the Act. |
| 100. | 3 | Ministry of Labour and Social Security | Caribbean Community (Free Movement of Skilled Persons) Bill | To increase fines and penalties, allow for charging of fees for skill certificates, institute One Certificate Regime, and to expand the categories of persons approved for movement under the regime. |
| 101. | 4 | Ministry of National Security | DNA Evidence Bill | To provide for the taking of DNA samples from persons arrested in relation to specified offences. |
| 102. | 5 | Ministry of Water, Land, Environment and Climate Change | Real Estate (Dealers and Developers) (Amendment) Bill | To strengthen the Real Estate (Dealers and Developers) Act which governs the practice of Real Estate business in Jamaica. |

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GOJ LEGISLATION PROGRAMME 2012/2013 AS AT 31 DECEMBER 2012

| CABINET APPROVAL OF DRAFTING INSTRUCTIONS | | | | |
|--|---|---------------------------------------|---|--|
| | | MINISTRY | NAME OF LEGISLATION | PURPOSE |
| 103. | 1 | Ministry of Agriculture and Fisheries | Facilities for Title (Amendment) Bill | To amend the Act to allow for application to bring land under the Registration of Titles Act without first having to apply for a loan and make provision for a Community Land Tribunal at the Parish level for adjudicating rights and interest in land and resolving disputes. |
| 104. | 2 | Ministry of Agriculture and Fisheries | Jamaica Dairy Development Board (Validation) Bill | To validate the operations of the Jamaica Dairy Development Board for the period 10 March 2009 to 2 July 2012. |
| 105. | 3 | Ministry of Finance and Planning | Betting, Gaming and Lotteries (Amendment) Bill | To amend the Betting, Gaming and Lotteries Act to facilitate the inclusion of a grandfathering clause; and to validate the actions taken by the Commission for the period June 2019 until the date the inconsistencies were regularised in law and to indemnify persons employed by the Commission from actions that were performed in good faith. |
| 106. | 4 | Ministry of Finance and Planning | Customs (Amendment) Bill | To give formal effect to the implementation of the CARIFORUM/EC Economic Partnership Agreement, giving effect to the reduction of the Most Favoured Nation rate of duty on goods as set out in Appendix 1 of Annex III of said the Agreement. |
| 107. | 5 | Ministry of Finance and Planning | Duty Regime Relating to Automotive Diesel Oil – HS 2710.19.40 (Customs) Bill | To lower the Common External Tariff (CET) from ten per cent to zero per cent in respect of the Automotive Diesel Oil so as to ensure Petrojam's ability to guarantee its supply as well as the consistent costing of the product in the event that its traditional supply source proved inadequate. |
| 108. | 6 | Ministry of Finance and Planning | Financial Investigations Division (Amendment) Bill | TO amend the Financial Investigations Division Act to enable the Division's membership in the Egmont Group. |
| 109. | 7 | Ministry of Finance and Planning | General Consumption Tax (Amendment) Bill (4) | To amend the General Consumption Tax Act to allow for the zero-rating of packaging materials utilised by the manufacturing and/or production sector. |
| 110. | 8 | Ministry of Finance and Planning | Semi-Autonomous Revenue Authority for the Administration of Domestic Tax Bill | To (a) Provide for the establishment of Tax Administration Jamaica as a Semi-Autonomous Revenue Authority, with responsibility for domestic taxes and subject to the provisions of the Public Bodies (Management and Accountability) Act and the Financial Audit and Administration Act, which |

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GOJ LEGISLATION PROGRAMME 2012/2013 AS AT 31 DECEMBER 2012

| CABINET APPROVAL OF DRAFTING INSTRUCTIONS | | | | |
|--|----|---|--|---|
| | | MINISTRY | NAME OF LEGISLATION | PURPOSE |
| | | | | would replace and assume the powers and functions, in respect of domestic tax, of the existing Central Government department, Tax Administration, Jamaica; (b) the incorporation into the Semi-Autonomous Revenue Authority statute of the mechanisms and principles of good corporate governance set out in the Corporate Governance Framework; (c) the necessary consequential amendments to the Revenue Administration Act and the various tax laws. |
| 111. | 9 | Ministry of Finance and Planning | Travel Tax (Amendment) Bill | To introduce an Airline Passenger Levy payable by travellers arriving in Jamaica by air from any place outside of Jamaica. |
| 112. | 10 | Ministry of Foreign Affairs and Foreign Trade | Caribbean Financial Action Force/United National Charter VII | To implement resolutions passed by the United Nations Security Council under Chapter VII of the Charter of the United Nations in order to enable Jamaica to fulfil commitments to the Caribbean Financial Action Task Force, as well as its obligations under the United Nations Charter. |
| 113. | 11 | Ministry of Foreign Affairs and Foreign Trade | Rome Statute Bill | To establish the International Criminal Court under the laws of Jamaica to enable the ratification of the Rome Statute. |
| 114. | 12 | Ministry of Foreign Affairs and Foreign Trade | Terrorism Prevention (Amendment) Bill Mutual Legal Assistance (Criminal Matters) (Amendment) Bill Extradition (Amendment) Bill | To incorporate into Jamaican law the provisions of: (i) the Amendment to the Convention on the Physical Protection of Nuclear Material, 2005; (ii) the Protocol to the Convention for the Suppression of the Unlawful Acts against the Safety of Maritime Navigation, 2005; and (iii) the Protocol to the Protocol for the Suppression of the Unlawful Acts against the Safety of Fixed Platforms, 2005 |
| 115. | 13 | Ministry of Industry, Investment and Commerce | Insolvency Bill | (i) To review the laws relating to personal and corporate insolvencies in Jamaica to aid in the rehabilitation of debtors and the presentation viable businesses; (ii) To ensure procedural clarity in the operation of insolvency laws in Jamaica; (iii) To make recommendations for the appropriate legislative changes, |

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GOJ LEGISLATION PROGRAMME 2012/2013 AS AT 31 DECEMBER 2012

| CABINET APPROVAL OF DRAFTING INSTRUCTIONS | | | | |
|--|----|--|---|---|
| | | MINISTRY | NAME OF LEGISLATION | PURPOSE |
| | | | | including: a. Temporary protection from creditors; b. Reduction of the need for court proceedings and where necessary simplify the process and reduce delays; c. A system for licencing and regulating private trustees; and d. Similar qualification requirements for all trustees. |
| 116. | 14 | Ministry of Justice | Constitution (Amendment) Bill | To amend the Constitution of Jamaica to replace Her Majesty the Queen with a non-executive President as Head of State and thereby make Jamaica a Republic |
| 117. | 15 | Ministry of Justice | Cybercrimes (Amendment) Bill | To amend section 4 (1) (a) of the Act to remove the word "not" therein and thereby rectify the error in that section; enactment of validating legislation to declare the Cybercrime Act 2012 valid. |
| 118. | 16 | Ministry of Justice | Lottery Scam Bill | To enact legislation to specifically target the criminal activity known as the "tottery scam" and other related fraudulent activities. |
| 119. | 17 | Ministry of Labour and Social Security | <ul style="list-style-type: none"> • Apprenticeship (Amendment) Bill • Holiday (Public General) Amendment Bill • Minimum Wage (Amendment) Bill • Shops and Offices (Amendment) Bill • Women (Employment of) (Amendment) Bill | To amend existing legislation to facilitate the implementation of Flexible Work Arrangements based on White Paper. |
| 120. | 18 | Ministry of Science, Technology, Energy and Mining | Data Protection Bill | To implement a co-regulatory regime to address the protection of the privacy of individuals in relation to personal data, to regulate the collection, processing, keeping, use and disclosure of certain information relating to individuals and to provide for matters incidental or connected herewith. |
| 121. | 19 | Ministry of Transport, Works and Housing | Shipping (Amendment) Act | To amend existing legislation to ratify the application of an annual fee in lieu of Customs Duty, Customs User Fee, Environmental Levy and General Consumption Tax payable by owners of yachts. |

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GOJ LEGISLATION PROGRAMME 2012/2013 AS AT 31 DECEMBER 2012

| CABINET APPROVAL OF DRAFTING INSTRUCTIONS | | | | |
|--|----|---|---|---|
| | | MINISTRY | NAME OF LEGISLATION | PURPOSE |
| 122. | 20 | Ministry of Water, Land, Environment and Climate Change | Registration (Strata Titles) (Amendment) Bill | To improve the ability of the Strata Corporations to manage, control and administer the common property and resolve disputes in connection with such properties. |
| 123. | 21 | Ministry of Water, Land, Environment and Climate Change | Water Supply and Sewerage Service Bill | To provide the framework for multiple service providers in the water sector through a licensing regime, and to establish the appropriate institutional framework, responsibilities and roles of the various players in the water sector consistent with the Policy. |

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