

THE BATH OF ST. THOMAS THE APOSTLE ACT

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SCHEDULE

## THE BATH OF ST. THOMAS THE APOSTLE ACT

Cap. 36,  
Acts  
35 of 1966  
42 of 1969  
3rd Sch.  
26 of 1995.

[5th March, 1942.]

1. This Act may be cited as the Bath of St. Thomas the Apostle Act. Short title.

2.—(1) For the purposes of this Act there shall be established a body corporate to be called “The Directors of the Bath of St. Thomas the Apostle” (hereinafter in this Act referred to as “the Corporation”) with perpetual succession and a common seal and with power to acquire, hold and dispose of land. Establishment of Corporation.

(2) The seal of the Corporation shall be authenticated by the signature of the Chairman and of the Clerk of the Corporation, and such seal shall be officially and judicially noticed.

(3) The Corporation may sue and be sued in its corporate name and may for all purposes be described by such name.

3.—(1) The Corporation shall consist of seven persons who shall be appointed by the Minister by instrument in writing and such persons are hereafter in this Act referred to as “Directors”. Constitution of the Corporation.  
35/1966  
S. 2.

(2) The appointment of a Director shall, subject to the provisions of this section, be for a period not exceeding three years and such Director shall be eligible for re-appointment.

(3) The Minister shall appoint a Chairman and a Deputy Chairman from amongst the Directors.

(4) If the Chairman or Deputy Chairman is absent or unable to act, the Minister may appoint any other

Director to act temporarily as Chairman or, as the case may be, Deputy Chairman during such absence or incapacity.

(5) The Minister may appoint any person as a Director to act temporarily in the place of a Director who is absent or unable to act.

(6) Any Director may at any time resign his office by instrument in writing addressed to the Minister (which as respects a Director other than the Chairman or Deputy Chairman shall be transmitted through the Chairman) and from the date of receipt by the Minister of such instrument such Director shall cease to be a Director.

(7) The Minister may at any time revoke the appointment of any Director if he thinks it expedient so to do.

(8) If any vacancy occurs in the membership of the Corporation such vacancy shall be filled by the appointment of another person to be Director who shall, subject to the provisions of this section, hold office for the remainder of the period for which the previous Director was appointed.

(9) The names of all persons appointed under this section and every change in any such appointment shall be published in the *Gazette*.

Procedure  
and meetings  
of the  
Corporation.

**4.—(1)** The Corporation shall meet at such times as may be necessary or expedient for transacting the business of the Corporation and shall have power to regulate its own proceedings:

Provided that there shall be at least two meetings during any year.

(2) The Clerk shall, upon being so requested by any Director, summon a special meeting of the Corporation within seven days of such request.

(3) The Chairman, or in his absence the Deputy Chairman, shall preside at meetings of the Corporation and in the absence of both the Chairman and the Deputy Chair-

35/1966  
S. 3(a).

man from any meeting the Directors present shall elect one or their number to preside at that meeting.

(4) The Chairman or other person presiding at any meeting shall have an original and a casting vote. 35/1966  
S. 3(b).

(5) At any meeting of the Corporation three Directors shall form a quorum for the transaction of business. 35/1966  
S. 3(c).

(6) The power of the Corporation shall not be affected by any vacancy in the membership thereof or by any defect in the appointment of any Director. 35/1966  
S. 3(d).

5.—(1) Subject to the provisions of subsection (2) all the real and personal property vested in, or belonging to, including all moneys standing to the credit of, or receivable by, the Directors of the Bath of St. Thomas the Apostle immediately prior to the coming into operation of this Act under and by virtue of the Bath of St. Thomas the Apostle Law (repealed by this Act) are hereby transferred to and vested in the Corporation. Transfer of  
real and  
personal  
property.

(2) It is hereby declared that all the rights and interests of the Bath Corporation in the properties set out in the Schedule shall be deemed to have been transferred to and vested in the Commissioner of Lands in trust for Her Majesty in right of the Government of Jamaica. Schedule.  
42/1969  
3rd Sch.

6.—(1) The Corporation may purchase, or otherwise acquire and hold, any personal property required for the purposes of this Act and may dispose of any personal property belonging to it which is no longer required for such purposes. Power to  
hold,  
acquire  
and dispose  
of property.

(2) The Corporation may, subject to the prior approval of the Minister, purchase, or otherwise acquire and hold, or take on lease, any real property and any interest therein required for the purposes of this Act, or may sell, mortgage, lease or exchange any such property.

Management of the Bath entrusted to Corporation for certain purposes.

7.—(1) The management, care, upkeep, and preservation of the Bath of St. Thomas the Apostle and all the buildings, structures and grounds in connection therewith (hereinafter in this Act referred to as “the Bath”) is hereby entrusted to the Corporation.

(2) All the property vested in or belonging to the Corporation shall be held by it for the accommodation and relief of persons visiting the Bath for the use of the waters or for the benefit of their health, and for all matters connected with such purposes.

Appointment of Clerk and servants.

8.—(1) The Corporation may appoint, at such remuneration and on such terms and conditions as it may determine, a Clerk and such officers and servants as may be necessary and proper for the due and efficient management and performance by the Corporation of its duties under this Act:

Provided that—

- (a) no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister;
- (b) no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned without the prior approval of the Minister; and
- (c) no provision shall be made for the payment of any pensions, gratuities or other like benefits in respect of the service of any employee without the prior approval of the Minister.

26/1995  
S. 2 (c).

(2) In subsection (1) “the prescribed rate” means a rate of \$100,000 per annum or such higher rate as the Minister may by order prescribe.

Revenue and expenditure of the Corporation.

9.—(1) All rents and profits of lands, buildings and structures belonging to the Corporation and all moneys collected and received by the Corporation shall be paid into a fund to be called “the Bath Fund”.

(2) Moneys to the credit of the Bath Fund may be applied towards—

- (a) the payment of the salaries of the Clerk and servants of the Corporation;
- (b) the repairs, maintenance, management, upkeep, enlargement and improvement of the Bath and all the buildings and structures vested in the Corporation;
- (c) the provision of accommodation and board for persons visiting the Bath for the use of the waters or for the benefit of their health;
- (d) the maintenance of any such persons who may be destitute while at the Bath;
- (e) the repairs, maintenance and improvement of the road leading from the town of Bath to the Bath;
- (f) the payment of all expenses properly incurred under this Act.

**10.**—(1) The Clerk shall receive all moneys due or owing to or received by the Corporation and shall issue and sign receipts in respect thereof. All such moneys shall be deposited in the Bath Fund, which Fund shall be lodged in such Bank as the Corporation may determine. Finance.

(2) Cheques against the Bath Fund shall be signed by such person as the Corporation may appoint for that purpose, and shall be countersigned by the Chairman or any Director.

(3) All payments shall be made by the Clerk who shall enter them in a book to be kept for that purpose in such form as he may be directed by the Corporation.

(4) The Corporation shall cause to be kept proper accounts and other records, including receipts and disbursements, in relation to the business of the Corporation. 26/1995  
S. 3.

**11.**—(1) The accounts of the Corporation shall be audited annually by the Auditor-General or by an auditor appointed by the Minister. Audit and  
report.

35/1966  
S. 6(a).

(2) The Corporation shall, on or before the 31st day of July in each year, submit to the auditor a statement of the accounts of the Corporation for the twelve months ending on the preceding 31st day of March.

(3) The Corporation shall submit to the Minister on or before the 31st day of July in each year a report on its financial position and on its activities during the year ending on the preceding 31st day of March.

Estimates.

12.—(1) The Corporation shall on or before the 15th day of January in each year prepare and submit to the Minister a true estimate of the income receivable and expenditure to be incurred during the financial year commencing on the 1st day of April then following.

(2) The Corporation shall submit Estimates in the form required by the Minister, who may approve or amend such Estimates.

(3) All new or special expenditure shall receive the approval of the Minister before being included in the Estimates and the Minister shall cause a copy of the report to be laid on the Table of the House of Representatives.

35/1966  
S. 6(b).

(4) Save with the approval of the Minister, no further sum shall be expended during any financial year other than is provided in the Estimates relating to such financial year.

Regulations.

13.—(1) The Corporation may make regulations generally for giving effect to the provisions of this Act and, without prejudice to such general power, may make regulations—

- (a) for the rates to be charged in relation to persons staying at or using the Bath;
- (b) for the amounts to be paid to the Directors or persons rendering services to the Corporation;
- (c) for the exemption of certain persons from the rates mentioned in paragraph (a);

(d) for the good government, efficient management, care and upkeep of the Bath.

(2) All such regulations shall require approval by the Minister who may alter, add to or vary, them.

(3) Every person who contravenes or fails to comply with the provisions of any such regulations shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding four dollars, or in default of payment thereof, to imprisonment with hard labour for any term not exceeding one month.

14. The Minister may, after consultation with the Chairman, give to the Corporation directions of a general character as to the policy to be followed in the exercise and performance of its functions in relation to matters appearing to him to concern the public interest, and the Corporation shall give effect to any such directions.

Policy  
directions.  
35/1966  
S. 7.



Section  
5(2).

**SCHEDULE**

1. All that property known as the Bath Botanic Garden and bounded on the North by land belonging to the Bath Corporation and land belonging to the Anglican Church; on the East by a parochial road called Bath Street; and on the South and West by a parochial road called Trelawny Street.
2. All that property known as Bath Police Station bounded on the North by the main road from Port Morant to Port Antonio; on the East by a parochial road called Trelawny Street; and on the South and West by lands belonging to the Bath Corporation.