

## THE DENTAL ACT

### ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Establishment of the Council.
4. Functions of the Council.
5. Establishment of the Advisory Committee.
6. Functions of the Committee.
7. Appointment of registrar and other officers and servants.
8. The register.
9. Registration.
- 9A. Practising certificate.
10. The roll.
11. Enrolment.
12. Corrections of register or roll.
13. Censure, suspension and striking off.
14. The Tribunal.
15. Appeal to the Tribunal.
16. Offences and Application.
17. Regulations.
18. Minister may amend monetary penalties.

### SCHEDULES

## THE DENTAL ACT

[19th September, 1974.]

Acts  
13 of 1972,  
35 of 1999,  
7 of 2011  
Sch.

Short title.

Interpreta-  
tion.

1. This Act may be cited as the Dental Act.

2. In this Act, unless the context otherwise requires—

“the Advisory Committee” means the Dental Advisory Committee established under section 5;

“the Council” means the Dental Council established under section 3;

“dental auxiliary” means a person enrolled as a dental auxiliary in accordance with this Act;

“functions” includes duties and powers;

“practise of dentistry” includes—

- (a) the performance of any operation, and the treatment of any diseases, deficiencies, or lesions, on or of the human teeth or jaws, and the correction of malpositions thereof and the performance of radiographic work in connection with the human teeth or jaws;
- (b) the giving of any anaesthetic in connection with any operation on the human teeth or jaws;
- (c) the performance of any operation on, or the giving of any treatment, advice, or attendance to, any person, as preparatory to or for the purpose of or for or in connection with the fitting, insertion, fixing,

constructing, repairing, or removing of artificial dentures or restorative dental appliances; or

(d) the performance of any such operation and the giving of any such treatment, advice, or attendance as is usually performed or given by dentists,

and the expression "to practise" in relation to dentistry has a corresponding meaning;

"the register" means the Register of Dentists specified under section 8;

"registered dentist" means a person registered as a dentist in accordance with this Act;

"the Registrar" means the Registrar appointed under section 7;

"the roll" means the Roll of Dental Auxiliaries specified under section 10.

Establishment  
of the Council.

3.—(1) There shall be established for the purposes of this Act a body to be called the Dental Council, which shall be a body corporate to which the provisions of section 28 of the Interpretation Act, shall apply.

First  
Schedule.

(2) The provisions of the First Schedule shall have effect with respect to the constitution and procedure of the Council and otherwise in relation thereto.

Functions  
of the Council.

4. The functions of the Council shall be—

- (a) to register dentists and enrol dental auxiliaries;
- (b) to regulate the training of persons for enrolment as dental auxiliaries;
- (c) to appoint examiners to conduct such examinations in respect of persons applying for registration as dentists

and persons applying for enrolment as dental auxiliaries as may from time to time be necessary under the provisions of this Act; and

- (d) to ensure the maintenance of proper standards of professional conduct by persons registered as dentists or enrolled as dental auxiliaries, as the case may be, under this Act.

5.—(1) There shall be established for the purposes of this Act, a body to be called the Dental Auxiliaries Advisory Committee (hereinafter referred to as “the Advisory Committee”).

Establishment of the Advisory Committee.

(2) The provisions of the Second Schedule shall have effect with respect to the constitution and procedure of the Advisory Committee and otherwise in relation thereto.

Second Schedule.

6. The functions of the Advisory Committee shall be to advise the Council—

Functions of the Committee.

- (a) on matters relating to the administration of the provisions of this Act in respect of dental auxiliaries;
- (b) on the various classes of dental auxiliaries to be prescribed;
- (c) on the curricula of study and programme of training to be followed by a person for enrolment as a member of a prescribed class of dental auxiliary;
- (d) on the most effective utilization of the services of the various classes of dental auxiliaries; and
- (e) generally in respect of dental auxiliaries and their functions.

Appointment  
of Registrar  
and other  
officers and  
servants.

7. The Council shall appoint and employ at such remuneration, and on such terms and conditions as it thinks fit, a Registrar and such other officers and servants as it thinks necessary for the proper carrying out of the provisions of this Act:

35/1999  
S.2.

· Provided that the prior approval of the Minister shall be obtained for the assignment to any post of a salary in excess of a rate of one million dollars per annum or such higher rate as the Minister may, by order, prescribe.

The register.

8.—(1) The Council shall cause the Registrar to keep a register (to be known as the Register of Dentists) of the names, addresses and qualifications, and such other particulars as may be prescribed, of all persons who are registered under subsection (3) or who apply in the prescribed manner to be registered as dentists and are so registered pursuant to section 9.

(2) The register shall be open to inspection by any member of the public at all reasonable times, and a copy of the register shall be published in the *Gazette* by the Registrar at such times and in such manner as may be prescribed.

(3) Every person who immediately before the 19th September, 1974, was registered under the Dental Law (now repealed) shall be deemed, at the said date, to be registered as a dentist under this Act, and the Registrar shall as soon as practicable after such date, enter the name, address, qualification and other prescribed particulars of such person in the register.

(4) Subject to the provisions of subsection (3), for the purposes of this Act, a person is registered as a dentist if his name appears in the register.

9.—(1) Any person who—

Registra-  
tion.

(a) applies to the Council in the prescribed form for registration as a dentist; and

(b) satisfies the Council that he—

(i) possesses the prescribed qualifications;

(ii) is of good character; and

(iii) is a fit and proper person to practise dentistry; and

(c) pays such registration fee as may be prescribed, shall be entitled to be registered as a dentist.

(2) The Registrar shall issue to every person registered as a dentist under this Act a certificate of registration in the prescribed form.

(3) Subject to section 9A, every registered dentist shall be entitled to practise dentistry in Jamaica and to demand and recover any reasonable charges for services rendered by him as a dentist and for all drugs, medicines and appliances supplied by him.

35/1999  
S. 3.

9A.—(1) A registered dentist shall only practise as a dentist while he is in possession of a valid practising certificate in the prescribed form issued to him by the Council, on payment of the prescribed fee to the Registrar.

Practising  
certificate.  
35/1999  
S. 4.

(2) The Council may waive the prescribed fee payable by a registered dentist who is in full-time employment in the Government service, if the Council is satisfied that the dentist is not also engaged in private practice.

(3) A person who practises in contravention of subsection (1) shall be liable to such penalties as the Council may, by regulations, prescribe.

(4) If the name of a registered dentist is removed from the register, any practising certificate issued to him shall cease to be in force.

(5) A practising certificate shall not be issued to a dentist during any period of suspension of his registration and any practising certificate issued to him prior to such suspension shall cease to be in force during the period of his suspension.

The roll.

**10.—**(1) The Council shall cause the Registrar to keep a roll (to be known as the Roll of Dental Auxiliaries) in which shall be entered the names, addresses and qualifications, and such other particulars as may be prescribed, of all persons who apply in the prescribed manner to be enrolled as members of one or more of the prescribed classes of dental auxiliaries and are so enrolled pursuant to section 11.

(2) The roll shall be so kept that a separate part thereof is allocated to each prescribed class of dental auxiliary.

(3) The roll shall be open to inspection by any member of the public at all reasonable times, and a copy of the roll shall be published in the *Gazette* by the Registrar at such times and in such manner as may be prescribed.

(4) For the purposes of this Act, a person is enrolled as a member of a prescribed class of dental auxiliary if his name appears in that part of the roll allocated to that prescribed class.

**11.—(1) Any person who—**

Enrolment.

(a) applies to the Council in the prescribed form for enrolment as a member of a prescribed class of dental auxiliary; and

(b) satisfies the Council that he—

(i) possesses the prescribed qualifications;

(ii) is of good character; and

(iii) is a fit and proper person to practise as a member of the prescribed class of dental auxiliary in respect of which his application is made; and

(c) pays such enrolment fee as may be prescribed,  
shall be entitled to be enrolled as a member of that prescribed class of dental auxiliary.

(2) Notwithstanding the provisions of subsection (1), if any person—

(a) applies within six months after the 19th September, 1974, to the Council in the prescribed form for enrolment as a member of any prescribed class of dental auxiliary; and

(b) satisfies the Council that he—

(i) is of good character; and



(ii) performed the functions prescribed in relation to that class of dental auxiliary throughout the five years immediately preceding the 19th September, 1974, or such other period in lieu thereof as may be prescribed and gained sufficient experience to enable him to perform those functions satisfactorily; and

(c) pays such registration fee as may be prescribed, the Council shall, after considering the application and making such other enquiries as it thinks fit, direct that he be enrolled as a member of that class of dental auxiliary.

(3) The Registrar shall issue to every person enrolled as a member of any prescribed class of dental auxiliary under this Act, a certificate of enrolment in the prescribed form.

Corrections  
of register  
or roll.

**12.—(1)** It shall be the duty of the Registrar—

- (a) to remove from the register or the roll, as the case may be, any entry which the Council under subsection (2) of this section or under paragraph (ii) of subsection (1) of section 13, directs him to remove;
- (b) to restore to the register or roll, as the case may be, any entry which the Council under subsection (3) of this section or under subsection (2) of section 13, directs him to restore;
- (c) to correct in accordance with the Council's directions, any entry in the register or roll, as the case may be, which the Council directs him to correct

as being in the opinion of the Council an entry which was incorrectly made; and

- (d) to make from time to time any necessary alterations in any of the particulars mentioned in subsection (1) of section 8 and subsection (1) of section 10 respectively.

(2) If the Registrar—

- (a) sends by post to any person registered or enrolled under this Act, a registered letter addressed to him at his address appearing in the register or roll, as the case may be, enquiring whether he has ceased to practise his profession or has changed his address and receives no reply to that letter within three months from the date of posting it; and
- (b) upon the expiration of that period sends in like manner to that person a second similar letter and receives no reply to that letter within three months from the date of posting it,

the Council may direct the Registrar to remove from the register or the roll, as the case may be, the name of that person.

(3) The Council may at any time direct the Registrar to restore to the register or the roll, as the case may be, any name removed therefrom under subsection (2).

**13.—(1)** If any person registered or enrolled under this Act, is found, upon enquiry by the Council—

- (a) to be suffering from any illness rendering him unfit to practise as a dentist or to perform satis-

Censure,  
suspension  
and striking  
off.

factorily the functions of a prescribed class of dental auxiliary in respect of which he is enrolled, as the case may be; or

- (b) to have procured his registration or enrolment, as the case may be, under this Act as a result of any misleading, false or fraudulent misrepresentations; or
- (c) to have been convicted of a criminal offence; or
- (d) to be guilty of dishonesty, negligence or incompetence in the performance of his functions as a dentist or dental auxiliary, as the case may be, or of conduct that is unprofessional or unbecoming to a dentist or dental auxiliary, as the case may be,

the Council may, if it thinks fit—

- (i) in the case of the matters specified in paragraphs (b), (c) and (d), censure him, or
- (ii) in the case of the matters specified in paragraphs (a), (b), (c) and (d) suspend his registration for a period not exceeding two years, or direct the Registrar in writing to remove his name from the register or roll, as the case may be.

(2) The Council may at any time, if it thinks just, direct the Registrar to restore to the register or roll, as the case may be, any name removed therefrom under subsection (1).

(3) The Council shall, as soon as practicable after—

- (a) the registration or enrolment of any person has been suspended; or
- (b) the name of any person has been removed from the register or roll; or
- (c) the name of any person which was so removed is restored,

cause a notice of the appropriate fact to be published in the *Gazette*.

(4) Whenever the name of any person has been removed from the register or from the roll, as the case may be, the Council may in writing require such person to return to the Registrar his certificate of registration or certificate of enrolment, as the case may be, and that person shall comply with that requirement.

**14.—**(1) There is hereby established for the purpose of hearing appeals from the decisions of the Council a Dental Appeal Tribunal (hereinafter referred to as “the Tribunal”).

(2) The provisions of the Third Schedule shall have effect as to the constitution of the Tribunal and otherwise in relation thereto.

**15.—**(1) Any person who is aggrieved by the refusal of the Council to register him as a dentist or to enrol him as a member of any prescribed class of dental auxiliary under

this Act or by its decision to censure him or suspend his registration or enrolment, or to cause his name to be removed from the register or the roll, may appeal to the Tribunal against such refusal or decision within such time and in such manner as may be prescribed.

(2) The Tribunal may—

- (a) at the hearing of an appeal against refusal of registration or enrolment, dismiss the appeal, or allow the appeal and direct the Council to cause the registration or enrolment to be effected;
  
- (b) at the hearing of an appeal other than an appeal against refusal of registration or enrolment—
  - (i) dismiss the appeal and confirm the decision of the Council; or
  
  - (ii) allow the appeal and set aside the decision of the Council; or
  
  - (iii) allow the appeal and direct that the disciplinary proceedings in respect of which the decision of the Council was made be reconducted by the Council; or
  
  - (iv) set aside the punishment inflicted by the Council and impose in substitution therefor such other less severe punishment mentioned in subsection (1) of section 13 as the Tribunal may think proper.

(3) Upon allowing an appeal from any decision of the Council under subsection (1) of section 13, the Tribunal shall cause notice of its decision to be published in the *Gazette* and shall, in the event of the appellant's certificate having been returned under subsection (4) of section 13, direct such certificate to be returned to him.

16.—(1) Any person who—

- (a) procures or attempts to procure registration or enrolment for himself or for any other person by making or producing, or causing to be made or produced, any false or fraudulent representation or declaration either verbally or in writing or otherwise;
- (b) wilfully makes, or causes to be made, any falsification in any matter relating to the register or to the roll;
- (c) forges, or uses, or lends to, or allows to be used by any other person any certificate issued under this Act;  
or
- (d) makes or has in his possession any document so closely resembling such certificate as to be calculated to deceive,

Offences  
and appli-  
cation.

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one million dollars or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

7/2011  
Sch.

(2) Any person who, not being registered as a dentist or enrolled as a member of a prescribed class of dental auxiliary, as the case may be, under this Act—

- (a) takes or uses any name, title, addition or description implying or calculated to lead persons to believe that he is registered as a dentist or enrolled as a member

of any prescribed class of dental auxiliary, or that he is recognized by law as a person authorized or qualified to practise dentistry or to perform the functions prescribed in relation to any prescribed class of dental auxiliary, as the case may be; or

- (b) assumes or uses any affix indicative of any occupational designation relating to the practice of dentistry or the functions of any prescribed class of dental auxiliary; or
- (c) advertises or holds himself out as a person authorized or qualified to practise dentistry or to perform the functions prescribed in relation to any prescribed class of dental auxiliary,

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one million dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

7/2011  
Sch.

(3) Any person who—

- (a) not being registered as a dentist under this Act practises that profession; or
- (b) not being enrolled as a member of a prescribed class of dental auxiliary under this Act performs the functions prescribed in relation to that prescribed class of dental auxiliary; or
- (c) being registered as a dentist under this Act, allows a person not so registered to practise dentistry on any premises used by that registered dentist in the performance of his professional duties,

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one million dollars or to imprisonment for a

7/2011  
Sch.

term not exceeding twelve months, or to both such fine and imprisonment.

(4) The provisions of subsection (3) shall not apply to—

- (a) any person acting under the direct supervision of a registered dentist and who does not carry out any operations within the oral cavity; or
- (b) any person registered or licensed under any other law who performs or provides any service which he is authorized or entitled to perform thereunder; or
- (c) the practice of dentistry by a registered medical practitioner; or
- (d) any student of dentistry or medicine performing dental services approved by their respective faculties as a part of their course of instruction in dentistry or medicine as the case may be, or part of any examination in relation thereto; or
- (e) any services approved by the Council to be performed by any person in the course of his training for enrolment as a member of any prescribed class of dental auxiliary; or
- (f) the domestic administration of family remedies or treatment.

17.—(1) The Council may, with the approval of the Minister, Regulations. make regulations generally for the proper carrying out of the provisions and purposes of this Act, and in particular but without prejudice to the generality of the foregoing, may make regulations—

- (a) prescribing the requirements which shall be satisfied as a prerequisite for registration as a dentist or enrolment



as a member of any prescribed class of dental auxiliary and all other matters pertaining to such registration or enrolment;

- (b) providing for temporary registration of dentists, or temporary registration of dental auxiliaries;
- (c) prescribing the manner in which any additional qualifications obtained by a person in the subject in respect of which he is registered or enrolled, as the case may be, or related thereto, may be added to those particulars already entered in relation to him in the register or the roll, as the case may be, and the procedure to be followed to ensure that the particulars entered in the register and roll are kept up to date;
- (d) prescribing fees;
- (e) with respect to the conduct of examinations as specified in paragraph (c) of section 4 and the fees to be paid in respect of such examinations;
- (f) prescribed the manner in which enquiries or disciplinary proceedings may be instituted before the Council, the procedure to be followed in the conduct of such proceedings and matters incidental to or consequential on such proceedings;
- (g) prescribing the manner of appealing to the Tribunal, and as to the proceedings in any such appeal and matters incidental to or consequential on such proceedings;
- (h) providing for the establishment, maintenance and operation of schools for the training of persons for enrolment as members of the prescribed classes of dental auxiliaries, and designating from time to time, institutions as recognized or affiliated places for such training;

- (i) regulating the curricula of study and programme of training to be followed by persons for enrolment as members of any class of dental auxiliary, and the examinations to be passed by such persons;
- (j) specifying the conditions and qualifications for admission to training of persons for enrolment as members of any class of dental auxiliary;
- (k) prescribing the classes of dental auxiliaries and the nature of the functions of each class so prescribed, the conditions under which those functions may be performed and any other matters relating to those functions;
- (l) prescribing conditions relating to the enrolment of persons trained outside of Jamaica as members of any prescribed class of dental auxiliary;
- (m) prescribing any other matter or thing which may be, or is required by this Act to be prescribed.

(2) Regulations made under this section may contain different provisions for dentists and for each prescribed class of dental auxiliary.

(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.

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

7/2011  
Sch.

Minister  
may amend  
monetary  
penalties.  
7/2011  
Sch.

## FIRST SCHEDULE

(Section 3)

- Constitution of the Council.
1. The Council shall consist of—
- (a) the holder for the time being of the senior dental post in the Ministry responsible for health, and the Director of the school established by Government for the training of persons for enrolment as members of the prescribed classes of dental auxiliary (hereinafter referred to as “*ex officio* members”); and
  - (b) nine other persons appointed by the Minister in the following manner—
    - (i) seven registered dentists elected by the body recognized by the Minister as being representative of the registered dentists in Jamaica;
    - (ii) two persons, not being registered dentists, selected by the the Minister from a panel of three persons nominated by the seven registered dentists elected under paragraph (1).
- Tenure of office.
2. The appointment of a member of the Council (other than *ex officio* members) shall, subject to the provisions of this Schedule be for a period not exceeding three years and such member shall be eligible for reappointment, so, however, that no such member shall hold office for a period exceeding six consecutive years.
- Chairman.
3. The Minister shall appoint one of the members of the Council to be chairman thereof.
- Acting appointments.
4. If any member of the Council other than the chairman, is absent or unable to act, the Minister may appoint any person to act in the place of that member.
- Resignations.
- 5.—(1) Any member of the Council, other than the chairman and the *ex officio* members, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of receipt by the Minister of such instrument that member shall cease to be a member of the Council.
- (2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of that instrument.
- Forfeiture of membership.
6. Any member other than an *ex officio* member who fails to attend three consecutive meetings of the Council without excuse acceptable to the Council shall cease to be a member thereof.
- Revocation of appointments.
7. The Minister may at any time revoke any appointment made by him under this Schedule.
- Filling of vacancies.
8. If any vacancy occurs in the membership of the Council such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed,

so, however, that such appointment shall be made in the same manner and from the same category of persons as the appointment of the previous member.

9. The names of all members of the Council as first constituted and every change in the membership thereof shall be published in the *Gazette*. Gazetting of membership.

10. The funds of the Council shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament, and such other moneys as may be lawfully paid to the Council. Funds of the Council.

11. The Council shall keep proper accounts of its receipts, payments, assets and liabilities and such accounts shall be audited annually by an auditor appointed in each year by the Council with the approval of the Minister. Accounts and audit.

12.—(1) The Council shall in each year prepare and submit to the Minister on or before the thirtieth day of June a report of its proceedings during the twelve months ending on the thirty-first day of March in that year, including a statement of its accounts audited in accordance with paragraph 11. Annual reports and estimates.

(2) The Council shall on or before the thirty-first day of October in each year submit to the Minister for approval its estimates of revenue and expenditure in respect of the period commencing on the first day of April next following and ending on the thirty-first day of March of the subsequent year.

13.—(1) The seal of the Council shall be kept in the custody of the chairman or the Registrar and shall be affixed to instruments pursuant to a resolution of the Council in the presence of the chairman, or any other member of the Council, and the Registrar. Seal and execution of documents.

(2) The seal of the Council shall be authenticated by the signatures of the chairman, or any other member authorized to act in that behalf, and the Registrar.

(3) All documents, other than those required by law to be under seal made by, and all decisions of, the Council may be signified under the hands of the chairman, or any other member authorized in that behalf, and the Registrar.

14.—(1) The Council shall meet at such times as may be expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Council may determine. Procedure and meetings.

(2) The chairman may at any time call a special meeting of the Council and shall call a special meeting within fourteen days of the receipt of a written requisition for that purpose addressed to him by any two members of the Council.

(3) The chairman shall preside at all meetings of the Council at which he is present, and in the case of the chairman's absence from

any meeting, the members present and constituting a quorum shall elect one of their number to preside at that meeting.

(4) A quorum of the Council shall be five.

(5) The decisions of the Council shall be by a majority of votes, and, in addition to an original vote, the chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the Council shall be kept.

(7) The validity of the proceedings of the Council shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Committee. 15.—(1) The Council may appoint such committees as it thinks fit and may delegate to any committee so appointed the power and authority to carry out on its behalf such functions as the Council may determine, so, however, that no such committee shall have the power to make regulations.

(2) The constitution of each committee shall be determined by the Council.

(3) A committee appointed pursuant to this paragraph may include persons who are not members of the Council.

(4) The provisions of paragraph 16 shall apply to a member of a committee who is not a member of the Council in like manner as they apply to a member of the Council.

Protection of members. 16.—(1) No member of the Council shall be personally liable for any act or default of the Council done or omitted to be done in good faith in the course of the operations of the Council.

(2) Where any member of the Council is exempt from liability by reason only of the provisions of this paragraph, the Council shall be liable to the extent that it would be if the member was a servant or agent of the Council.

Remuneration of members. 17. There shall be paid from the funds of the Council to the chairman and other members of the Council such remuneration whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Members not public officers. 18. The office of chairman or member of the Council shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

## SECOND SCHEDULE

(Section 5)

Constitution of the Advisory Committee. 1. The Advisory Committee shall consist of the holder for the time being of the senior dental post in the Ministry responsible for health, and the Director of the school established by Government for the training of persons for enrolment as members of the prescribed class of dental auxiliaries or his nominee, and such number of other persons (hereinafter referred to as "appointed members") not being less than five nor more than seven as the Minister may from time to time appoint.

2. The appointed members of the Advisory Committee shall, subject to the provisions of this Schedule, hold office for such period not exceeding three years as the Minister may determine and shall be eligible for reappointment. Tenure of office of members.

3. The Minister shall appoint one of the members of the Advisory Committee to be chairman thereof. Chairman.

4. The Minister may appoint any person to act in the place of any member of the Advisory Committee in the case of the absence or inability to act of that member. Acting appointments.

5.—(1) Any appointed member of the Advisory Committee other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of the receipt by the Minister of such instrument that member shall cease to be a member of the Advisory Committee. Resignations.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of that instrument.

6. Any appointed member who fails to attend three consecutive meetings of the Advisory Committee without excuse acceptable to the committee shall cease to be a member thereof. Forfeiture of membership.

7. The Minister may at any time revoke any appointment made by him under this Schedule. Revocation of appointments.

8. If any vacancy occurs among the appointed members of the Advisory Committee, such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed. Filling of vacancies.

9. The names of all members of the Advisory Committee as first constituted and every change in the membership thereof shall be published in the *Gazette*. Gazetting of membership.

10.—(1) The Advisory Committee shall meet at such times as may be expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Advisory Committee may determine. Procedure at meetings.

(2) The chairman may at any time call a special meeting of the Advisory Committee and shall call a special meeting within seven days of the receipt of a written requisition for that purpose addressed to him by any two members of the Advisory Committee.

(3) The chairman shall preside at all meetings of the Advisory Committee at which he is present, and in the case of the chairman's absence from any meeting, the members present and constituting a quorum shall elect one of their number to preside at that meeting.

(4) A quorum of the Advisory Committee shall be three.

(5) The decision of the Advisory Committee shall be by a majority of votes, and, in addition to an original vote, the chairman or other person presiding at a meeting, shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the Advisory Committee shall be kept.

(7) The validity of the proceedings of the Advisory Committee shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of any member thereof.

Power to  
co-opt  
members.

11. The Advisory Committee shall, notwithstanding the provisions of paragraph 1, have power at any time to co-opt not more than two persons to assist in the carrying out of its functions.

Remunera-  
tion of  
members.

12. There shall be paid to the chairman and other members of the Advisory Committee such remuneration whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Members  
not public  
officers.

13. The office of chairman or member of the Advisory Committee shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

### THIRD SCHEDULE

(Section 14(2))

Constitu-  
tion of the  
Tribunal.

1. The Tribunal shall consist of a chairman and two members appointed by the Minister, sitting together.

Tenure of  
office of  
members.

2. The members of the Tribunal shall, subject to the provisions of this Schedule, hold office for such period not exceeding three years as the Minister may determine and shall be eligible for reappointment.

Acting  
appoint-  
ments.

3. The Minister may appoint any person to act in the place of the chairman or any other member of the Tribunal in the case of the absence or inability to act of the chairman or other member.

Resigna-  
tions.

4.—(1) Any member of the Tribunal other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of the receipt by the Minister of such instrument that member shall cease to be a member of the Tribunal.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of that instrument.

Revocation  
of appoint-  
ments.

5. The Minister may at any time revoke the appointment of any member of the Tribunal if he thinks it expedient so to do.

Filling of  
vacancies.

6. If any vacancy occurs in the membership of the Tribunal such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule hold office for the remainder of the period for which the previous member was appointed.

7. The names of all members of the Tribunal as first constituted and every change in the membership thereof shall be published in the *Gazette*. Publication of membership.
8. There shall be paid to the chairman and other members of the Tribunal such remuneration whether by way of honorarium, salary or fees, and such allowances as the Minister may determine. Remuneration of members.
9. The decision of the Tribunal shall be by a majority of votes of the members and in addition to an original vote, the chairman shall have a casting vote in any case in which the voting is equal. Voting.
10. Subject to the provisions of this Act, the Tribunal may regulate its own proceedings. Power to regulate proceedings.
11. The office of chairman or member of the Tribunal shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica. Members not public officers.