

JAMAICA SOCIAL WELFARE COMMISSION

THE JAMAICA SOCIAL WELFARE
COMMISSION ACT

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THE JAMAICA SOCIAL WELFARE
COMMISSION ACT

[1st December, 1958.]

Law
33 of 1958.
Acts
34 of 1963,
15 of 1965,
8 of 2016
S. 57.

1. This Act may be cited as the Jamaica Social Welfare Commission Act. Short title.

Preliminary

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

“chairman” means the chairman of the Commission and includes any person appointed to act as chairman of the Commission;

“Commission” means the body referred to in section 3; 15/1965
S. 3(a).

“functions” includes powers and duties; 15/1965
S. 3(b).

“the Jamaica Youth Corps” means the organization established under that name by the Government of Jamaica during the month of August, 1955, for the training of young persons in community living and service, and agricultural pursuits and skills ancillary thereto;

“member” means a member of the Commission and includes the chairman;

“secretary” means the secretary of the Commission;

“young person” means a person who has attained the age of fifteen years and is not over the age of twenty-five years. 15/1965
S. 3(b).

Constitution and Functions of Commission

Constitu-
tion of
Commission.
34/1963
S. 3.
Cap. 176.
(1953 Edn.).

3.—(1) The Jamaica Social Welfare Commission established by subsection (1) of section 3 of the Jamaica Social Welfare Commission Law (now repealed) shall continue to exist with the constitution, powers and duties set out in this Act and shall consist of a chairman and not less than two nor more than nine other members appointed by the Minister.

(2) The appointment of every member of the Commission shall be evidenced by an instrument in writing, and such instrument shall state the period of office of the member which shall not exceed three years.

(3) Every member shall be eligible for reappointment.

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

(5) The Minister may on the application of any member grant to such member leave of absence for any period not exceeding six months.

(6) If the chairman is granted leave of absence in accordance with the provisions of subsection (5) or is unable to act, the Minister may appoint a person, whether or not such person is already a member of the Commission, to act temporarily in the place of the chairman.

(7) If any member other than the chairman is granted leave of absence in accordance with the provisions of subsection (5) or has been appointed to act as chairman, the Minister may appoint a suitable person to act temporarily in place of such member.

(8) 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 the receipt by the Minister of such instrument.

(9) Any member of the Commission 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, upon the date of the receipt by the chairman of such instrument, such member shall cease to be a member of the Commission.

(10) The appointment, revocation of appointment, departure from the Island, resignation or death of any member of the Commission shall be notified in the *Gazette*.

(11) From and after the 1st July, 1965, the Commission shall be known as the Social Development Commission.

15/1965
S. 4.
L.N.
176/1965

4.—(1) The Commission shall be a body corporate having perpetual succession and a common seal, and shall have power to purchase, hold and dispose of land, shares and other property of whatsoever kind whether similar to the foregoing or not for the purposes of this Act.

Incorporation of Commission.

(2) The seal of the Commission shall be kept in the custody of the chairman or the secretary and may be affixed to instruments pursuant to a resolution of the Commission and in the presence of the chairman, one other member, and the secretary.

(3) The seal of the Commission shall be authenticated by the signatures of the Chairman, or one member of the Commission authorized to act in that behalf, and the secretary of the Commission and such seal shall be officially and judicially noticed.

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

(5) The Commission may sue and be sued in its corporate name and may for all purposes be described by such name, and service upon the Commission of any notice, order or other document shall be executed by delivering it to, or by sending it by registered post addressed to, the secretary of the Commission at the office of the Commission.

Procedure
and meet-
ings of
Commission.

5.—(1) The Commission shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such place and time and on such days as the Commission may determine.

34/1963
S. 4 (a).

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

34/1963
S. 4 (b).

(3) The chairman shall preside at all meetings of the Commission, and in the temporary absence of the chairman the members present shall elect one of their number to be chairman of the meeting.

34/1963
S. 4 (b).

(4) A quorum of the Commission at any meeting shall be such number as the Minister may fix from time to time not being less than one-half of the total members of the Commission.

(5) The decisions of the Commission shall be by a majority of votes and, in addition to an original vote, in any case in which the vote is equal the chairman of the meeting shall have a casting vote.

(6) Minutes in proper form of each meeting shall be kept by the secretary and shall be confirmed by the chairman as soon as practicable thereafter at a subsequent meeting.

6.—(1) The Commission may appoint or employ at such remuneration and on such terms and conditions as the Minister may either generally or specially determine a secretary and such officers and servants as may be deemed necessary for the proper carrying out of the provisions of this Act:

Appoint-
ment of
officers and
servants.

Provided that any officer or person appointed to any office or employed under or by virtue of the Jamaica Social Welfare Commission Law (now repealed) shall continue and be deemed to have been appointed or employed under or by virtue of this Act.

Cap. 176
(1953 Edn.).

(2) The Commission may require any person so appointed or employed to give such security as the Commission may deem proper for the due performance of his duties.

(3) The Governor-General may, if he thinks fit, and subject to such conditions as he may impose, approve of the appointment of any officer in the service of the Government of this Island to any office under the Commission:

Provided that in relation to pension, gratuity, allowance, and other rights as a public officer, such officer shall be deemed to be in the service of the Government of this Island while so employed.

7.—(1) The functions of the Commission shall be—

Functions of
the
Commis-
sion.
15/1965
S. 5.

(a) to promote, manage and control schemes for and to do any act or thing which may directly or indirectly serve—

- (i) the advancement of sport; and
- (ii) the general interests and the social, cultural or economic development of the people of the Island and in particular the rural and urban workers;

8/2016
S. 57(a).

8/2016
S. 57(c).

- (b) to provide for the registration of community groups and civil society organizations, in accordance with such criteria as may be prescribed, and to maintain a register of groups and organizations so registered, in such form as may be prescribed; and

8/2016
S. 57(b).

- (c) to administer the affairs of the Jamaica Youth Corps.

(2) In particular and without prejudice to the generality of the provisions of subsection (1), it shall be the duty of the Commission—

- (a) to carry out such community development projects and social welfare activities as, in the opinion of the Commission, are desirable;
- (b) to establish, equip and maintain camps, farms, workshops or other works or undertakings in connection with the operation of the Jamaica Youth Corps;
- (c) to provide training and experience in community living and service and agricultural pursuits and skills ancillary thereto for young persons;
- (d) to provide and maintain residences and such other facilities and amenities as the Commission may consider necessary for the use or enjoyment of young persons undergoing training.

(3) Subject to the provisions of this Act, it shall be lawful for the Commission to do anything and to enter into any transaction which, in the opinion of the Commission, is necessary to ensure the proper discharge of its functions.

Power of
Minister to
give direc-
tions to
Commission.
15/1965
S. 5.

8. The Minister may, after consultation with the chairman, give to the Commission 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 Commission shall give effect to any such directions.

9. No act done or proceedings taken under this Act shall be questioned on the ground— Protection of the Commission.

- (a) of the existence of any vacancy in the membership of, or any defect in the constitution of, the Commission; or
- (b) of any omission, defect or irregularity not affecting the merits of the case.

10.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Commission in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act. Protection of members of the Commission.

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

11. The expenses of the Commission (including the remuneration of the staff thereof) shall be defrayed out of the funds and resources of the Commission, which shall consist of— Expenses of the Commission.
15/1965
S. 6.

- (a) such sums as may be provided from time to time for the purpose by Parliament; and
- (b) all other sums or property which may in any manner become payable to or vested in the Commission in respect of any matter incidental to its functions.

12. The Commission shall keep accounts of its receipts, payments, assets and liabilities in a form satisfactory to the Minister, being a form which shall conform with the best commercial standards, and shall submit the same from time to time with vouchers to the Auditor-General to be audited. Accounts to be kept and audited.
15/1965
S. 7.

Annual
report and
estimates.

15/1965
S. 8.

13.—(1) The Commission shall in each year prepare and present on or before the 1st day of October to the Minister a report on its proceedings during the twelve months ending on the 31st day of March in such year, and such report shall include in respect of the said twelve months—

- (a) a complete report of the financial position of the Commission;
- (b) a copy of the accounts of the Commission; and
- (c) a copy of any report made on such accounts by the Auditor-General.

(2) A copy of such report shall be laid on the Table of the House of Representatives and of the Senate and shall be published in the *Gazette*.

(3) The Commission shall, on or before the 31st 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 1st day of April next following and ending on the 31st day of March of the subsequent year, and shall during that year submit to the Minister for approval any estimates of further expenditure as may become necessary.

Regulations.

14.—(1) The Commission may with the approval of the Minister make regulations generally for the better carrying out of the provisions of this Act and without prejudice to the generality of the power thereby conferred, may make regulations, providing for—

15/1965
S. 9 (a)
& (b).

- (a) the time, place and manner when, in which and how the Commission shall exercise its functions;
- (b) the terms and conditions of appointment to any office in the service of the Commission;

15/1965
S. 9 (c).

- (c) the preservation of all property vested in the Commission and the proper and economic use of all such property.

(2) All regulations made under this section shall be subject to negative resolution.