

THE MILK RIVER BATH ACT

Cap. 249.
Law
5 of 1961.

[23rd December, 1927.]

1. This Act may be cited as the Milk River Bath Act. Short title.
2. In this Act—
- “Board” means the Milk River Bath Board; Interpreta-
tion.
5/1961
S. 2(1)(a)
- “building purposes” includes the erecting and the improving of, and the adding to, and the repairing of buildings; and a building lease is a lease for any building purpose or purposes connected therewith;
- “the fund” means the fund or account established under this Act;
- “the property” means the property described in the First Schedule and any additions thereto made under the provisions of this Act; 5/1961
S. 2(1)(b).
First
Schedule.
- “rent” includes yearly or other rent, and toll, duty, royalty or other reservation.
3. The property mentioned and described in the First Schedule and any additions which may be made there-
to by the Board under the provisions of this Act shall be and the same is hereby vested in the Commissioner of Lands for the use and benefit of the inhabitants of Jamaica. Property
vested in
Commis-
sioner of
Lands.
5/1961
S. 2(2).
- 4.—(1) There shall be established for the purposes of this Act a body corporate under the name of the Milk River Bath Board. Establis-
ment of
Board.
5/1961
S. 2(3).
- (2) The provisions of the Second Schedule shall have effect as to the constitution of the Board and otherwise in relation thereto. Second
Schedule.

Power to
lease.

5.—(1) It shall be lawful for the Board with the approval of the Minister and subject to the consent of the House of Representatives to lease the property or any part thereof or any easement, right or privilege of any kind over or in relation to the same for any purpose approved by the Minister whether involving waste or not for any term not exceeding—

(a) in the case of a building lease, ninety-nine years;

(b) in case of any other lease, forty years.

(2) Every building lease shall be made partly in consideration of the lessee, or some other person, having erected, or agreeing to erect, buildings, new or additional, or having improved or repaired, or agreeing to improve or repair, buildings, or having executed, or agreeing to execute, on the property leased, or part thereof, any improvement authorized by the Minister for or in connection with building purposes.

(3) In the case of a building lease, a rent less than the rent ultimately payable, may be made payable for the first five years or any less part of the term.

(4) Notwithstanding anything hereinbefore contained it shall not be lawful to make any lease of the property unless such lease shall contain adequate provisions for the reception and accommodation of sick and infirm persons at such rates and charges as shall from time to time be approved by the Minister; and in the case of necessitous, sick and infirm persons who are unable to make any payment, unless such lease shall provide that one or more of the baths on the property shall be open to the public without payment.

Improve-
ment and
additions.

6. It shall be lawful for the Board with the approval of the Minister from time to time to add any buildings to the property or to improve the accommodation provided on the

property out of the fund or out of such moneys as may from time to time be voted by the House of Representatives.

7. It shall be the duty of the Board, subject to the provisions of this Act— Duties of Board.

- (a) to manage and control the property;
- (b) to keep the buildings and baths thereon in proper condition, maintenance and repair;
- (c) to cause to be kept proper accounts of all receipts and disbursements made in connection with the property, which accounts shall be subject to the audit of the Auditor-General;
- (d) on or before the thirty-first day of March in each year to cause a report of their proceedings for the previous calendar year in such form and with such particulars as the Minister may from time to time direct to be prepared; such annual report shall be laid before the House of Representatives within twenty-one days after the same shall have been prepared if the House of Representatives be then sitting or within fourteen days after the commencement of the next session.

8. All sums of money arising by virtue of any lease made under this Act or received by or on behalf of the Board in connection with the property shall be paid into a bank to the credit of an account to be called "The Milk River Bath Fund", and all disbursements on account of the property shall be made therefrom and from such other moneys as may from time to time be voted by the House of Representatives. Lodgment of Funds.

9. It shall be lawful for the Board with the approval of the Minister to make regulations for all or any of the following purposes— Regulations.

MILK RIVER BATH

- (a) defining and prescribing the duties of any officer or servant employed under this Act;
- (b) regulating the conduct of the proceedings of the Board;
- (c) generally, for carrying into full effect the provisions of this Act.

FIRST SCHEDULE

(Section 3)
5/1961
S. 5(1).

All that parcel of land comprising one-half acre acquired by the Deed of Conveyance bearing date on or about the 15th day of October, 1791, from Jonathan Ludford, Esquire, to certain persons named in the Deed, together with all land from time to time acquired by conveyance, namely: five acres of land part of Milk Pen, in the parish of Clarendon, the title of which is registered at Volume 102, folio 42, in the office of the Registrar of Titles under the provisions of the Registration of Titles Act, and two hundred and forty acres of land in the parish of Clarendon known by the name of Vigas, described in the Deed of Conveyance, between the Colonial Secretary of Jamaica of the first part, the Officer Administering the Government of Jamaica of the second part, and the Directors of the Milk River Bath of the third part, dated the 31st day of July, 1900, and which is recorded in the Record Office at Liber, New Series 132, folio 214, and of which the size is 247 acres, and the boundaries generally are northerly on Milk Pen, easterly and southerly on Milk River, and westerly on Milk Pen and Ronaldson's Vigas.

SECOND SCHEDULE

(Section 4)
5/1961
S. 2.*Appointment and number of members*

1. The Board shall consist of seven persons to be appointed by the Minister.

Appointment of chairman and deputy chairman

2. The Minister shall appoint a chairman and a deputy chairman from amongst the members of the Board.

Tenure of Office

3. Subject to the right to resign his office and to the power of the Minister to revoke his appointment at any time, a member of the Board shall hold office for a period not exceeding three years and thereafter shall be eligible for reappointment.

Resignation

4. Any member of the Board may at any time resign his office by instrument in writing addressed to the Minister (which as respects a member other than the chairman and deputy chairman shall be transmitted through the chairman); and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Board.

Appointment of temporary member

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

*MILK RIVER BATH**Appointment of temporary chairman or deputy chairman*

6. If the chairman or deputy chairman is absent or unable to act the Minister may appoint any other member to act temporarily as chairman or, as the case may be, deputy chairman during such absence or incapacity.

Publication of membership

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

Validity of proceedings

8. The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Seal

9. (1) The Board shall have a common seal which shall be authenticated by the signatures of the chairman or any member of the Board authorized to act in that behalf and the secretary of the Board and such seal shall be officially and judicially noticed.

(2) The Board may sue and be sued in their corporate name and may for all purposes be described by such name.

Appointment of officers and servants to Board

10. The Board shall appoint and employ at such remuneration and on such terms and conditions as they think fit a secretary and such officers and servants as they think necessary for the proper carrying out of the provisions of this Act:

Provided that—

- (a) no salary in excess of the rate of \$600 per annum 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 rate of \$800 per annum 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 to any secretary, officers, or servants or to others by reference to their service without the prior approval of the Minister.

Procedure and meetings

11. (1) The Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Board may determine; but the chairman if he thinks fit may call meetings of the Board and shall call such meetings on the requisition of any three members.

(2) The chairman or in his absence the deputy chairman shall preside at the meetings of the Board.

(3) In the case of the absence or inability to act at any meeting of both the chairman and the deputy chairman the other members present shall elect one of their number to act as chairman at the meeting.

(4) The quorum of the Board shall be three including the person presiding.

(5) The person presiding at any meeting shall have an original and a casting vote.

(6) Any minute made of proceedings at meetings of the Board if signed by any person purporting to be the chairman either of the meeting of the Board at which such proceedings took place or of the next ensuing meeting of the Board or a certified copy thereof under the seal of the Board and signed by the secretary, shall be received in evidence in all legal proceedings without further proof, and, until the contrary is proved, every meeting of the Board in respect of which minutes have been so made shall be deemed to have been duly convened and held and all the members thereof to have been duly qualified to act.

(7) The members of the Board and the secretary thereto shall be exempt from personal responsibility in respect of any suit or proceedings against them or any of them as such; and any sum of money, damages or costs that may be recovered against them or any of them, in respect of any contract, act or omission as such members or member or secretary shall be charged on and with the sanction of the Minister paid out of the Consolidated Fund.

Directions by Minister

12. The Minister may, after consultation with the chairman, give to the Board such directions of a general character as he may consider necessary or expedient for the due execution of this Act.