

JAMAICA

No. 01- 2022

I assent,

[L.S.]

Sgd. P. L. Allen

Governor-General.

15th day of February 2022

ANACT to Validate and confirm as lawful all acts and omissions relating to the approval granted by the Governor-General for the early retirement of officers from the Jamaica Constabulary Force during the period commencing on the 13th day of February, 2019, and ending on the 13th day of August, 2019; to indemnify the Government and all persons acting on behalf of the Government from liability in relation thereto; and for connected matters.

WHEREAS the Pensions (Public Service) Act, 2017 (hereinafter referred to as the Act) which governs the grant and award of retiring benefits to members of the Government of Jamaica pension arrangement came into effect on the 1st day of April, 2018:

AND WHEREAS the Act introduced several changes to the eligibility requirements for retirement, the calculation of retiring benefits for public

officers, including officers of the Jamaica Constabulary Force, thereby requiring the repeal of sections of the Constabulary Force Act (hereinafter referred to as the repealed Act) relating to retirement and pensions:

AND WHEREAS several officers from the Jamaica Constabulary Force applied for early retirement having met the eligibility requirement under section 56 of the repealed Act of either attaining the age of fifty years or having completed thirty years in the Jamaica Constabulary Force:

AND WHEREAS, the applications of those officers for early retirement were not submitted in time prior to the enactment of the Act to the Office of the Services Commission, resulted in several officers who previously met the requirements for early retirement under section 56 of the repealed Act, not meeting the requirements outlined in section 23(1)(c) of the Act, which requires that officers may be granted early retirement subject to the approval of the Governor-General, on or after attaining the age of fifty years after completing no less than thirty years of service:

AND WHEREAS approval was granted by the Governor-General during the period commencing the 13th day of February, 2019 and ending on the 13th day of August, 2019, on the recommendation of the Police Service Commission for the officers to retire on a date prior to the date of the repeal of section 56 of the repealed Act or return to work:

AND WHEREAS the approval for retirement granted by the Governor-General could only have been legally approved under section 56 of the repealed Act, if the approval was granted prior to the 1st day of April, 2018:

AND WHEREAS it would be desirable to validate and confirm as lawful the approval granted by the Governor-General to retire the officers on the recommendation of the Police Service Commission in good faith, and inadvertent as to the grant of approval for retirement of the officers being improper and without lawful authority during the period commencing on the 13th day of February, 2019 and ending on the 13th

day of August, 2019, and to indemnify the Government and all persons acting on behalf of the Government from liability in relation thereto:

[*February 15, 2022*]

NOW THEREFORE BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica and by the authority invested in same as follows:—

1. This Act may be cited as the Pensions (Jamaica Constabulary Force) (Validation and Indemnity) Act, 2022. Short title.

2.—(1) Notwithstanding section 56 of the Constabulary Force Act and any provisions to the contrary in any other enactment, all acts or omissions that occurred in relation to the purported granting of retirement during the period commencing on the 13th day of February, 2019, and ending on the 13th day of August, 2019, by the Governor-General and persons acting on behalf of the Government, in good faith, during the period commencing on the 13th day of February, 2019 and ending on the 13th day of August, 2019, are hereby declared to have been validly, properly and lawfully done to all intents and purposes and with effect as if done in accordance with the provisions of the repealed enactment. Validation and Indemnity.

(2) Every person liable to be legally proceeded against on the ground that any of the acts or omissions referred to in subsection (1) was unauthorized, unlawfully done, or otherwise illegal or improper, for any such reason, is freed, acquitted, discharged and indemnified as well against The Queen's Most Excellent Majesty, Her Heirs and Successors as well as against all persons, whatsoever, from such liability.

Passed in the Honourable House of Representatives this 11th day of January, 2022.

JULIET A. HOLNESS
Deputy Speaker.

Passed in the Honourable Senate this 21st day of January, 2022.

THOMAS TAVARES-FINSON, OJ, CD, QC, JP
President.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Sgd Tracy Cohen
Clerk to the Houses of Parliament.

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