

JAMAICA

No. 26 – 2010

I assent,

[L.S.]

(sgd) P. L. Allen  
Governor-General.

August 3, 2010

AN ACT to Validate and Confirm acts done in good faith by the Child Development Agency in enforcing the provisions of the Child Care and Protection (Children's Homes) Regulations, 2005, from the period of April 5, 2005 to June 8, 2007; and to indemnify the Agency and persons from liability in respect of such acts.

WHEREAS section 91(1) of the Child Care and Protection Act provides, among other things, that the Minister may, subject to affirmative resolution, make regulations for the licensing, regulation and control of children's homes, for ensuring the proper care, accommodation, upbringing, maintenance and education of children in such homes and for all purposes and matters connected therewith:

[No. ] *The Child Care and Protection (Children's Homes) Regulations, 2005 (Validation and Indemnity) Act, 2010*

AND WHEREAS by Legal Notice No. 22/2005, dated April 5, 2005, an instrument entitled "The Child Care and Protection (Children's Homes) Regulations, 2005" (hereinafter in this Act referred to as the purported Regulations), was published in the *Gazette* without the affirmative resolution of each House of Parliament having been obtained with respect thereto:

AND WHEREAS by Legal Notice No. 99C, dated June 8, 2007, the Child Care and Protection (Children's Homes) Regulations, 2007, were published in the *Gazette*, the affirmative resolution of each House of Parliament with respect thereto having been obtained:

AND WHEREAS it is desirable to validate and confirm the acts done in good faith by the Child Development Agency during the period of April 5, 2005, to June 8, 2007, pursuant to the purported Regulations:

[ August 4, 2010 ]

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 of the same, as follows:—

Short title.

1. This Act may be cited as the Child Care and Protection (Children's Homes) Regulations, 2005 (Validation and Indemnity) Act, 2010.

Validation and indemnity.

2.—(1) Subject to subsection (2) and notwithstanding anything to the contrary in any enactment, all acts done in good faith by—

- (a) the Child Development Agency;
- (b) any person having official duties under the Child Care and Protection Act or the purported Regulations; and
- (c) any person acting in connection with, or in support of, a person referred to in paragraph (a) or (b),

in enforcing the provisions of the purported Regulations are hereby declared to have been validly, properly and lawfully carried out to all intents and purposes and with effect as if the purported Regulations were properly made.

(2) The Child Development Agency and every person liable to be legally proceeded against on the ground of any illegality of the aforesaid acts is freed, acquitted, discharged and indemnified against The Queen's Most Gracious Majesty, Her Heirs and Successors as well as against all persons whatsoever, from all legal proceedings of any kind in respect of or consequent on such acts.

Passed in the House of Representatives this 13th day of July, 2010.

DELROY H. CHUCK  
*Speaker.*

Passed in the Senate this 16th day of July, 2010.

OSWALD G. HARDING, O.J., C.D., Q.C.  
*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.*

*Clerk to the Houses of Parliament.*