

JAMAICA

No. 18 – 2013

I assent,

[L.S.]

/sgd/ P. L. Allen

Governor-General.

31st day of August 2013

AN ACT to Validate and confirm as lawful acts done in good faith by officers of the Veterinary Services Division in enforcing the provisions of the Conch (Export Levy) Act in respect of the 2011 conch season; and to indemnify the officers of the Division and other persons from liability in respect of such acts.

WHEREAS section 3(1) of the Conch (Export Levy) Act (hereinafter referred to as the “Act”) provides, with effect from 2009 for, among other things, the imposition of a levy on the export of conch to be payable to the Veterinary Services Division by a person who proposes to export or who exports conch (hereinafter referred to as “an exporter”):

AND WHEREAS section 3(1) provides further that for the 2010 conch season and any subsequent conch season the Minister may from time to time, by order subject to affirmative resolution of the House of Representatives, prescribe the rate of the levy to be paid to the Veterinary Services Division by an exporter for conch exported:

AND WHEREAS the Minister did not prescribe a levy for conch exported during the periods March 1, 2011 to March 23, 2011 and April 4, 2011 to July 30, 2011, being the 2011 conch season:

AND WHEREAS officers of the Veterinary Services Division in good faith and inadvertent as to it being unlawful purported to continue to collect, during and in respect of the 2011 conch season, a levy at the rate imposed for the 2010 conch season:

AND WHEREAS it is desirable to validate and confirm as lawful the acts done in good faith by those officers, and inadvertent as to their not having been in compliance with the provisions of the Act, in connection with the purported collection at any time prior to the commencement of this Act of a levy from conch exporters in respect of the 2011 conch season:

[31st day of August 2013]

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 Conch (Export Levy) (Validation and Indemnity) Act, 2013.

Validation and indemnity. 2.—(1) Subject to subsection (2) and notwithstanding anything to the contrary in any enactment, all acts done in good faith and inadvertent as to their not having been in compliance with the provisions of the Act, by—

- (a) the officers of the Veterinary Services Division;
- (b) any other person having official duties under the Act; and

- (c) any person acting in connection with, on the directives of or in support of a person referred to in paragraph (a) or (b),

in purporting to collect and administer at any time prior to the commencement of this Act a levy for the 2011 conch season, at the rate imposed for the 2010 conch season, are hereby declared to have been validly, properly and lawfully carried out and with effect as if an order prescribing a levy at that rate for the 2011 conch season had been properly made.

(2) The officers of the Veterinary Services Division and every other person who would have been liable to be legally proceeded against on the ground of any illegality or impropriety of the acts specified in subsection (1) are hereby freed, acquitted, discharged and indemnified against the Queen's Most Gracious Majesty, Her Heirs and Successors as well against all persons whatsoever from such liability.

Passed in the House of Representatives this 23rd day of July, 2013.

MICHAEL A. PEART
Speaker.

Passed in the Senate this 26th day of July, 2013.

FLOYD E. MORRIS
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.

