

JAMAICA

No. 07 - 2023

I assent,

[L.S.]

Sgd. P. L. Allen

*Governor-General.*

1<sup>st</sup> day of June 2023

AN ACT to Validate and Confirm as lawful the purported continuation in office of the members of the Consumer Protection Tribunal and all official acts done by them, in good faith and inadvertent as to their not having been in compliance with the provisions of the Consumer Protection Act, in the purported exercise of the functions conferred upon them, during the period commencing on the 28th day of May, 2021 and ending on the 8th day of May, 2022; to indemnify the members of the Consumer Protection Tribunal and persons who are liable to be proceeded against on the ground that the acts were unauthorized, illegal or improper, from liability in relation thereto; and for connected matters.

WHEREAS the Consumer Protection Tribunal (hereinafter referred to as “the Tribunal”) is established by section 44A of the Consumer Protection Act (hereinafter referred to as “the Act”):

AND WHEREAS pursuant to paragraph 1 of the Third Schedule to the Act (hereinafter referred to as “the Third Schedule”) the members of the Tribunal are appointed by the Minister:

AND WHEREAS paragraph 7 of the Third Schedule specifies that the names of all members of the Tribunal as first constituted and every change in the membership thereof shall be published in the *Gazette*:

AND WHEREAS pursuant to paragraph 8 of the Third Schedule, the appointment of a member of the Tribunal shall, subject to the provisions of that Schedule, be for a period not exceeding three years and every member of the Tribunal shall be eligible for reappointment:

AND WHEREAS the Minister, pursuant to paragraph 1 of the Third Schedule, appointed the members of the Tribunal for a period of three years with effect from the 28th day of May, 2018 to the 27th day of May, 2021, and the names of the members were duly published in the *Gazette* on the 9th day of August, 2018:

AND WHEREAS the members of the Tribunal (though eligible for reappointment) were not duly reappointed in accordance with paragraph 8 of the Third Schedule, but purported to continue to perform official acts beyond the three-year period, specified by the said paragraph 8 of the Third Schedule, namely, during the period commencing on the 28th day of May, 2018 and ending on the 27th day of May, 2021:

AND WHEREAS, the said members of the Tribunal in performing official acts in the purported exercise of the functions conferred upon them, received remuneration relating to the offices of chairman and members of the Tribunal, respectively, during the period commencing on the 28th day of May, 2021 and ending on the 8th day of May, 2022:

AND WHEREAS it is desirable to validate and confirm as lawful, both the tenure of the members of the Tribunal who purported to continue to perform official acts of the Tribunal and the said acts of the Tribunal in respect of the period commencing on the 28th day of May, 2021 and ending on the 8th day of May, 2022:

[1<sup>st</sup> day of June 2023]

NOW, THEREFORE, BE IT ENACTED by The King'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:—

1. This Act may be cited as the Consumer Protection (Validation and Indemnity of Tribunal) Act, 2023. Short title.

2.—(1) Notwithstanding paragraphs 1, 7 and 8 of the Third Schedule to the Consumer Protection Act and anything to the contrary in any other enactment— Validation and Indemnity.

(a) the purported continuation in office of the members of the Consumer Protection Tribunal specified in the Schedule to this Act; and Schedule.

(b) all acts done by those members, in the purported exercise of the functions conferred upon them,

in good faith and inadvertent as to their continuation in office and acts not having been in compliance with the provisions of the Act, during the period commencing on the 28th day of May, 2021 and ending on 8th day of May, 2022, are hereby declared to have been validly, properly and lawfully made and done to all intents and purposes and with effect as if authorized pursuant to this Act.

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

*The Consumer Protection (Validation and  
Indemnity of Tribunal) Act, 2023*

SCHEDULE

(Section 2)

Professor Kent Pantry—*Chairman*  
Ms. Dianne Edwards—*Deputy Chairman*  
Ms. Judith Wedderburn  
Ms. Yasmin Chong  
Mr. Charles O'Connor  
Mrs. Lorna Nicholson-Phillips  
Mr. Omar Newell

Passed in the Senate this 5th day of May, 2023.

THOMAS TAVARES-FINSON, OJ, CD, KC, JP  
*President.*

Passed in the Honourable House of Representatives this 16th day of May, 2023.

MARISA DALRYMPLE PHILIBERT, CD  
*Speaker.*

*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.*

*Sgt. Valne A. Curtis*  
*Clerk to the Houses of Parliament.*