

JAMAICA

No. 5 – 2005

I assent,

[L.S.]

(sgd.) H.F. Cooke
Governor-General.

February 28, 2005

AN ACT to Provide for the Regulation and Management of early
childhood institutions and for other connected matters.

[~~The date notified by the Minister~~
~~Bringing the Act into operation~~]

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:—

1. This Act may be cited as the Early Childhood Act, 2005, and
shall come into operation on a day to be appointed by the Minister by
notice published in the *Gazette*.

Short title
and com-
mencement.

2. In this Act—

Interpretation.

“basic school” means a school that offers a course of educational
training for students under the age of six years;

“Commission” means the Early Childhood Commission established
under section 3 of the Early Childhood Commission Act;

“day care centre” means any premises used for the provision of
non-residential day care service to more than four children up
to six years of age for at least six hours per day and at least
four days per week;

“early childhood institution” means a setting that provides developmentally appropriate care, stimulation, education and socialization, for children under the age of six years, including day care centres and basic schools;

“inspector” means a person assigned by the prescribed authority pursuant to section 18;

“prescribed authority” means the Early Childhood Unit of the Ministry responsible for education, or such other entity as the Minister may designate in writing.

Registration

Registration
of early
childhood
institutions.

3.—(1) No person shall operate an early childhood institution unless that institution is registered under this Act.

(2) Every application for registration under this section shall be submitted in accordance with section 4.

(3) The Commission shall register an early childhood institution if in relation to an application the Commission is satisfied, based upon the written report of the prescribed authority, that—

- (a) the applicant is eighteen years of age or over;
- (b) the applicant is a fit and proper person to operate an early childhood institution;
- (c) where the applicant is an individual, the applicant has not been convicted of an offence under the Dangerous Drugs Act, the Offences Against the Person Act or the Child Care and Protection Act, or an offence involving fraud, dishonesty or moral turpitude;
- (d) where the applicant is a company, none of its directors or in the case of another body of persons, none of its members, has been convicted of an offence mentioned in paragraph (c);
- (e) a person to be employed by the applicant in the operation of the institution has not been convicted of an offence mentioned in paragraph (c);

- (f) the applicant or a person to be employed by the applicant in the operation of the institution is not, by reason of any infirmity of mind or body or otherwise, incapable of operating or being employed in the institution; and
- (g) the premises in which the institution is to be operated meets the requirements set out in the First Schedule.

First Schedule.

(4) Where the registration of an early childhood institution is approved by the Commission, the Commission shall—

- (a) within thirty days after such approval (exclusive of Saturdays, Sundays and public general holidays), issue a registration certificate to the institution; and
- (b) upon the issue of the registration certificate, cause a notice of the registration to be published in the Gazette.

(5) A notice under subsection (4)(b) shall state—

- (a) the name of the institution as it appears on the registration certificate; and
- (b) the name of the operator of the institution.

(6) The operator of an early childhood institution registered under this section shall ensure that a valid registration certificate issued to the institution under subsection (4) is displayed in a conspicuous place on the premises of the institution.

(7) Registration under this section—

- (a) shall be valid for a period of five years from the date of issue of the registration certificate; and
- (b) may be renewed upon application in accordance with the provisions of section 4, not later than thirty days before the date of expiration thereof.

(8) A person, other than the holder of a permit issued under section 5, who operates an early childhood institution that is not duly registered under this Act, commits an offence and is liable upon summary conviction before a Resident Magistrate to a fine not exceeding two hundred thousand dollars.

Application
for
registration.
Second
Schedule.

4.—(1) Every application for registration in accordance with this section shall be in the prescribed form and shall be submitted to the Commission, together with the matters specified in the Second Schedule.

(2) Within seven days (exclusive of Saturdays, Sundays and public general holidays) after receiving an application under subsection (1), the Commission shall forward a copy of the application to the prescribed authority.

(3) Within fifteen days (exclusive of Saturdays, Sundays and public general holidays) after receiving an application submitted in accordance with subsection (1), an officer of the prescribed authority authorized in that behalf shall arrange with the applicant to—

- (a) visit and conduct an inspection of the proposed premises; and
- (b) conduct interviews of the applicant and, as the prescribed authority considers necessary, persons proposed to be employed in the operation of the institution.

Permit to
operate
institution
prior to
registration.

5.—(1) The Commission may, upon the recommendation of the prescribed authority, issue to an applicant for registration under section 3 a permit to operate the institution pending the determination of the application.

(2) A permit under subsection (1) shall cease to be valid upon—

- (a) the delivery to the applicant of a certificate of registration under section 3(4); or
- (b) where a notice of refusal of registration is delivered to the applicant under section 6, upon the expiration of twenty-four hours after the delivery of the notice or such longer time as the Commission may specify in the notice.

(3) As a condition of the grant of a permit under this section, the Commission may, on the recommendation of the prescribed authority, impose time scales for the completion of improvements or amendments to the mode of operation or the premises of the institution.

(4) A permit issued under this section shall—

- (a) be in the prescribed form ; and
- (b) stipulate all the conditions imposed under subsection (3) in respect of the institution.

(5) The holder of a permit under this section shall allow an inspector entry onto the premises of the institution, at all reasonable hours, for the purpose of carrying out any inspection to ascertain whether or not the institution is in compliance with the conditions of the permit.

6.—(1) The Commission shall, upon the recommendation of the prescribed authority, refuse an application for registration under section 4—

Refusal of registration.

- (a) in any case where the Commission is not satisfied as to the matters set out in section 3(3); or
- (b) if the Commission is satisfied that—
 - (i) a person to be employed by the applicant is not a fit and proper person to be employed in an early childhood institution;
 - (ii) for reasons connected with zoning, situation, construction, accommodation, staffing or equipment, the premises to be used for the operation of the institution are not fit to be so used.

(2) Where an application is refused under this section, the Commission shall send to the applicant a notice of the refusal, specifying the reasons therefor.

7. The Commission shall keep a register of early childhood institutions and shall cause to be entered therein, from time to time, in respect of every early childhood institution registered in accordance with the provisions of this Act, the name of the institution and such particulars in relation thereto as may be prescribed.

Register of early childhood institutions to be kept.

8. An operator of an early childhood institution shall keep proper records showing the business conducted by him in respect of that early childhood institution and shall keep such other records as may be prescribed.

Records of early childhood institutions to be kept.

Complaints
procedure.

9.—(1) A person may make a complaint in writing to the Commission if that person has reason to believe that—

- (a) an early childhood institution has contravened any provision of this Act; or
- (b) a child at any early childhood institution has been abused or has suffered injury or harm as a result of the act or negligence of the operator, a person acting as an agent, or any person employed in the operation, of the early childhood institution.

(2) Upon receiving a complaint under subsection (1), the Commission shall refer the complaint to an inspector who shall, with a view to preparing the report mentioned in subsection (3), make such inquiries as he thinks fit and conduct discussions with the complaining party, the operator of the early childhood institution and, where appropriate, any employee of the early childhood institution involved in the complaint.

(3) The inspector shall submit to the Commission a report containing the following information—

- (a) the grounds of the complaint, noting any facts in dispute between the relevant parties;
- (b) whether, in the opinion of the inspector, the matter can be remedied;
- (c) if the inspector is of the opinion that the matter can be remedied, the measures recommended by the inspector to effect the remedy; and
- (d) the time period that the inspector considers to be reasonably sufficient to effect the remedy.

(4) Upon receiving a report under subsection (3), the Commission shall—

- (a) give notice in writing of its intention to consider the report, to—
 - (i) the operator of the early childhood institution and any employee of such institution who is involved in

the complaint, together with a copy of the complaint and a copy of the report;

(ii) the complaining party, together with a copy of the report;

(b) in such notice, specify a period, being not less than seven days, during which any of the persons referred to in paragraph (a) shall be entitled to attend before the Commission, to make representations concerning the complaint.

(5) After the expiry of the period mentioned in subsection (4), the Commission may—

(a) dismiss the complaint; or

(b) confirm the complaint and direct the implementation of the recommendations contained in the report, subject to such variations (if any) as the Commission thinks fit.

(6) A person who attends before the Commission under subsection (4) shall be entitled to be accompanied by his Attorney-at-Law.

(7) This section is without prejudice to any other proceedings that may be brought in relation to the complaint by virtue of any other law.

10.—(1) Subject to section 11, the Commission may, in accordance with subsection (2), suspend or cancel the registration of an early childhood institution.

Suspension and cancellation of registration.

(2) The Commission may, by notice in writing to the operator of an early childhood institution—

(a) suspend the registration of the early childhood institution if the Commission is satisfied that the institution—

(i) is being operated in breach of any of the requirements of this Act or of regulations made under this Act; or

(ii) in any case where pursuant to section 9(3)(c) an inspector recommends measures to remedy the matter, the operator has failed to comply with a direction made by the Commission under section 9(5)(b);

- (b) cancel the registration if the Commission is satisfied that—
- (i) the operator of the early childhood institution or a person employed in the operation of the institution has been convicted of an offence mentioned in section 3(b)(i);
 - (ii) the operator of the early childhood institution is, by reason of mind or body or otherwise, incapable of operating the institution;
 - (iii) the premises of the early childhood institution are found to be unsuitable upon an inspection carried out pursuant to section 18;
 - (iv) the early childhood institution is being operated in breach of the Public Health Act; or
 - (v) the registration has been suspended under subsection (2)(a) on more than one occasion over a period of eighteen months.

(3) Where the Commission suspends the registration of an early childhood institution under subsection (2)(a), the Commission shall act in accordance with subsection (4).

(4) The Commission—

- (a) may cancel the registration if six months have expired after the date of such suspension, and the Commission is satisfied that the grounds for the suspension still exist at the institution; or
- (b) shall forthwith restore the registration if satisfied that—
 - (i) the operator has complied with the directions (if any) issued under section 9(5)(b); and
 - (ii) the grounds for suspension no longer exist,and shall, in writing, inform the operator of the restoration.

(5) The Commission shall cause a notice of every suspension, cancellation or restoration of registration under this Act to be published in the *Gazette*.

11.—(1) Before refusing an application for renewal of registration, or suspending or cancelling the registration of an early childhood institution, the Commission shall give to the operator of the institution not less than seven days written notice of the Commission's intention to do so, stating—

Notice of suspension etc., of registration.

- (a) the grounds on which the Commission intends to refuse the application for renewal of the registration, or suspend or cancel the registration, as the case may be; and
- (b) that, if within seven days after the receipt of that notice, the operator informs the commission that he desires an opportunity to show cause why such action should not be taken, the Commission shall, before taking any action, afford the operator or his representative such an opportunity.

(2) If the operator fails to show cause as mentioned in subsection (1)(b), the Commission shall—

- (a) in the case of suspension or cancellation, act in accordance with section 10(2) and shall send a copy of the notice referred to in that subsection by registered post to the operator; and
- (b) in the case of refusal to renew registration, send to the applicant notice of refusal to renew registration.

(3) A notice referred to in subsection (2) (a) shall not be effective until the expiration of seven days from the date on which it was issued, or where notice of appeal is given under section 12, until the appeal has been determined or withdrawn.

12. A person aggrieved by any decision of the Commission to refuse an application for registration or renewal of registration or to suspend or cancel registration may, within seven days after the date on which the notice of such decision was received by him, appeal against such decision to the Appeal Tribunal appointed by the Minister in accordance with the provisions of the Third Schedule.

Appeal.

13.—(1) The Commission, acting on the recommendation of the prescribed authority, may, by notice in writing to the operator of an early childhood institution, cancel a permit issued under section 5 if the

Third Schedule.

Cancellation of permit.

Commission is satisfied that any condition of the permit is being breached in relation to the early childhood institution.

(2) The provisions of sections 11 and 12 shall apply, with the necessary modifications, to the cancellation of a permit under this section.

Investigations. **14.—**(1) The Commission may, where it considers it expedient to do so, hold or cause to be held an investigation—

- (a) to determine whether any registration made, or permit issued, under this Act should be suspended, restored or cancelled;
- (b) in respect of the breach of any provision of this Act or any regulations made hereunder, or the terms or conditions of any such permit; or
- (c) as respects any matter related to or connected with its functions, so as to determine whether any of such functions should be exercised.

(2) With respect to any investigation under subsection (1), the following provisions shall have effect—

- (a) the persons holding the investigation (hereinafter referred to as “the investigator”) shall do so in such manner and under such conditions as the investigator may think most effectual for ascertaining the facts of the matter under investigation;
- (b) the investigator shall have for the purposes of the investigation all the powers of a Resident Magistrate to summon witnesses, call for the production of books and documents and to examine witnesses and the parties concerned on oath;
- (c) any person summoned to attend or to produce books or documents under this section and refusing or neglecting to do so, or refusing to answer any question put to him by or with the concurrence of the investigator commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars and in default of payment to imprisonment for a term not exceeding three months:

Provided that no person shall be bound to incriminate himself and every witness shall, in respect of any evidence given by him at such an investigation be entitled to the same privileges to which he would be entitled if giving evidence before a court;

- (d) any witness attending at the request of, or upon summons by, the investigator shall, subject to any order made by the tribunal, be entitled to like allowances for expenses as if summoned to attend a Resident Magistrate's Court.

Operation and Inspection of Early Childhood Institutions

15.—(1) A person shall not operate an early childhood institution unless that person meets the qualifications prescribed under subsection (4) as to training in the care of children.

Qualifications of operator and employees.

(2) The operator of an early childhood institution shall not employ any person in the institution for the purpose of caring for the children therein unless that person meets the qualifications prescribed under subsection (4) as to training in the care of children.

(3) A person who contravenes subsection (1) or (2) commits an offence.

(4) The Commission may, with the approval of the Minister, make regulations prescribing qualification requirements in respect of operators and employees of early childhood institutions.

16.—(1) Corporal punishment shall not be inflicted on a child in an early childhood institution.

Prohibition of corporal punishment and restraint of child.

(2) A mechanical or electrical device shall not be used to restrain a child in an early childhood institution.

(3) Where restraint of a child is necessary, such restraint shall be administered in accordance with regulations made for that purpose.

17. All medicines, cleaning agents or toxic substances kept at an early childhood institution shall be appropriately labelled and stored in a locked cupboard or other locked receptacle, which shall be kept—

Storage of toxic substances, etc.

- (a) out of the reach of children;
- (b) away from equipment; and
- (c) away from the area in which food is stored.

Assignment of officers and powers of entry and inspection.

18.—(1) The prescribed authority may assign such officers as it thinks necessary to be inspectors of early childhood institutions for the purpose of investigating complaints and otherwise securing the proper observance of the provisions of this Act.

(2) The assignment of an officer pursuant to this section shall be published by notice in the *Gazette* and such officer shall be furnished with a certificate of assignment, which he shall produce to the operator or any other person in charge of an early childhood institution, if required to do so, on entering any premises pursuant to subsection (3).

(3) An inspector may at all reasonable hours enter and inspect any early childhood institution, or any premises which he has reasonable cause to believe is so used, for the purpose of determining whether the institution is being operated in accordance with this Act.

(4) An inspector may, for the purposes of subsection (3)—

- (a) require the production of records or other documents required to be kept pursuant to this Act;
- (b) make copies of such documents or records.

Obligation of staff to co-operate.

19.—(1) Every operator and employee of an early childhood institution shall co-operate with an inspector executing his functions pursuant to section 18.

(2) Any person who fails to comply with subsection (1) commits an offence and is liable upon summary conviction before a Resident Magistrate to a fine not exceeding ten thousand dollars and in default of payment to imprisonment for a term not exceeding three months.

Penalty for obstruction.

20. Any person who wilfully obstructs or impedes an inspector in the execution of his duties under this Act commits an offence and is liable upon summary conviction before a Resident Magistrate to a fine not exceeding twenty thousand dollars and in default of payment to imprisonment for a term not exceeding six months.

21. The Minister may cause an early childhood institution to be visited at any reasonable time by the Chief Medical Officer or any other health personnel for the purpose of ensuring that proper health standards are maintained at that early childhood institution.

Health inspection.

22.—(1) Where the Minister has grounds to believe that the welfare of children in an early childhood institution has been, is being or is likely to be, endangered and that it is in the public interest to make an order under this section, the Minister may by order published in the *Gazette* direct that the institution be closed for such period or pending the fulfillment of such conditions, as the Minister thinks necessary.

Order for closure of early childhood institutions.

(2) A person who fails to comply with an order under subsection (1) shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred and fifty thousand dollars or to imprisonment for a term not exceeding six months.

(3) For the purposes of subsection (1) the Minister may take into account any report referred to the Minister by the Commission.

General

23.—(1) The Minister may, subject to affirmative resolution, make regulations generally for giving effect to the provisions of this Act.

Regulations.

(2) Without prejudice to the generality of subsection (1), the Minister may, subject to affirmative resolution, make regulations—

- (a) prescribing entries to be made in the records kept pursuant to section 8;
- (b) prescribing standards with regard to safety, security, sanitation and such other matters as the Minister considers necessary for the efficient operation of an early childhood institution;
- (c) prescribing conditions for admission of children into early childhood institutions;
- (d) prescribing the forms of application, registration, reports and other documents to be used under this Act;
- (e) regulating the manner in which and the conditions subject to which the services of an early childhood institution shall be performed;

- (f) prescribing the hours during which early childhood institutions may remain open;
- (g) prescribing guidelines for the nutrition programmes to be implemented by early childhood institutions;
- (h) regulating the manner in which a child may be restrained in an early childhood institution;
- (i) the frequency of inspections carried out under this Act;
- (j) the return, custody or disposal of registration certificates upon the suspension or cancellation of registration;
- (k) prescribing any other matter or anything, which may be or is required by this Act to be prescribed.

Offences.

24.—(1) A person who contravenes section 3(6) (display of registration certificate) commits an offence and shall be liable upon summary conviction before a Resident Magistrate to a fine not exceeding twenty-five thousand dollars.

(2) A person who intentionally makes false statement or declaration in any application submitted under section 4 commits an offence and is liable upon summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars or to imprisonment for a term not exceeding thirty days.

(3) A person who, not being assigned as an inspector pursuant to section 18, assumes the designation or description of, assumes to act as, or impersonates, an inspector commits an offence.

Penalty where no express penalty.

25. Any person who contravenes or fails to comply with any of the provisions of this Act, for which no penalty is expressly provided, commits an offence and is liable upon summary conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars and in default of payment to imprisonment with or without hard labour for a term not exceeding thirty days.

Registration of existing early childhood institutions.

26.—(1) A person who, on the date of commencement of this Act, is the operator of an early childhood institution shall apply within three months after that date to the Commission to have that early childhood institution registered pursuant to this Act.

(2) Every application under this section shall be submitted in accordance with section 4.

(3) Where an application has been made pursuant to subsection (1), the operation of the early childhood institution to which it relates may be continued pending the determination of the application.

27. The Minister may, by order subject to affirmative resolution, amend the First or Second Schedule.

Power to
amend
schedules by
order.
First and
Second
Schedules.

FIRST SCHEDULE

(Section 3)

*Requirements in respect of premises to be used for the
operation of an early childhood institution*

Structure.

1. The premises on which an early childhood institution is to be operated shall satisfy the following requirements—

- (a) the building shall—
 - (i) be approved for that purpose by the local planning authority;
 - (ii) be solidly and substantially built with a weather-tight roof;
 - (iii) be floored throughout with timber, concrete, mortar or pavement of brick, stone, tiles or asphalt;
 - (iv) be in good repair;
 - (v) have at least 1.9 metres square of space for each child and adequate play area outside;
 - (vi) be equipped with suitable and adequate toilet facilities;
- (b) the premises shall be properly fenced and a gate provided with a latch the height of which shall be beyond the reach of a child;
- (c) there shall be suitable and adequate number of cribs, cots or other sleeping devices;
- (d) there shall be an adequate supply of safe non-toxic play material;
- (e) the facilities for food storage and preparation shall be clean, safe and hygienic, in conformity with the Public Health Regulations; and
- (f) the premises shall be properly ventilated and shall have such other facilities as will encourage the good health and well being of a child.

Access.

2. Any premises, constructed after the date of commencement of this Act, on which an early childhood institution is to be operated shall provide for access by a person with a physical disability, including—

- (a) ramps for wheelchair access;
- (b) adequate space for a person on crutches or in a wheelchair to manoeuvre in toilet and activity areas;
- (c) an appropriate number of wash basins and toilets at wheelchair height;
- (d) doors that open inward for the purposes of entry and doors that open outward for the purposes of exit.

3.—(1) An early childhood institution shall not be located in a building where any person resides unless the portion of the building where the early childhood institution is operated is used exclusively for the purposes of that institution during the opening hours of the institution. Layout and accom-
modation.

(2) The following shall be accommodated on the premises of every early childhood institution—

- (a) an internal play area and access to an outdoor play area;
- (b) a sick bay for children;
- (c) separate bathroom facilities for staff and children;
- (d) a food storage and preparation area;
- (e) a dining area;
- (f) an area for napping;
- (g) an administrative area;
- (h) an instruction area that shall not be used for any purpose other than the instruction of children, when children are present,

so situated to allow for a defined space in respect of each of the areas mentioned in paragraphs (a) to (h) and so that the use of one area for its assigned purpose does not interfere with the use of another area for its assigned purpose.

(3) The premises shall provide for adequate space for—

- (a) storage of equipment and materials used at the early childhood institution; and
- (b) children to move about freely, including crawl space for infants.

4.—(1) Proper lighting shall be provided in every part of the premises where children are accommodated and through where they may pass. Lighting.

(2) All electrical outlets shall be placed out of the reach of children and shall be protected by safety covers and mechanisms.

5. Adequate supplies of safe drinking water shall be provided for the use of a child in an early childhood institution. Water.

6. The premises shall be equipped with—

Equipment.

- (a) adequate supplies necessary for rendering first aid; and
- (b) adequate fire fighting and protective equipment.

SECOND SCHEDULE

(Section 4)

1. The following shall be submitted with every application for registration—
- (a) the prescribed fee;
 - (b) two passport-sized photographs of the applicant;
 - (c) a reference, in such form as may be prescribed by the Commission in regulations published in the Gazette, from any two of the following persons—
 - (i) a Justice of the Peace;
 - (ii) a Minister of religion;
 - (iii) an attorney-at-law;
 - (iv) the principal of an educational institution or the chairman of the Board of Management of an educational institution;
 - (v) a former employer of the applicant;
 - (vi) a Resident Magistrate or a Judge of the Supreme Court;
or
 - (vii) a police officer above the rank of Inspector;
 - (d) a report, from an officer of the Jamaica Fire Brigade authorized by the Commissioner of the Brigade in that behalf, stating that the premises proposed for the operation of the institution have been inspected and that the officer is satisfied that reasonable steps are taken for the prevention of fire and for protection against the dangers of fire and other disaster;
 - (e) a report from a Medical Officer (Health), or any other person authorized in writing in that behalf by the Minister or by a Local Board or by the Medical Officer (Health), stating that the premises proposed for the operation have been inspected and are in compliance with the provisions of the Public Health Act;
 - (f) in respect of the applicant and each person proposed to be employed in the operation of the institution—
 - (i) a certificate, from a registered medical practitioner certifying that the applicant or employee, as the case may be, is in good health; and
 - (ii) a food handler's permit;

- (g) the name and job description of each proposed employee and a copy of every proposed terms of employment;
- (h) details as to the proposed premises, including—
 - (i) a floor plan of each building;
 - (ii) a description of the structure;
 - (iii) the type of accommodation (internal and external);
 - (iv) furniture and equipment;
 - (v) such other details as may be prescribed;
- (i) particulars of fees to be charged and proposed sources of funding.

THIRD SCHEDULE

(Section 12)

The Appeal Tribunal

1. The Appeal Tribunal shall—

- (a) subject to paragraph 2, consist of three members appointed by the Minister; and
- (b) have the following qualifications—
 - (i) the chairman shall be an attorney-at-law; and
 - (ii) each of the two other members shall be qualified in at least one of the following areas, that is to say, child care, child psychology, nutrition, paediatrics or nursing.

Constitution of Tribunal.

2. For the hearing of any appeal under this Act, the Appeal Tribunal may consist of one member sitting alone if the parties to the appeal agree.

Power of one member to sit alone.

3. The members of the Appeal Tribunal shall, subject to the provisions of this Schedule, hold office for such period, not exceeding two years, as the Minister may determine and shall be eligible for reappointment.

Tenure of office.

4. The Minister may appoint any person to act in the place of the Chairman or any other member of the Appeal Tribunal in the case of the absence or inability to act of the Chairman or any other member.

Acting appointment.

5.—(1) Any member of the Appeal Tribunal, other than the Chairman, may, at any time, resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman and, from the date of the receipt by the Minister of such instrument, that member shall cease to be a member of the Appeal Tribunal.

Resignation.

(2) The chairman may, at any time, resign his office by instrument in writing addressed to the Minister, and such resignation shall take effect as from the date of receipt by the Minister of that instrument.

Revocation
of appoint-
ment.

6. The Minister may, at any time, revoke the appointment of any member of the Appeal Tribunal if he thinks it expedient to do so.

Filling of
vacancies.

7. If any vacancy occurs in the membership of the Appeal Tribunal such vacancy shall be filled by the appointment of another member.

Publication
of member-
ship.

8. The names of all members of the Appeal Tribunal as first constituted and every change in the membership thereof shall be published in the Gazette.

Remuneration.

9. There shall be paid to the Chairman and other members of the Appeal Tribunal, in respect of each appeal, such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Voting.

10. The decision of the Appeal Tribunal shall be by a majority of votes of the members and in addition to an original vote, the Chairman shall have a casting vote in any case in which the voting is equal.

Power to
regulate
proceedings.

11. Subject to the provisions of this Schedule, the Appeal Tribunal shall regulate its own proceedings.

Office of
Chairman or
member of
Tribunal not
public office.

12. The office of Chairman or member of the Appeal Tribunal shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

Passed in the Honourable House of Representatives this 11th day of January, 2005.

MR. O. T. WILLIAMS

Deputy Speaker.

Passed in the Senate this 4th day of February, 2005.

NAVEL CLARKE

Deputy 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.