

JAMAICA

No. 8-2009

I assent,

[L.S.]

(Sgd.) P. L. Allen  
Governor-General  
13<sup>th</sup> August, 2009

AN ACT to Amend the Factories Act.

[ 14<sup>th</sup> August, 2009 ]

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:—

PART I. *Preliminary*

1. This Act may be cited as the Factories (Amendment) Act, 2009, and shall be read and construed as one with the Factories Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title  
and  
construction.

Amendment  
of section 12  
of the  
principal Act

2. Section 12 of the principal Act is amended by renumbering the section as subsection (1) and inserting next after subsection (1) as renumbered the following as subsection (2)—

“ (2) Notwithstanding section 29 of the Interpretation Act, regulations made under subsection (1) may provide for the imposition of penalties on summary conviction in a Resident Magistrate’s Court not exceeding a fine of five hundred thousand dollars or imprisonment for a term not exceeding six months or to both such fine and imprisonment.”.

✓ Repeal and  
replacement  
of section 13  
of principal  
Act

3. Section 13 of the principal Act is repealed and the following substituted therefor—

“Offence of 13.—(1) Any person who causes or permits any operating unregistered factory, other than a factory registered under this Act, to be operated commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred thousand dollars.

(2) Notwithstanding subsection (1), unless the Chief Factory Inspector otherwise directs, nothing in this section shall be construed as requiring a factory which is in operation to cease to operate during the period when an application for registration thereof is under consideration.”.

Amendment  
of section 14  
of principal  
Act

4. Section 14 of the principal Act is amended by inserting next after subsection (2) the following as subsection (3)—

“ (3) An owner, manager or other person having control of any factory who contravenes subsection (1) commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred thousand dollars.”.

Amendment  
of section 16  
of principal  
Act

5. Section 16 of the principal Act is amended by—

- (a) renumbering the section as subsection (1); and
- (b) inserting next after subsection (1) as renumbered, the following as subsection (2)—

“ (2) Any person who contravenes subsection (1) commits an offence and shall be liable on summary

conviction before a Resident Magistrate to a fine not exceeding fifty thousand dollars.”.

6. Section 17 of the principal Act is repealed.

Repeal of ✓  
section 17 of  
principal Act

7. Section 19 of the principal Act is amended by deleting all the words appearing after the word “Act” and substituting therefor the words “commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars and in default of payment to imprisonment for a term not exceeding six months”.

Amendment  
of section 19  
of principal  
Act

8. Section 21 of the principal Act is amended—

Amendment  
of section 21  
of principal  
Act

- (a) by renumbering subsections (3) and (4) as subsections (4) and (5), respectively; and
- (b) by inserting next after subsection (2) the following as subsection (3)—

“ (3) Any person who contravenes subsection (1) or (2) commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding three hundred thousand dollars.”;

- (c) in subsection 4 (c) as renumbered, by deleting the words—
  - (i) “one hundred dollars” and substituting therefor the words “five hundred thousand dollars”; and
  - (ii) “three months” and substituting therefor the words “six months”; and
- (d) in subsection 5 (b) as renumbered, by deleting the number “3” and substituting therefor the number “4”.

9. Section 22 of the principal Act is amended by deleting all the words appearing after the words “expressly provided by this Act” and substituting therefor the words “commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars and in default of payment to imprisonment for a term not exceeding six months”.

Amendment  
of section 22  
of principal  
Act

Insertion of  
new section  
27 in  
principal  
Act

10. The principal Act is amended by inserting next after section 26 the following as section 27—

“Minister may by order increase monetary penalty 27. The Minister may, by order subject to affirmative resolution, increase any monetary penalty specified in this Act.”.

Passed in the House of Representatives this 9th day of June, 2009.

DELROY CHUCK  
*Speaker.*

Passed in the Senate this 3rd day of July, 2009 with four (4) amendments.

OSWALD G. HARDING, OJ, CD, QC  
*President.*

On the 8th day of July, 2009 the House of Representatives agreed to the amendments made by the Senate.

DELROY CHUCK  
*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.*

*Clerk to the Houses of Parliament.*