

JAMAICA

No. 20 – 2019

I assent,

[L.S.]

(sgd) P. L. Alb

*Governor-General.*

31<sup>st</sup> day of December 2019

AN ACT to Amend and rename the Human Employment and Resource Training Act; to merge the functions of the Human Employment and Resource Training Trust with the National Youth Service Board and the Apprenticeship Board; to repeal the Apprenticeship Act and the National Youth Service Act; and for connected matters.

[31<sup>st</sup> day of December 2019]

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 Human Employment and Resource Training (Change of Name and Amendment) Act, 2019, and shall be read and construed as one with the Human Employment and Resource Training Act, hereinafter referred to as the "principal Act".

Short title  
and  
construction.

Amendment  
of section 1  
of principal  
Act.

**1A.**—Section 1 of the principal Act is amended by deleting the words “Human Employment and Resource Training Act” and substituting therefor the words “Human Employment and Resource Training/National Service and Training Act”.

Amendment  
of section 2  
of principal  
Act.

**2.** Section 2 of the principal Act is amended—

(a) by deleting the definition of “Commissioner” and substituting therefor the following definitions—

“Commissioner General” has the meaning assigned to it in section 2 of the Tax Administration Jamaica Act;

“contract of traineeship” means an agreement, in writing, that accords with the standard form approved by the Trust, made between an employer and a trainee, or between an employer and a trainee and the parent or guardian of the trainee, whereby the employer agrees to teach and the trainee agrees to learn any trade in which the employer is engaged;”;

(b) by inserting next after the definition of “inspector”, the following definition—

“trade” includes any craft, business or calling requiring the application of a practical skill;”;

(c) by deleting the definition for the word “trainee” and substituting therefor the following—

“trainee” means a person of the age of seventeen years or older, who is engaged in an approved skills based training programme, whether through direct delivery or on the job modality for a prescribed period;

“training order” means a technical and vocational education training order made in accordance with section 16A;

“Tribunal” means the Appeals Tribunal established in accordance with section 23A;”.

3. The principal Act is amended by—

Amendment of heading and section 3 of principal Act.

- (a) deleting the heading appearing immediately before section 3 and substituting therefor the following as the heading—

“The H.E.A.R.T./NSTA Trust”; and

- (b) deleting subsection (1) of section 3 and substituting therefor the following as the subsection—

“ (1) For the purposes of this Act there shall be established a body to be known as the Human Employment and Resource Training/National Service and Training Agency Trust (hereinafter referred to as “the Trust” or “the H.E.A.R.T./NSTA Trust”) which shall be a body corporate to which section 28 of the Interpretation Act shall apply.”.

3A.—Subsection (2) of section 3 of the principal Act is amended by deleting the words “the H.E.A.R.T. Fund” and substituting therefor the words “the H.E.A.R.T./NSTA Trust Fund”.

Amendment of section 3 of principal Act.

4. The principal Act is amended by inserting next after section 3, the following as section 3A—

Insertion of new section 3A in principal Act.

“Objects of Act.

3A. The objects of this Act are—

- (a) to promote the education of persons not involved in the formal education system, to provide opportunities to enable them to become better citizens;
- (b) to encourage trainees to develop a sense of responsibility and of service to Jamaica;
- (c) to monitor aspects of technical, and vocational education and training; and

- (d) to establish an effective system to align the workforce to industry and national development needs, through the provision of education, training, character development, national service and work experience for trainees.”.

Amendment  
of section 4  
of principal  
Act.

5. The principal Act is amended by deleting subsection (1) of section 4 and substituting therefor the following—

- “ (1) The functions of the Trust shall be—
- (a) to provide financing for technical and vocational education and training schemes for trainees;
  - (b) to develop technical and vocational training guidelines;
  - (c) to approve and certify courses to be pursued by persons pursuant to this Act;
  - (d) to take such steps as it considers necessary to establish and maintain high standards in technical and vocational education and training;
  - (e) to promote access to technical and vocational education and training;
  - (f) to ensure that there is an adequate number of persons trained for employment in the technical and vocational fields;
  - (g) to collaborate with other organizations and bodies in matters relating to technical and vocational education and training;
  - (h) to institute, review and maintain a system of assessment in relation to trainees;
  - (i) to grant certificates and other awards or distinctions and to make reports on persons who are assessed pursuant to paragraph (h);

- (j) to withhold certificates and other awards or distinctions to be granted subsequent to education and training, for cause;
- (k) to monitor—
  - (i) all technical and vocational education training schemes; and
  - (ii) employment programmes, for trainees;
- (l) to provide or assist in providing employment opportunities for trainees or the deployment of trainees in employment programmes;
- (m) to assist in the development of approved employment projects;
- (n) to authorize or refuse contracts of traineeship or cancel registered contracts of traineeship;
- (o) to administer training schemes for trainees and establish provisions for the suspension, discharge or transfer of trainees; and
- (p) to influence and implement Government policy through the Board to enable interventions to promote lifelong learning.”.

6. The principal Act is amended by inserting next after section 4, the following as section 4A—

Insertion of  
new section  
4A in  
principal Act.

“Delegation  
of functions. 4A.—(1) The Trust may in writing, delegate any  
of its functions under this Act, other than the power to  
delegate—

- (a) to a council;
- (b) to a committee;
- (c) to a member of the Trust;
- (d) to an inspector; or
- (e) to such other person as the Trust considers appropriate.

(2) Every delegation under subsection (1) is revocable and the delegation of a function shall not preclude the performance of that function by the Trust.”.

Amendment  
of section 10  
of principal  
Act.

7. Section 10 of the principal Act is amended by deleting subsection (2) and substituting therefor the following as subsection (2)—

- “ (2) The Trust shall not—
- (a) exercise any borrowing powers; or
  - (b) enter into negotiations or take any other steps to borrow money by way of the issue of bonds or other debt securities,

unless the amount to be borrowed, the source of the borrowing, the terms on which the borrowing is to be effected and any other aspect of such proposed borrowing, is exercised with the approval of the Minister responsible for finance.”.

Amendment  
of section 12  
of principal  
Act.

7A.—Subsection (1) of section 12 of the principal Act is amended by deleting the words “H.E.A.R.T. Fund” and substituting therefor the words “H.E.A.R.T./NSTA Trust Fund”.

Insertion of  
new sections  
16A to 16P  
in principal  
Act.

8. The principal Act is amended by inserting next after section 16, the following—

“ *Technical and Vocational Education  
Training Orders*

Technical and vocational training orders. Fifth Schedule and with the approval of the Minister.

16A. In exercise of the functions of the Board under subsection (1) of section 4, the Board shall, in accordance with the Fifth Schedule and with the approval of the Minister, make technical and vocational education training orders (hereinafter referred to as “training orders”) for the regulation of such trades as are specified in the orders.

*Contracts of Traineeship*

Contracts of traineeship to be subject to training orders.

16B.—(1) Where the Board makes a training order, all contracts of traineeship in respect of each prescribed trade or vocation specified in the training

order, whether subsisting at the date of the coming into force of the training order or entered into after such date, shall, subject to the provisions of this section, be deemed to be subject to the provisions of the training order and any amendment thereto or substitution therefor, and shall be deemed to be modified accordingly.

(2) Any party to a contract of traineeship may, at any time, apply to the Board for a modification of a training order, in so far as it affects the contract of traineeship, and the Board may make such modification of the training order in relation to such contract as it thinks fit or may exclude that contract from the operation of the training order.

Formalities as to contracts of traineeship.

16C.—(1) Every contract of traineeship shall be in writing and shall be signed by the employer and the trainee and if the trainee is under the age of eighteen years, by his parent or guardian.

(2) Where a body corporate is a party to a contract of traineeship, the contract need not be under seal but may be signed on behalf of the body corporate by such person or persons as by law are authorized to sign contracts in writing on behalf of the body corporate, not being contracts under seal.

(3) Notwithstanding anything in the *Stamp Duty Act*, no stamp duty shall be payable on a contract of traineeship.

Restriction on engagement of trainees.

16D.—(1) A person shall not, except in accordance with the provisions of subsection (1) of section 16F, engage a trainee in any prescribed trade unless a contract of traineeship, relating to that trainee, has been registered by the Trust in accordance with the provisions of this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction, in a Parish Court, to a fine not exceeding five hundred thousand dollars.

Registration  
of contracts  
of  
traineeship.

16E.—(1) Every employer, upon entering into a contract of traineeship in respect of a prescribed trade, shall transmit the contract to the Trust for registration.

(2) The Trust may register a contract of traineeship or may refuse to register the contract if in the opinion of the Trust the employer will not be able to provide adequate facilities for the training of the trainee or the contract does not comply with the provisions of this Act or of any training order.

(3) Where the Trust decides to register a contract of traineeship, the Trust shall cause to be recorded in a register to be kept for the purpose, such particulars of the contract as the Trust may determine and shall endorse on the contract a note of its registration.

(4) Whenever the Trust refuses to register a contract of traineeship, the Trust shall forthwith inform the parties thereto, by notice in writing, of the refusal and the grounds therefor.

(5) A contract of traineeship which is required to be registered under this section shall not confer or impose any rights or obligations on the parties thereto until it has been registered by the Trust in accordance with the provisions of this Act.

Registration  
of subsisting  
contract of  
traineeship.

16F.—(1) A person engaging a trainee in any trade which becomes a prescribed trade after the engagement of the trainee commenced, may, during the period referred to in subsection (2), continue to engage the trainee in such trade, notwithstanding that the contract of traineeship is not a registered contract.



(2) In any such case referred to in subsection (1), the employer shall within twenty-one working days of the trade becoming a prescribed trade, transmit the contract of traineeship to the Trust, who shall record it in the manner provided in subsection (2) of section 16E.

Appeals from refusal to register contract.

16G. Any person affected by the refusal of the Trust to register a contract of traineeship under section 16E may appeal to the Tribunal in the manner set out in section 23A.

Cancellation of registered contract.

16H.—(1) At any time during the period of probation specified in a registered contract of traineeship, the contract may be cancelled by the employer or by the trainee where the trainee has attained the age of eighteen years, or by the trainee and his parent or guardian where the trainee is under the age of eighteen years.

(2) A registered contract may be cancelled by the Trust at any time upon the application of the employer or of the trainee where the trainee has attained the age of eighteen years, or of the trainee and his parent or guardian, where the trainee is under the age of eighteen years.

Suspension and discharge of trainees for misconduct, etc.

16I.—(1) In any case where a trainee who is a party to a registered contract so misconducts himself or proves himself to be so incapable that if he were an employee other than a trainee it would be reasonable for his employer to discharge him, the employer may suspend him and apply to the Trust for leave to discharge him.

(2) An application under subsection (1) shall be made within three days after the trainee is suspended, and where such application is duly made, the employer may withhold any allowances accruing due to the trainee in respect of the period of suspension.

(3) The Trust shall consider the application after giving the employer, the trainee and his parent or guardian (if any) or a representative of the trainee, an opportunity to be heard, and may grant leave to discharge the trainee.

(4) Where any such leave is granted, the employer shall be entitled to discharge the trainee as from the date on which he was suspended and in any such case, the contract of traineeship shall be deemed to be cancelled.

*Transfer of Trainees Employed under  
Registered Contracts of Traineeship*

Transfer of  
trainees on  
application.

16J.—(1) Any employer under a registered contract of traineeship may, after consultation with a trainee, and where the trainee is under the age of eighteen years, with the parent or guardian of the trainee, make an application to the Trust for the transfer of the trainee from himself to another employer in the same trade who is willing and able to undertake the obligations of the first mentioned employer.

(2) Any trainee under a registered contract of traineeship or the parent or guardian of any such trainee, under the age of eighteen years, may, after consultation with the employer, make an application to the Trust for the transfer of the trainee from his employer to another employer in the same trade, who is willing and able to undertake the obligations of the first mentioned employer.

(3) The Trust may in its discretion grant or refuse permission for a transfer applied for under this section and where the Trust has granted permission for such transfer, the Trust shall endorse a note of the transfer on the contract of traineeship.

(4) After the expiration of fourteen days from the granting of permission to transfer a trainee under this section, the name of the new employer shall be deemed to be substituted in the registered contract of traineeship for that of the former employer and the contract of traineeship shall continue in all respects as if the new employer had been an original party to the contract, but the former employer shall thereupon cease to have any further rights or obligations under the contract.

Transfer of  
trainees,  
generally.

16K.—(1) In any case where the Trust considers that an employer under a registered contract of traineeship is not able to give adequate training to a trainee, the Trust, with the consent of the trainee and (where the trainee is under the age of eighteen years) of his parent or guardian, shall transfer the trainee to another employer in the same trade who is willing and able to undertake the obligations of the original employer and upon so doing shall endorse a note of the transfer on the registered contract of traineeship.

(2) The provisions of subsection (4) of section 16J shall apply with respect to the transfer of a trainee under this section as they apply with respect to the transfer of a trainee under that section.

*Termination, Etc., of Registered  
Contracts of Traineeship*

Notification  
of termina-  
tion, etc., of  
registered  
contracts of  
traineeship.

16L. The termination of a registered contract of traineeship prior to the expiry of any period of probation specified in the contract of traineeship and the termination thereof by agreement of the parties or by discharge of the trainee for good cause shall be notified to the Trust by the employer, in writing, and within five working days of the termination.

*Prohibition*

Receipt of  
premiums  
prohibited.

16M.—(1) An employer of a trainee in any prescribed trade shall not charge or receive, directly or indirectly from him or on his behalf or on his account, any payment by way of premium.

(2) An employer who contravenes subsection (1) is liable on summary conviction, in a Parish Court, to a fine not exceeding five hundred thousand dollars.

*Completion of Traineeship, Etc.*

Statement of  
service on  
discharge of  
trainee.

16N.—(1) Whenever for any reason (including the completion of his contract of traineeship) a trainee under a registered contract of traineeship ceases to be engaged by his employer, it shall be the duty of the employer to supply to the Trust, a statement, in the prescribed form, setting out particulars of the service of the trainee.

(2) The Trust shall forthwith endorse a note of the termination on the registered contract and on every copy thereof submitted to them for that purpose by any of the parties to the contract.

Certificate of  
completion  
of  
traineeship.

16O. On being satisfied that a trainee has duly completed his traineeship under a registered contract of traineeship, the Trust, shall supply to the trainee, a certificate, in the prescribed form, that the trainee has duly completed the traineeship.

Copy of  
traineeship  
order to be  
exhibited.

16P. In every case where a trainee under a registered contract of traineeship is engaged on any premises, the employer shall affix and keep affixed in some conspicuous place on the premises, where it may be easily read by the trainee, a copy of the traineeship order relating to the trade in which the trainee is engaged.”.

9. Section 18 of the principal Act is repealed and replaced by the following—

Repeal and replacement of section 18 of principal Act.

“Eligibility for selection as trainee.

18. Any person who—

(a) applies to the Board in the prescribed form; and

(b) satisfies the evaluation requirements set out in the Sixth Schedule,

Sixth Schedule.

shall be eligible for selection as a trainee under this Act.”.

10. The principal Act is amended by inserting next after section 23, the following as section 23A—

Insertion of new section 23A of principal Act.

“Establishment of Appeals Tribunal. Seventh Schedule.

23A.—(1) There is hereby established, for the purposes of this Act, an Appeals Tribunal.

(2) The Seventh Schedule shall apply with respect to the establishment, composition, jurisdiction, powers and proceedings of the Appeals Tribunal.

(3) A person who is aggrieved by a decision of the Trust or an agent of the Trust—

(a) to refuse to register a contract of traineeship;

(b) to cancel a contract of traineeship;

(c) to transfer or refuse to transfer a trainee; or

(d) in relation to any other matter under this Act or Regulations made under this Act, may appeal to the Appeals Tribunal by way of a notice of appeal within twenty-one days of the date of the decision of the Trust or an agent of the Trust.

(4) The notice of appeal shall set out clearly the grounds of the appeal and shall be accompanied by copies of any correspondence, document or statement relevant to the appeal.

(5) A copy of the notice of appeal, together with copies of any correspondence, document or statement shall be served on the Trust.”.

Amendment  
of section 24  
of principal  
Act.

**11. Section 24 of the principal Act is amended—**

- (a) in subsection (1) by deleting the words “five thousand dollars” and substituting therefor the words “one million dollars”;
- (b) in subsection (2) by deleting the words “five thousand dollars” and substituting therefor the words “two million dollars”;
- (c) in subsection (4), by deleting the words “H.E.A.R.T. Fund” and substitute therefor the words “H.E.A.R.T./NSTA Trust Fund”;
- (d) in subsection (7) by deleting the words “five thousand dollars” and substituting therefor the words “one million dollars”; and
- (e) by deleting subsection (8) and substituting therefor the following—

“ (8) A person who commits an offence in respect of which no special penalty is provided for under this Act shall be liable, on summary conviction, before a Parish Judge to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months.”.

Amendment  
of section 25  
of principal  
Act.

**12. Section 25 of the principal Act is amended—**

- (a) by deleting paragraph (d) of subsection (2) and substituting therefor the following—

“(d) subject to section 18(b) any additional qualifications required for persons to be selected as trainees;”;

- (b) in subsection (3), by deleting the words “one thousand dollars” and substituting therefor the words “one million dollars”; and
- (c) by deleting subsection (4).

Insertion of  
new sections  
26, to 30 in  
principal Act.

**13. The principal Act is amended by inserting next after section 25, the following—**

“Power of  
Minister to  
amend  
monetary  
penalties and  
Schedule.

**26. The Minister may by order, subject to affirmative resolution, amend—**

- (a) any monetary penalty imposed by this Act or any regulations made under this Act; and

- (b) the First, Second, Third, Fourth, Fifth, Sixth or Seventh Schedules to this Act.

Repeal. 27.—(1) The Apprenticeship Act and the National Youth Service Act are repealed.

(2) Notwithstanding the repeal of the Apprenticeship Act and the National Youth Service Act—

- (a) regulations made and in force immediately before the repeal of those Acts shall remain in full force and effect, with such changes as may be necessary as if made under those Acts and may be amended or revoked accordingly; and
- (b) a reference in any enactment to specific provisions of the repealed Acts shall be construed as a reference to the equivalent provision of this Act.

Vesting of property. 28. Notwithstanding the repeal of the Apprenticeship Act and the National Youth Service Act (hereinafter referred to as the “repealed Acts”), any property purchased by, belonging to or vested under the repealed Acts, and all interests, rights and easements in respect of the said property shall, without any conveyance, assignment or transfer, belong to and be vested in the Trust, subject to all and any trusts and to all debts, liabilities and obligations affecting the same, and to any enactment regulating the management, maintenance, control, supervision of and dealing with such property.

Transitional arrangements for apprentices. 29. Subject to the provisions of this Act, all contracts of apprenticeship registered by the Apprenticeship Board pursuant to section 9 of the Apprenticeship Act shall be administered by the Trust.

Transitional  
arrangements  
for  
participants  
of the  
National  
Youth  
Service

30. Subject to the provisions of this Act—

- (a) all participants under the National Youth Service shall enjoy all the rights and privileges under any similar programme established under this Act and shall have their certificates or other academic or professional qualifications, distinctions or awards issued or validated by the Trust;
- (b) all former participants of the National Youth Service who hold certificates or other academic or professional qualifications, distinctions or awards issued by the National Youth Service Board shall enjoy all rights and privileges as if those certificates or other academic or professional qualifications, distinctions or awards, had been granted by the Trust.”.

Amendment  
of First  
Schedule to  
principal  
Act

14. The First Schedule to the principal Act is amended by deleting the heading thereto and substituting therefor the following—

“ *The H.E.A.R.T./NSTA Trust*”.

Amendment  
of Second  
Schedule to  
principal  
Act

15. The Second Schedule to the principal Act is amended by inserting next after paragraph 8, the following as paragraph 8A—

“Power to  
appoint  
councils and  
committees

8A. The Board may appoint such councils and committees as it thinks fit, consisting wholly or partly of the Board to—

- (a) undertake research or assist persons in undertaking research into training and education for the needs of the labour market;
- (b) to monitor aspects of technical and vocational education and training;



- (c) apply to make arrangements for tests and other methods of ascertaining standards of efficiency to be achieved by the trainees;
- (d) develop training orders and guidelines; and
- (e) undertake such other activity as may be necessary for the Trust to perform its functions.”.

Insertion of  
new Fifth,  
Sixth and  
Seventh  
Schedules in  
principal Act.

**16.** The principal Act is amended by inserting next after the Fourth Schedule the following as the Fifth, Sixth and Seventh Schedules—

“ FIFTH SCHEDULE (Section 16A)  
*The Technical and Vocational Education  
Training Orders*

1. The Board may—
  - (a) designate any vocation to be a recognized traineeship in connection with the establishment of traineeships under this Act and cause thereby the issuance of such training orders as may be required;
  - (b) specify any qualification that was previously awarded to the proposed trainee; and
  - (c) specify the conditions to be complied with by the proposed employer, or by the proposed trainee, under the traineeship.
2. The Board shall, before making a training order—
  - (a) engage in consultations with employers, skilled workmen and other industry groups or their representatives;
  - (b) ensure that the training order is labour market driven;
  - (c) ensure that the area of study is not oversubscribed;
  - (d) ensure that the area of study forms part of the national priority; and
  - (e) ensure that the training order complies with the vocational training guidelines.
3. The Board shall before making a training order in relation to a particular traineeship, take into consideration—
  - (a) the specified programme of study;
  - (b) the specified training that was completed by the proposed trainee;
  - (c) the specified qualifications that have been previously awarded to the proposed trainee; and
  - (d) the specified conditions to be complied with by the proposed employer or by the proposed trainee under a traineeship.

4. A training order shall specify the following—
- (a) the minimum age at which any person may be engaged as a trainee;
  - (b) the standard of education which a person shall be required to attain for entrance into any programme of study;
  - (c) the system of theoretical and practical instruction to be adopted for training;
  - (d) the appropriate qualification that may be awarded in relation to a traineeship in a specific vocation;
  - (e) any other training to be provided in addition to the training required for an appropriate qualification;
  - (f) in respect of persons engaged under a traineeship programme—
    - (i) the grant of vacation leave, sick leave and study leave;
    - (ii) the probationary period to be served;
    - (iii) the period of the traineeship;
    - (iv) the minimum rates of pay and allowances for subsistence and travelling to be paid;
    - (v) the maximum hours of work; and
    - (vi) such other matters relating to the training of trainees in that vocation as the Board considers appropriate.

SIXTH SCHEDULE (Section 18(b))

*Qualifications for Programmes Offered by  
H.E.A.R.T./NSTA Trust*

The evaluation requirements for selection for any programme offered by the H.E.A.R.T./NSTA Trust include—

1. the results of any diagnostic evaluation for literacy and numeracy conducted by the Trust; and
2. any other entry requirement that may be implemented, from time to time, by the Trust.

## SEVENTH SCHEDULE

(Section 23A)

*Appeal Tribunal*

Constitution  
of Tribunal.

1.—(1) The Appeal Tribunal (hereinafter called “the Tribunal”) shall, subject to paragraph 2, consist of five members appointed by the Minister.

(2) The members of the Tribunal shall have the following qualifications—

- (a) the chairman shall be an attorney-at-law of at least ten years experience or a retired Puisne Judge; and
- (b) each of the other four members shall be—
  - (i) a person who has held a management position at a post secondary institution for at least ten years;
  - (ii) a person who has held a management position in industry, commerce, or industrial relations for a least ten years;
  - (iii) a person who has qualifications or experience in the provision, accreditation or evaluation of education and training for post secondary students; or
  - (iv) a person who possesses special skills and competencies in matters relevant to technical and vocational education and training.

Quorum and  
power of  
panel to hear  
appeal.

2. The Quorum of the Tribunal shall be three members and for the hearing of any appeal under this Act, the Tribunal may consist of a panel of three members.

Tenure of  
office.

3. The members of the Tribunal shall, subject to the provisions of this Schedule, hold office for a period, not exceeding three years, as the Minister may determine and shall be eligible for re-appointment.

Acting  
appoint-  
ments.

4.—(1) The Minister may appoint any person to act in the place of the chairman or any other member of the Tribunal in the case of the absence or inability to act of the chairman or other member.

(2) Where the chairman is absent or otherwise unable to act, the Tribunal shall choose one of their number to act as chairman.

5.—(1) Any member of the 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 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.

6. The Minister may terminate the appointment of any member of the Tribunal who— Termination of appointment.

- (a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
- (b) becomes bankrupt;
- (c) is convicted of any offence involving dishonesty;
- (d) fails to attend three consecutive hearings of the Tribunal without reasonable excuse; or
- (e) fails to carry out the functions conferred or imposed on him by this Act.

7. If any vacancy occurs in the membership of the Tribunal such vacancy shall be filled by the appointment of another person who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed, however, the appointment shall be made in the same manner and from the same category of persons as the appointment of the previous member. Filling of vacancies.

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

9. There shall be paid to the chairman and other members of the Tribunal, in respect of each appeal, such remuneration, whether by way of honorarium, salary or fees, and such allowances as may be determined by the Minister responsible for the public service. Remuneration of members.

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Voting. 10. Subject to paragraph 2, the decision of the Tribunal shall be by a majority of votes of the members present and voting, and in addition to an original vote, the chairman shall have a casting vote, in any case in which the voting is equal.

Disclosure of interest. 11. Where a member of the Tribunal becomes aware of any conflict of interest or potential conflict of interest with his duties or interests as a member, he shall not take part, in any hearing, deliberation, voting or decision of the Tribunal relating to the subject of such conflict of interest or potential conflict of interest.

Power to regulate proceedings. 12. Subject to the provisions of this Act, the Tribunal shall regulate its own proceedings.

Office of chairman or member of Tribunal not public office. 13. The office of chairman or member of the Tribunal shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.”

Construction of other enactments. 17. For the purposes of section 3(1), any reference in any other enactment to “the Trust” or “the H.E.A.R.T Trust” shall be construed as a reference to “the H.E.A.R.T/NSTA Trust”.

Passed in the House of Representatives this 19th day of November, 2019 with twenty-three (23) amendments.

PEARNEL P. CHARLES, CD, MP, JP  
*Speaker.*

Passed in the Senate this 6th day of December, 2019 with seventeen (17) amendments.

THOMAS TAVARES-FINSON, CD, QC, JP  
*President.*

On the 10th day of December, 2019 the House of Representatives agreed to the amendments made by the Senate.

PEARNEL CHARLES, CD, MP, JP

*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.*

*(sgd) W. Clifts*

*Clerk to the Houses of Parliament.*