

JAMAICA

No. 11 – 2022

I assent,

[L.S.]

P. L. Allen

Governor-General.

1st day of December 2022

AN ACT to validate and confirm the acts of the National Irrigation Commission Limited done in good faith by persons acting on behalf of the National Irrigation Commission Limited, and to indemnify the National Irrigation Commission Limited, its agents and its officers against liability for actions done in good faith; and for connected matters.

WHEREAS section 4 of the Irrigation Act provides that the Minister may license any company to be the Irrigation Authority:

AND WHEREAS the National Irrigation Commission Limited is a company licensed under the Companies Act:

AND WHEREAS by virtue of the Irrigation Authority (Licensing of the National Irrigation Commission Limited) Order, 2011 (hereinafter referred to as “the Order”), the National Irrigation Commission Limited was licensed as the Irrigation Authority for a term of ten years:

AND WHEREAS the licence granted to the National Irrigation Commission Limited pursuant to the Order expired on July 10, 2021:

AND WHEREAS despite the expiration of the Order, the National Irrigation Commission Limited continued to act as the Irrigation Authority from July 11, 2021 without the legislative authority to do so:

AND WHEREAS by virtue of the Irrigation (Licensing of Authority) Order, 2022, the National Irrigation Commission Limited was licensed as the Irrigation Authority for a term of thirty years with effect from March 28, 2022:

AND WHEREAS it is desirable to validate and indemnify the actions of the National Irrigation Commission Limited from July 11, 2021 to March 27, 2022:

[1st day of December 2022]

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:—

Short title and construction.

1. This Act may be cited as the Irrigation (Validation and Indemnity) Act, 2022.

Validation and indemnity.

2.—(1) Notwithstanding anything to the contrary in any enactment, the operation of the National Irrigation Commission Limited in—

- (a) developing and implementing projects;
- (b) procurement;
- (c) sourcing funding;
- (d) the recruitment and training of staff;
- (e) educating the public and promoting its services through public relations;

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- (f) initiating legal proceedings against its debtors and offenders;
- (g) committing to fund compulsory land acquisitions;
- (h) engaging new customers for non-potable water,

and in relation to all other acts done in good faith during the period from July 11, 2021 to March 27, 2022 shall be treated as having been validly, properly and lawfully authorised and carried out as if the power was lawfully conferred on the National Irrigation Commission Limited to do so.

(2) Every person acting on behalf of the National Irrigation Commission Limited by carrying out the instructions of the National Irrigation Commission Limited, during the period from July 11, 2021 to March 27, 2022 and liable to be proceeded against on the ground that such actions were unauthorized, or unlawfully done or otherwise illegal or improper, for any such reason, is freed, acquitted, discharged and indemnified, as well as against the King's Most Excellent Majesty, His Heirs and Successors as well as against all persons, whatsoever, from all legal proceedings of any kind.

Passed in the Honourable House of Representatives this 1st day of November, 2022 with three (3) amendments.

JULIET HOLNESS
Deputy Speaker.

Passed in the Senate this 11th day of November, 2022 with three (3) amendments.

CHARLES SINCLAIR,
Deputy President.

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On the 15th day of November, 2022 the House of Representatives agreed to the amendments made by the Senate.

JULIET HOLNESS
Deputy 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.

Valne A. Curtis
Clerk to the Houses of Parliament.

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