

A BILL

ENTITLED

AN ACT to Amend the Crown Property (Vesting) Act.

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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 Crown Property (Vesting) (Amendment) Act, 2013, and shall be read and construed as one with the Crown Property (Vesting) Act, (hereinafter referred to as the “principal Act”).

Short title and construction.

Amendment
of section 2 of
principal Act.

2. Section 2 of the principal Act is amended by inserting next after the definition of "Commissioner" the following—

" "Committee" means the Land Divestment Advisory Committee established by section 5A;".

Insertion of
new sections
5A, 5B and 5C
in principal
Act.

3. The principal Act is amended by inserting next after section 5 the following as sections 5A, 5B and 5C—

" Establish-
ment of
Land
Divestment
Advisory
Committee.

5A.—(1) There is established for the purposes of this Act, a body to be called the Land Divestment Advisory Committee.

Schedule.

(2) The provisions of the Schedule shall have effect in relation to the constitution of the Committee and otherwise in relation thereto.

Functions of
Committee.

5B. Subject to the provisions of this Act, the functions of the Committee shall be to advise the Minister on—

- (a) the exercise of any general or special authority under section 3(4); and
- (b) any other matter referred to it by the Minister.

Minister may
amend
Schedule.

5C. The Minister may by order, subject to negative resolution, amend the Schedule.".

4. The principal Act is amended by inserting next after section 8 the following as the Schedule—

Insertion of
Schedule in
principal Act.

“ SCHEDULE (Sections 5A and 5C) Schedule.

The Land Divestment Advisory Committee

Constitution
of
Committee.

1.—(1) The Committee shall consist of *ex-officio* members and appointed members.

(2) The following persons shall be *ex-officio* members of the Committee—

- (a) the Financial Secretary;
- (b) the Permanent Secretary in the Ministry responsible for land and the Senior Director responsible for Land Administration and Management in that Ministry;
- (c) the Permanent Secretary in the Ministry responsible for agriculture;
- (d) the Permanent Secretary in the Ministry responsible for housing;
- (e) the Chief Executive Officer of the National Land Agency;
- (f) the Commissioner of Lands;
- (g) the Chief Executive Officer of the National Environment and Planning Agency;
- (h) the President of the Jamaica Developers Association; and
- (i) the President of the Association of Land Economy and Valuation Surveyors.

(3) The appointed members shall be such number of persons, not exceeding five, as the Minister may appoint by instrument in writing, being persons appearing to the Minister to be knowledgeable and experienced in matters relating to land law, land surveying, land valuation or land management.

(4) An *ex-officio* member may designate a nominee, in the case of the member's absence or inability to act.

- Appointment of chairman. 2.—(1) The Minister shall appoint a chairman and a deputy chairman from among the appointed members.
- (2) In the case of the chairman's absence or inability to act, the deputy chairman shall perform the functions of the chairman.
- (3) In the case of the absence or inability to act at any meeting of both the chairman and the deputy chairman, the remaining members of the Committee shall elect one of their number to preside at that meeting.
- Temporary appointment. 3. The Minister may appoint any person to act temporarily in the place of any appointed member in the case of the absence or inability to act of such member.
- Tenure and office. 4.—(1) Subject to the provisions of this Schedule, an appointed member shall hold office for such period, not exceeding three years, as may be specified in the instrument of appointment.
- (2) Every appointed member shall be eligible for reappointment, but no member shall be appointed for more than six consecutive years.
- (3) If any vacancy occurs in the appointed membership of the Committee, the Minister may appoint any person to act in place of that member, so, however, that such appointment shall be made in the same manner and from among the same category of persons as would be required in the case of an original appointment under paragraph 1(3) and subject to the provisions of this Schedule, the newly appointed member shall hold office for the remainder of the period for which the previous appointed member was appointed.
- (4) Notwithstanding anything to the contrary, the Minister may by notice in writing, at any time, revoke the appointment of the chairman or any other appointed member of the Committee, if he thinks it expedient so to do and shall state the grounds for revocation in the notice.
- Leave of absence. 5. The Minister may, on the application of any member, grant to the member leave of absence for any period not exceeding six months and may appoint some other person to act as a member during the period of leave of absence so granted.

Resignation. 6.—(1) An appointed member 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 receipt by the chairman of the instrument, the member shall cease to be a member of the Committee.

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

Publication of membership. 7. The names of all members of the Committee as first constituted and every change in the appointed membership thereof shall be published in the *Gazette*.

Procedure and meetings. 8. — (1) The Committee shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Committee may determine.

(2) The chairman—

- (a) may, at any time, call a special meeting of the Committee; and
- (b) shall call a special meeting to be held within fourteen days of the receipt of a written request for that purpose addressed to him by any two members of the Committee.

(3) The decisions of the Committee shall be by a majority of the votes and, in addition to an original vote, the chairman, deputy chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(4) The quorum of the Committee shall be seven members.

(5) Subject to the provisions of this Schedule, the Committee may regulate its own proceedings.

(6) Minutes of each meeting of the Committee shall be kept in proper form and confirmed as soon as practicable at a subsequent meeting.

(7) The validity of any proceedings of the Committee shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

- Remuneration of members. 9. There shall be paid to the chairman, the deputy chairman and other members of the Committee such remuneration (whether by way of honoraria, salaries or fees) and such allowances, as the Minister with responsibility for the public service may determine.
- Protection of members. 10. No member of the Committee shall be personally liable for any act or default of the Committee done or omitted to be done in good faith in the course of the operation of the Committee.
- Disclosure of interest. 11. A member of the Committee who is, directly or indirectly, interested in any matter which is being dealt with by the Committee—
- (a) shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Committee; and
 - (b) shall not be present during the deliberation of the Committee on the matter or take part in or otherwise seek to influence the decision of the Committee with respect thereto.
- Office of chairman or member not a public office. 12. The office of chairman, deputy chairman or member of the Committee shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.”.

MEMORANDUM OF OBJECTS AND REASONS

Section 3(2) of the Crown Property (Vesting) Act empowers the Commissioner of Lands to acquire, hold and dispose of land and other property of whatever kind. Under section 3(4) this power cannot be exercised without general or special authority in writing from the Minister.

This Bill seeks to amend the Crown Property (Vesting) Act in order to establish a body to be known as the Land Divestment Advisory Committee to provide professional and technical advice to the Minister in the exercise of general or special authority. The amendment seeks to create a mechanism to promote fairness, equality and transparency in the disposal of Government-owned lands.

Robert Pickersgill

Minister of Water, Land, Environment and Climate Change

ABILL

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Act.**

**As introduced by the Honourable Minister of Water,
Land, Environment and Climate Change.**

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(GOVERNMENT PRINTERS), DUKE STREET, KINGSTON, JAMAICA.**
