

A BILL

ENTITLED

AN ACT to Amend the Law Revision 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 Law Revision (Amendment) Act, 2016, and shall be read and construed as one with the Law Revision Act (hereinafter referred to as the "principal Act") and all amendments thereto.

Short title
and
construction.

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

(a) deleting the definition of "Commissioner" and substituting therefor the following—

Amendment
of section 2
of principal
Act.

““Commissioner” means a Commissioner *ex-officio* or an appointed Commissioner;” and

- (b) inserting in the appropriate alphabetical sequence the following definitions—

““appointed Commissioner” means a Commissioner appointed under section 3(1) (f);

“Commissioner *ex-officio*” means a Commissioner specified in paragraph (a), (b), (c), (d) or (e) of section 3(1);”.

Repeal and replacement of section 3 of principal Act.

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 Section 3 of the principal Act is repealed and the following substituted therefor—

“Law Revision Commissioners, appointment, *etc.*”

3.—(1) The Law Revision Commissioners, to be known collectively as the “Law Revision Committee”, shall be—

- (a) the Minister;
- (b) the Attorney-General;
- (c) the Solicitor-General;
- (d) the Chief Parliamentary Counsel;
- (e) the Director of Legal Reform; and
- (f) not less than three and not more than six fit and proper persons within the meaning of subsection (2), appointed by the Governor-General by instrument in writing on the recommendation of the Minister.

(2) In determining whether an individual is a fit and proper person to be appointed as an appointed Commissioner, regard shall be had as to whether the person—

- (a) has adequate academic qualifications and relevant technical competencies and experience; and
- (b) is of good repute, having regard to his character, honesty and integrity.”.

4. The principal Act is amended by inserting next after section 3 the following as sections 3A, 3B, 3C, 3D, 3E, 3F, and 3G—

Insertion of new sections 3A, 3B, 3C, 3D, 3E, 3F and 3G in principal Act.

“Chairman, deputy chairman.

3A.—(1) The Minister shall be the chairman of the Law Revision Committee.

(2) The members of the Law Revision Committee shall appoint one of their number to be deputy chairman.

Meetings of Committee, procedure at meetings, etc.

3B.—(1) The Law Revision Committee shall meet as is necessary or expedient for the carrying out of its duties; and such meetings shall—

- (a) be held at such places, times and on such days;
- (b) be attended by the members in such manner, including by the use of audio-visual, electronic or any other technology,

as the chairman may determine.

(2) The chairman or, in the case of the inability to act of the chairman, the deputy chairman shall preside at the meetings of the Law Revision Committee and in the absence of both the chairman and the deputy chairman from any meeting, the members of the Law Revision Committee present shall elect one of their number to preside at that meeting and, when so presiding, the chairman, the deputy chairman or the member elected, as the case may be, shall have an original and a casting vote in any case where the voting is equal.

(3) The quorum of the Law Revision Committee shall be four members.

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

(5) Subject to this Act, the Law Revision Committee may regulate its proceedings.

Revocation
of
appointment.

3C. The Governor-General may, at any time, revoke the appointment of an appointed Commissioner and, subject to section 3(2), appoint another fit and proper person to be a Commissioner if that appointed Commissioner—

- (a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
- (b) is convicted and sentenced to a term of imprisonment or to death;
- (c) is convicted of any offence involving dishonesty or moral turpitude;
- (d) fails to attend three consecutive meetings of the Law Revision Committee without reasonable excuse; or
- (e) fails to carry out any of the functions conferred or imposed on a Commissioner by this Act.

Tenure of
Commissioners.

3D.—(1) A Commissioner *ex-officio* shall remain a Commissioner for the period during which he holds an office referred to in paragraph (a), (b), (c), (d) or (e) of section 3(1).

(2) Subject to section 3G, an appointed Commissioner shall hold office as Commissioner for a period of five years from the date of appointment.

Remuneration
of
Commissioners.

3E. There shall be paid to the Commissioners such honorarium, fees or allowances as may be determined by the Minister with responsibility for the public service.

Resignation
of appointed
Commissioners.

3F. An appointed Commissioner may resign his office, at any time, by instrument in writing, addressed to the Minister, who shall transmit it to the Governor-General, and the resignation shall take effect upon the Governor-General receiving the instrument.

Reappointment
of appointed
Commissioners.

3G. An appointed Commissioner who ceases to be a Commissioner consequent upon the expiration of the period of five years referred to in section 3D(2) or of any subsequent period for which the Commissioner has been reappointed, shall be eligible for reappointment for a further term of five years from time to time.”.

5. Section 14 of the principal Act is amended by deleting the words “(including the salaries and remuneration mentioned in subsection (3) of section 3)” and substituting therefor the words “(including the honorarium, fees or allowances mentioned in section 3E)”.

Amendment
of section 14
of principal
Act.

6. The principal Act is amended by inserting next after section 14 the following as section 15—

Insertion of
new section
15 in
principal
Act.

“Transi-
tional.

15.—(1) Existing Commissioners who are not active Commissioners shall cease to hold office under this Act on the date of commencement.

(2) Each existing Commissioner who is an active Commissioner and who as at the date of commencement does not hold any of the public offices referred to in paragraph (a), (b), (c), (d) or (e) of section 3(1) shall—

(a) with effect from the date of commencement, be deemed to have been appointed as an appointed Commissioner under section 3(1)(f) on the date of commencement;

- (b) subject to section 3C, cease to be a Commissioner upon the expiration of five years from the date of commencement; and
- (c) be eligible for reappointment under section 3G.

(3) Each of the existing Commissioners who is an active Commissioner and who as at the date of commencement holds any of the offices referred to in paragraph (a), (b), (c), (d) or (e) of section 3(1) shall, with effect from the date of commencement, continue as a Commissioner *ex-officio* while he holds such office.

(4) In this section—

“active Commissioner” means any of the persons specified in the Third Schedule;

“date of commencement” means the date of the coming into operation of the Law Revision (Amendment) Act, 2016;

“existing Commissioner” means a Commissioner appointed as a Statute Law Commissioner prior to the date of commencement.”.

Third
Schedule.

7. The principal Act is amended by inserting next after the Second Schedule the following as the Third Schedule —

Insertion of new Third Schedule in principal Act.

“ THIRD SCHEDULE (Section 15)
Active Commissioners

1. Hon. Shirley Miller, O.J., Q.C.
2. Dr. Eileen Boxill, Q.C.
3. Hyacinth Lindsay, C.D., Q.C

”.

Passed in the House of Representatives this 8th day of June, 2016.

PEARNEL CHARLES
Speaker.

Passed in the Senate this 15th day of July, 2016 with three (3) amendments.

THOMAS TAVARES-FINSON
President.

Passed in the House of Representatives this 26th day of July, 2016 with one (1) amendment.

FRANKLIN R. WITTER
Deputy Speaker.

MEMORANDUM OF OBJECTS AND REASONS

The Law Revision Act was enacted to provide, *inter alia*, for the appointment of Statute Law Commissioners by the Governor-General. Statute Law Commissioners are vested with the general responsibility of ensuring the preparation, maintenance and publication of the authorized version of the Laws of Jamaica.

However, the Act does not provide for a minimum or maximum number of persons who may be appointed as Commissioners at any given time. Also, the Act does not mandate that the holders of certain public offices are to be appointed Commissioners, although this has been the practice. Further, there is no provision in the Act dealing with the tenure of Commissioners.

This Bill seeks, therefore, to amend the Act to provide for—

- (a) the appointment of certain public officers as Law Revision Commissioners;
- (b) the inclusion of a minimum and maximum number of Commissioners;
- (c) the setting of term limits; and
- (d) transitional provisions for existing Statute Law Commissioners.

DELROY CHUCK
Minister of Justice

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As passed in the Honourable House of Representatives.

As passed in the Honourable Senate.

As passed in the Honourable House of Representatives.

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**SECTION 2 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND**

2. In this Act unless the context otherwise requires—

**“Commissioner” means a Statue Law Commissioner appointed by the
Governor-General under section 3;**

**SECTION 14 OF THE PRINCIPAL ACT WHICH
IT IS PROPOSED TO AMEND**

**14. The expenses of an incidental to the carrying out of the provisions of this
Act (including the salaries and remuneration mentioned in subsection (3) of
section 3) shall be paid from such moneys as may be provided by Parliament for
that purpose.**

