

**A BILL**

ENTITLED

AN ACT to Amend the Protection of Plant Genetic Resources  
for Food and Agriculture Act.

[ ]

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 Protection of Plant Genetic Resources for Food and Agriculture (Amendment) Act, 2019, and shall be read and construed as one with the Protection of Plant Genetic Resources for Food and Agriculture Act (hereinafter referred to as the “principal Act”).

Short title,  
and  
construction.

Amendment of section 2 of principal Act.

**2. Section 2(1) of the principal Act is amended —**

- (a) by inserting in the correct alphabetical sequence the following definition—

“Advisory Task Force” means the Advisory Task Force established under section 4;”;

- (b) by deleting the definition of “Management Authority” and substituting therefor the following—

“Management Authority” means the Research and Development Division of the Ministry responsible for agriculture, or such other entity as is so designated by the Minister by order published in the *Gazette*;”.

Repeal and replacement of section 4 of principal Act.

**3. The principal Act is amended by deleting section 4 and substituting therefor the following—**

“Advisory Task Force.  
First Schedule.

4. There is hereby established for the purposes of this Act an Advisory Task Force, and the provisions of the First Schedule shall have effect as respects the constitution and functions of the Advisory Task Force and otherwise in relation thereto.”.

Repeal of section 5 of principal Act.

**4. Section 5 of the principal Act is repealed.**

Amendment of section 6 of principal Act.

**5. Section 6 of the principal Act is amended—**

- (a) by deleting paragraph (a) and re-numbering paragraphs (b) to (e) as paragraphs (a) to (d);
- (b) in paragraph (a), as renumbered, by deleting the words “a funding” and substituting therefor the words “an approved funding”.

Amendment of First Schedule of principal Act.

**6. The First Schedule of the principal Act is amended—**

- (a) in the heading and paragraphs 1, 4(1), 5, 6(1), 7, 8, 9, 10, 11 and 12, by deleting the words “Management Authority”, wherever they appear in those provisions, and substituting therefor in each case the words “Advisory Task Force”;

- (b) by deleting the marginal note of paragraph 1 and substituting therefor the following—
  - “Constitution and functions of Advisory Task Force.”;
- (c) in paragraph 1, by—
  - (i) deleting the words “not less than eleven nor more than thirteen members” and substituting therefor the words “the head of the Research and Development Division of the Ministry responsible for agriculture, *ex officio*, and not less than ten nor more than twelve other members”;
  - (ii) deleting paragraph (a) and re-numbering paragraphs (b) to (i) as paragraphs (a) to (h);
- (d) by renumbering paragraph 1 as paragraph 1(1) and inserting the following as sub-paragraph (2)—
  - “ (2) The Advisory Task Force shall advise the Minister on matters of policy and legal measures that provide for the conservation and sustainable use of plant genetic resources and the equitable sharing of the benefits arising out of their use, being policies and legal measures which promote—
    - (a) the pursuit of fair agricultural policies and, as appropriate, the development and maintenance of diverse farming systems that enhance the sustainable use of agricultural biological diversity and other natural resources;
    - (b) research that enhances and conserves biological diversity by maximizing intra-specific as well as inter-specific variation for the benefit of farmers who generate and use their own varieties and apply ecological principles in maintaining soil fertility and in combating diseases, weeds and pests;

- (c) as appropriate, plant breeding efforts that, with the participation of farmers, strengthen the capacity to develop varieties particularly adapted to social, economic and ecological conditions, including in marginal areas;
- (d) the broadening of the genetic base of crops and the expansion of the range of genetic diversity available to farmers;
- (e) as appropriate, the expanded use of local, and locally adapted crops, varieties and underutilized species;
- (f) support for, as appropriate, the wider use of diversity of varieties and species in—
  - (i) on-farm management, conservation and sustainable use of crops;
  - (ii) creating strong links to plant breeding and agricultural development in order to reduce crop vulnerability and genetic erosion and promote increased world food production compatible with sustainable development; and
- (g) the periodic review and, as appropriate, adjustment of breeding strategies concerning plant variety release and seed distribution.”;
- (e) in paragraph 11, by deleting the word “, salary”.

Passed in the House of Representatives this 26th day of February, 2019.

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

MEMORANDUM OF OBJECTS AND REASONS

As part of the process of rationalisation of the delivery of public services, a decision has been taken to amend the Protection of Plant Genetic Resources for Food and Agriculture Act in order to provide for—

- (a) the integration of the functions of the Management Authority under the Act (with the exception of the function of providing policy advice to the Minister) into the Ministry responsible for agriculture;
- (b) the policy advice function of the Management Authority to be carried out by an Advisory Task Force established under the Act and composed of membership equivalent to that of the former Management Authority.

This Bill seeks to give effect to that decision.

AUDLEY SHAW  
Minister of Industry, Commerce,  
Agriculture and Fisheries

ABILL  
ENTITLED

AN ACT to Amend the Protection of Plant  
Genetic Resources for Food and  
Agriculture Act.

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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.—(1) In this Act—

“Contracting Party” means a State or inter-governmental organization that is a party to the Treaty;

... ..

“Management Authority” means the Management Authority established under section 4;

... ..

SECTION 4 OF THE PRINCIPAL ACT WHICH IT IS  
PROPOSED TO REPEAL AND REPLACE

4.—(1) For the purposes of this Act, there shall be established a body to be known as the Management Authority, to which the provisions of section 28 of *the Interpretation Act* shall apply, and the provisions of the First Schedule shall have effect as respects the constitution of the Management Authority and otherwise in relation thereto.

(2) The funds and resources of the Management Authority shall consist of—

- (a) such sums as may be provided to it by Parliament annually in the Estimates of Revenue and Expenditure;
- (b) such sums as may be allocated from time to time to the Management Authority from loan funds;
- (c) all other sums or property which may in any manner become payable to, or vested in, the Management Authority in respect of any matter incidental to its functions.

SECTION 5 OF THE PRINCIPAL ACT WHICH IT IS  
PROPOSED TO REPEAL

5. The Minister may, after consultation with the chairman of the Management Authority, give to the Management Authority such directions of a general character as to the policy to be followed by the Management Authority in the performance of its functions, as appear to the Minister to be necessary in the public interest, and the Management Authority shall give effect thereto.

SECTION 6 OF THE PRINCIPAL ACT WHICH IT IS  
PROPOSED TO AMEND

6. The Management Authority shall—

- (a) advise the Minister on matters of policy and legal measures that provide for the conservation and sustainable use of plant genetic

resources and the equitable sharing of the benefits arising out of their use, being policies and legal measures which promote—

- (i) the pursuit of fair agricultural policies and, as appropriate, the development and maintenance of diverse farming systems that enhance the sustainable use of agricultural biological diversity and other natural resources;
- (ii) research that enhances and conserves biological diversity by maximizing intra-specific as well as inter-specific variation for the benefit of farmers who generate and use their own varieties and apply ecological principles in maintaining soil fertility and in combating diseases, weeds and pests;
- (iii) as appropriate, plant breeding efforts that, with the participation of farmers, strengthen the capacity to develop varieties particularly adapted to social, economic and ecological conditions, including in marginal areas;
- (iv) the broadening of the genetic base of crops and the expansion of the range of genetic diversity available to farmers;
- (v) as appropriate, the expanded use of local, and locally adapted crops, varieties and under-utilized species;
- (vi) support for, as appropriate, the wider use of diversity of varieties and species in—
  - (A) on-farm management, conservation and sustainable use of crops;
  - (B) creating strong links to plant breeding and agricultural development in order to reduce crop vulnerability and genetic erosion and promote increased world food production compatible with sustainable development; and
- (vii) the periodic review and, as appropriate, adjustment of breeding strategies concerning plant variety release and seed distribution;

...

...

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FIRST SCHEDULE OF THE PRINCIPAL ACT WHICH IT IS  
PROPOSED TO AMEND

FIRST SCHEDULE

*Constitution and Procedure of Management Authority*

1. The Management Authority shall consist of not less than eleven nor more than thirteen members appointed by the Minister as follow—

- (a) one member shall be a representative of the Ministry responsible for agriculture;

... ..

4.—(1) The appointment of every member of the Management Authority shall be evidenced by instrument in writing, and such instrument shall state the period of office of that member, which shall not exceed three years.

(2) Every member shall be eligible for reappointment.

5. The Minister may, if he thinks it expedient so to do, revoke the appointment of the chairman or any other member of the Management Authority by instrument in writing addressed to the chairman or such other member (as the case may be).

6.—(1) Any member of the Management Authority other than the chairman may 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 such member shall cease to be a member of the Management Authority.

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

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

8. All documents made by, and all decisions of; the Management Authority may be signified under the hand of the chairman or any other member authorized to act in that behalf by the Management Authority.

9.—(1) The Management Authority shall meet at such times as may be necessary for the transaction of its business and such meetings shall be held at such places and times and on such days as the Management Authority may determine.

(2) The chairman may at any time call a special meeting of the Management Authority and shall call a special meeting within seven days of the receipt

of a written request for that purpose addressed to him by two members of the Management Authority.

(3) The chairman shall preside at meetings of the Management Authority and if the chairman is absent from a meeting the vice-chairman shall preside at that meeting and if both the chairman and vice-chairman are absent, the members present shall elect one of their number to preside at that meeting.

(4) The quorum of the Management Authority shall be five.

(5) The decision of the Management Authority shall be by a majority of votes and in addition to an original vote the chairman, vice-chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

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

(7) The validity of the proceedings of the Management Authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(8) Subject to the provisions of this Schedule, the Management Authority shall regulate its own proceedings.

10. A member of the Management Authority who is directly or indirectly interested in any matter which is being dealt with by the Management Authority—

- (a) shall disclose the nature of his interest at a meeting of the Management Authority; and
- (b) shall not take part in any deliberation or decisions of the Management Authority with respect to that matter.

11. There shall be paid to the chairman, vice-chairman and other members of the Management Authority such remuneration (whether by way of honorarium, salary or fees) and such other allowances as the Minister may determine.

12. The office of chairman, vice-chairman or member of the Management Authority shall not be a public office for the purposes of Chapter IX of the Constitution of Jamaica.