

A BILL

ENTITLED

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

Short title
and
construction.

2. Section 29 of the principal Act is amended—

(a) by renumbering the section as subsection (1);

Amendment
of section 29
of principal
Act.

- (b) in paragraph (b) of subsection (1), as renumbered, by deleting the words “one thousand dollars” and substituting therefor the words “one million dollars”; and
- (c) by inserting next after subsection (1), as renumbered, the following—
 - “ (2) The Minister may, by order published in the *Gazette* subject to affirmative resolution, vary the monetary penalty specified in subsection (1)(b).”.

MEMORANDUM OF OBJECTS AND REASONS

The Interpretation Act (hereinafter referred to as “the Act”) establishes rules of statutory interpretation and principles for the validity and operation of Acts of Parliament and any regulations made under those Acts.

Section 29 (b) of the Act provides that in the absence of an express provision to the contrary in an Act of Parliament, regulations made under an Act of Parliament cannot prescribe a monetary penalty in excess of one thousand dollars for breach of its provisions.

This statutory limit on fines in regulations was set in 1968 and has become inadequate and is no longer an effective deterrent to non-compliance with the provisions of regulations.

This has necessitated the inclusion in almost every Act of Parliament of a provision expressly excluding application of section 29(b) and prescribing more appropriate fine limits, today generally set at one million dollars.

This Bill, therefore, seeks to amend the Interpretation Act by fixing a more appropriate limit on monetary penalties that can be imposed by regulations.

MARK GOLDING
Minister of Justice

SECTION 29 OF THE PRINCIPAL ACT WHICH IT IS
PROPOSED TO AMEND

Provisions as to Regulations

29. Where an Act confers power on any authority to make or issue regulations, the following provisions shall, unless the contrary intention appears, have effect with reference to the making, issue and operation of such regulations—

- (a) a regulation may be at any time amended, varied, suspended, rescinded or revoked by the same authority and in the same manner by and in which it was made;
- (b) the regulations may provide in respect of a breach of any of the provisions thereof that the offender shall, unless the Act otherwise provides, be liable to such fine not exceeding one thousand dollars, or to such term of imprisonment with hard labour not exceeding three months, or to both such fine and imprisonment, as may be therein prescribed;
- (c) where any Act confers power on any authority to make regulations for any general purpose, and also for any special purposes incidental thereto, the enumeration of the special purposes shall not be deemed to derogate from the generality of the powers conferred with reference to the general purpose;
- (d) no regulation shall be inconsistent with the provisions of any Act;
- (e) any breach of any regulation may, unless the Act otherwise provides, be prosecuted in a summary manner;
- (f) any reference in any regulation to “the Act” shall be read and construed as meaning the Act conferring the power to make or issue such regulations.

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As introduced by the Honourable Minister of Justice.

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