

ABILL

ENTITLED

AN ACT to Validate and confirm the imposition and collection of fees by the Transport Authority, in good faith, and inadvertent as to their being unlawful during the period commencing on the 1st day of December, 1989, and ending on the 8th day of December, 2015, to indemnify the Government and the Transport Authority and every person acting on behalf of the Government or the Transport Authority from liability in relation thereto; and for connected matters.

WHEREAS section 18(1)(b) of the Transport Authority Act empowers the Minister responsible for transport to make regulations prescribing fees:

AND WHEREAS no regulations were made by the Minister prescribing such fees prior to the making of the Transport Authority (Fees) Regulations, 2015, which were published in the *Gazette* on the 9th day of December, 2015:

AND WHEREAS the Transport Authority during the period commencing on the 1st day of December, 1989 and ending on the 8th

day of December, 2015, in order to defray the expenses connected with the Authority's function of regulating and monitoring public transportation, in good faith, has been collecting fees from the operators of public passenger vehicles in the absence of legislative authority for such collection prior to the 9th day of December, 2015:

AND WHEREAS it is desirable to validate and confirm as lawful all the fees imposed and collected, in good faith, by the Transport Authority during the period commencing on the 1st day of December, 1989, and ending on the 8th day of December, 2015:

[]

NOW, THEREFORE, 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:—

Short title. **1.** This Act may be cited as the Transport Authority (Validation and Indemnity) Act, 2016.

Validation and indemnity. **2.—(1)** Notwithstanding anything to the contrary, the collection of fees by the Transport Authority, in good faith, and inadvertent as to its being invalid, improper or unlawful, during the period commencing on the 1st day of December, 1989, and ending on the 8th day of December, 2015, are hereby declared to have been validly, properly and lawfully done to all intents and purposes and with effect as if authorized pursuant to the principal Act.

(2) Every person liable to be legally proceeded against on the ground that any of the acts referred to in subsection (1), though done in good faith, was unauthorized, unlawfully done, or otherwise illegal or improper, for any such reason, are freed, acquitted, discharged and indemnified as well against The Queen's Most Gracious Majesty, Her Heirs and Successors as well as against all persons, whatsoever, from such liability.

MEMORANDUM OF OBJECTS AND REASONS

Under section 18(1) (b) of the Transport Authority Act the Minister responsible for transport is empowered to make regulations prescribing fees.

During the period commencing on the 1st day of December, 1989, and continuing until the 8th day of December, 2015, the Transport Authority, in good faith, but without legislative authority, collected fees from the operators of public passenger vehicles in order to defray the costs associated with their regulation and monitoring of public transportation.

Consequently, this Bill seeks to—

- (a) validate and confirm the collection of fees, in good faith, during the period commencing on the 1st day of December, 1989 and ending on the 8th day of December, 2015; and
- (b) indemnify the Transport Authority and every person acting on behalf of the Transport Authority from liability in relation thereto.

L. MICHAEL HENRY
Minister of Transport and Mining.

A BILL

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As introduced by the Honourable Minister of Transport
and Mining

PRINTED BY JAMAICA PRINTING SERVICES (1992) LTD,
(GOVERNMENT PRINTERS), DUKE STREET, KINGSTON, JAMAICA.
