

ABILL

ENTITLED

ANACT to Amend section 61 of the Constitution of Jamaica to provide for new words of enactment.

WHEREAS section 61 of the Constitution of Jamaica specifies the words of enactment for every Bill enacted by Parliament:

AND WHEREAS those words of enactment in each case begin with the words “Be it enacted by The Queen’s Most Excellent Majesty”:

AND WHEREAS section 1(12) of the Constitution of Jamaica provides that the Interpretation Act, 1889 as in force on the appointed day, shall apply, with the necessary modifications for the purposes of interpreting the Constitution and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament of the United Kingdom:

AND WHEREAS section 30 of the said Interpretation Act, 1889, provides that “In this Act and in every other Act, whether passed before or after the commencement of this Act, references to the Sovereign at the time of the passing of the Act or to the Crown shall, unless the contrary intention appears, be construed as references to the Sovereign for the time being”:

AND WHEREAS it is desirable to amend section 61 of the Constitution of Jamaica to provide for words of enactment that authenticate Acts of Parliament as enactments of the Parliament empowered by the people of Jamaica:

NOW THEREFORE:

[]

BE IT ENACTED by the King’s Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica in accordance with section 49 of the Constitution of Jamaica, and by the authority of the same, as follows:—

Short title
and con-
struction.

1. This Act may be cited as the Constitution (Amendment of Section 61) Act, 2024, and shall be read and construed as one with the Constitution of Jamaica and all amendments thereto.

Amendment
of section 61
of the
Constitution.

2. Section 61 of the Constitution is amended—

(a) in subsection (1) by deleting—

- (i) the words “the Governor-General for assent” and substituting therefor the word “Parliament”;
- (ii) the words “or a Bill for an Act to which section 50 of this Constitution refers”; and
- (iii) the words “The Queen’s Most Excellent Majesty” and substituting therefor the words “the Parliament of Jamaica”;

(b) in subsection (2) by deleting—

- (i) the words “the Governor-General for assent” and substituting therefor the word “Parliament”; and

- (ii) the words “The Queen’s Most Excellent Majesty” and substituting therefor the words “the Parliament of Jamaica”;
- (c) by deleting subsections (3) and (4) and substituting therefor the following—
 - “ (3) In every Bill presented to Parliament under section 49 of this Constitution, other than a Bill to which section 49(3) applies, the words of enactment shall be as follows:—
 - “ Be it enacted by the Parliament of Jamaica, by and with the advice and consent of the Senate and the House of Representatives of Jamaica (or the House of Representatives of Jamaica, as the case may be) in accordance with the provisions of section 49 of the Constitution of Jamaica, and by the authority of the same, as follows:—”.
 - (4) In every Bill presented to Parliament under section 49 of this Constitution, and to which section 49(3) applies, the words of enactment shall be as follows:—
 - “Be it enacted by the Parliament and people of Jamaica, by and with the advice and consent of the Senate and the House of Representatives of Jamaica (or the House of Representatives of Jamaica, as the case may be) in accordance with the provisions of section 49 of the Constitution of Jamaica, and by the authority of the same, as follows:—”.”;
- (d) in subsection (5) by deleting—
 - (i) the words “the Governor-General for assent”;
and

- (ii) the words “The Queen’s Most Excellent Majesty” and substituting therefor the words “the Parliament of Jamaica”; and
- (e) in subsection (6) by inserting immediately after the words “subsection (3)” the words “, subsection (4)”.

MEMORANDUM OF OBJECTS AND REASONS

The words of enactment specified in section 61 of the Constitution of Jamaica include references to the Queen. Although the Interpretation Act, 1889 (applicable to the interpretation of the Constitution of Jamaica by virtue of section 1(12) of the Constitution), provides for references to the Sovereign at the time of the passage of the Constitution to be construed as references to the Sovereign for the time being, a decision has been taken to amend the text of section 61 of the Constitution of Jamaica to provide for words of enactment that are more appropriate for Jamaica, and in keeping with the legislative procedures set out in sections 48 to 60 of the Constitution. That decision constitutes the first legislative step in a proposed series of amendments intended to give effect to a Constitution enacted by the Parliament of Jamaica and approved by the people of Jamaica.

This Bill seeks to give effect to that decision.

MARLENE MALAHOO FORTE
Minister of Legal and Constitutional
Affairs.

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AN ACT to Amend section 61 of the
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As introduced by the Minister of Legal and
Constitutional Affairs.

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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—

“outstanding traffic penalty” means the fixed penalty in respect of an offence to which section 116 of the Road Traffic Act, 1938, relates that would have been payable, pursuant to a prescribed notice issued during the period commencing on February 1, 2018, and ending on January 31, 2023, before the end of twenty-one days following the date of the notice or such longer period (if any) as may be specified in the notice;

SECTION 4 OF THE PRINCIPAL ACT WHICH IT
IS PROPOSED TO AMEND

4.—(1) A qualifying person who, during the reprieve period, pays an outstanding traffic penalty, into the Traffic Court, shall be entitled to the relief set out in subsection (2).

(2) The relief referred to in subsection (1) is that the qualifying person shall not be liable to be convicted of the offence in respect of which the qualifying person has paid the outstanding traffic penalty and proceedings shall not be taken against the qualifying person for that offence.

SECTION 6 OF THE PRINCIPAL ACT WHICH IT
IS PROPOSED TO REPEAL AND REPLACE

6. All prescribed notices issued before February 1, 2018, for which payment of outstanding penalties have not been made are hereby rendered void and of no effect.