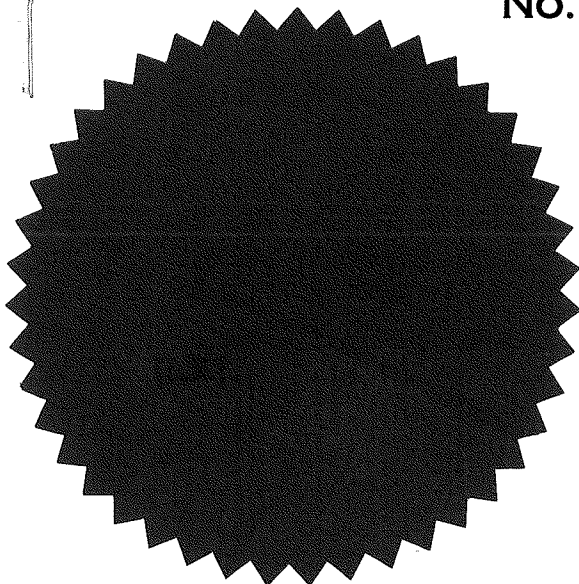


JAMAICA

No. 14 — 2023



I assent,

P. L. Allen

Governor-General.

20th day of November 2023

AN ACT to Amend the Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Act.

[21st day of November 2023

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, and by the authority of the same, as follows:—

1. This Act may be cited as the Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) (Amendment) Act, 2023, and shall be read and construed as one

Short title
and
construction.

2 [No.] *The Law Reform (Zones of Special Operations) (Special Security and Community Development Measures Act, 2023*

with the provisions of the Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Act (hereinafter referred to as the principal Act).

Amendment
of principal
Act.

2. The provisions of the Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Act specified in the first column of the Schedule are amended in the manner specified in relation to them in the second column of the Schedule.

Schedule.

SCHEDULE

(Section 2)

Amendment of the Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Act

| Provision | Amendment |
|-----------|--|
| Section 2 | In the definition of “Committee”, delete the word “Intervention” and substitute therefor the word “Transformation”. |
| Section 3 | 1. In paragraph (b), insert immediately after the word “reside” the words “, raise families, work”. 2. In paragraph (c), insert next after the word “illegal” the word “activities,”. 3. Renumber paragraphs (f) and (g) as paragraphs (g) and (h) and insert the following as paragraph (f)— “(f) facilitate the re-direction of young persons out of criminal activity;”. |
| Section 4 | 1. In subsection (1), delete the word “sixty” and substitute therefor the words “one hundred and eighty”. 2. In subsection (2), delete all the words appearing after the words “reasonable grounds to believe that” and substitute therefor the following— “due to— (a) rampant criminality, such as murder, gang warfare, or high or escalating levels of violence; or (b) the threat to the rule of law and public order, it is necessary to do so.”. |

3. In subsection (5), delete the words “Joint Command” and substitute therefor the words “Commissioner of Police and the Chief of Defence Staff”.
- Section 5 1. Delete the words “Joint Command” and substitute therefor the words “Commissioner of Police and the Chief of Defence Staff”.
2. Delete the word “sixty” and substitute therefor the words “one hundred and eighty”.
- Section 6 Insert immediately after the word “Minister” the words “, or the Minister with responsibility for national security,”.
- Section 9 In subsection (1), delete the word “ten” and substitute therefor the word “thirty”.
- Section 10 Delete subsection (1) and substitute therefor the following—
- “ (1) The Prime Minister in Council may suspend the operations in a Zone—
- (a) on the written recommendation of the Commissioner of Police and the Chief of Defence Staff; or
- (b) where the Prime Minister in Council considers it necessary to do so.”.
- Section 11 Delete the words “Joint Command” and substitute therefor the words “Commissioner of Police and the Chief of Defence Staff”.
- Section 12 Delete the section and substitute therefor the following—
- “Power to establish cordons and impose curfews. 12.—(1) In respect of any Zone, action may be taken under either paragraph (a) or (b), or both—
- (a) the Joint Command may establish a cordon around or in the Zone, and shall, as soon as is reasonably practicable after the cordon is established, cause a notice of the

[No.] *The Law Reform (Zones of Special Operations) (Special Security and Community Development Measures Act, 2023*

establishment of the cordon to be displayed in such one or more conspicuous locations in and around the Zone, as will ensure that the notice is brought to the attention of persons within the Zone and persons seeking entry to the Zone;

(b) the Commissioner of Police and the Chief of Defence Staff—

(i) may impose a curfew in the Zone, between such hours as may be specified, requiring persons within the Zone to remain within their premises during the hours so specified unless otherwise authorised in writing by the member of the Joint Force who is in charge of enforcing the curfew; and

(ii) shall, as soon as is reasonably practicable after the curfew is imposed, cause a notice of the imposition of the curfew to be displayed in

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conspicuous
locations in and
around the Zone,
as will ensure
that the notice is
brought to the
attention of
persons within
the Zone and
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entry to the
Zone.

(2) For the avoidance of doubt, whenever a cordon is established, or a curfew is imposed, under subsection (1), any member of the Joint Force may for the purpose of enforcing such cordon or curfew, exercise such powers as are vested in a constable.

(3) A notice under subsection (1) shall—

- (a) be in such form as shall be prescribed;
- (b) in the case of a cordon, specify the boundaries of the cordon and the requirements to be complied with by persons within, or in relation to, the area falling within the boundaries of the cordon; and
- (c) in the case of a curfew, specify—
 - (i) the hours of the curfew;
 - and

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- (ii) t h e
requirement
t h a t
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to remain
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t h e i r
premises
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member of
the Joint
Force who
is in
charge of
enforcing
the curfew.

(4) A person who without reasonable excuse contravenes any requirement specified in a notice given under subsection (1)(b)(ii) commits an offence and shall be liable on summary conviction therefor before a Parish Court to a fine not exceeding one million dollars and, in default of payment thereof, to imprisonment for a term not exceeding six months.

(5) The action that may be taken under subsection (1)(b) by—

- (a) the Commissioner of Police, may be taken by a constable not below the rank of Assistant Commissioner of Police, designated by

the Commissioner of
Police for that purpose;
or

- (b) the Chief of Defence Staff, may be taken by a member of the Jamaica Defence Force not below the rank of Lieutenant Colonel, designated by the Chief of Defence Staff for that purpose.”.

Section 15

1. In subsection (3), insert next after the words “document seized” the words “will no longer assist in preventing or controlling public disorder or”.

2. Insert next after subsection (3) the following subsections—

“ (4) A person who believes that a vehicle, article or document seized under subsection (1) ought to be returned to that person pursuant to subsection (3) may apply to a Justice of the Peace for the return of the item.

(5) A Justice of the Peace to whom an application is made under subsection (4) shall order the return of the vehicle, article or document (as the case may be) to the applicant, or to such other person whom the Justice of the Peace is satisfied is entitled to its return, if the Justice of the Peace is satisfied that there are no reasonable grounds as referred to in subsection (3).”.

Section 16

1. In subsection (1), delete the words “in relation to which any action is taken under section 12(1)”.

2. In subsection (2), delete the words “under this Act” and substitute therefor the words “in a Zone”.

3. In subsection (2)(b), insert immediately after the word “forthwith” the words “, or as soon as is reasonably practicable,”.

4. In subsection (3)—

- (a) insert next after the words “detention of any person” the words “in a Zone”;

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- (b) delete the words “twenty-four hours” wherever they appear and substitute therefor in each case the words “forty-eight hours”.

5. In subsection (4), insert next after the words “shall be taken to a” the words “remand centre (as defined in the Corrections Act) or a”.

6. Insert next after subsection (5) the following subsection—

“ (6) The powers exercisable under this section in respect of a person who could have been arrested or detained in a Zone but who is in the process of fleeing the Zone, shall be exercisable in respect of that person outside of the boundaries of the Zone, as if the person were located in the Zone at the time of the arrest or detention.”.

New section
16A

Insert next after section 16 the following subsection—

“Obstruction,
etc.” 16A.—(1) A person commits an offence if that person—

- (a) threatens or assaults a member of the Joint Command or Joint Force, or any other person performing any function under this Act; or
- (b) without lawful justification or excuse obstructs or hinders a member of the Joint Command or Joint Force, or any other person performing any function under this Act.

(2) A person who commits an offence under subsection (1) shall be liable, upon summary conviction therefor before a Parish Court, to a fine not exceeding one million dollars or to imprisonment for a term not exceeding one year.”.

- Section 17 In subsection (1)—
- (a) delete the words “twelve hours” and substitute therefor the words “thirty-six hours”;
 - (b) insert next after the words “officer in charge of the” the words “remand centre (as defined in the Corrections Act) or the”.
- Section 18 1. Delete subsection (2) and substitute therefor the following—
- “ (2) A person who is arrested or detained under this Part shall, during such times as may be determined by the prescribed officer, be allowed such visits as may be permitted having regard to matters of—
- (a) security; and
 - (b) safety of persons.”.
2. In subsection (3), delete the words “at any time”.
3. Delete subsection (7) and substitute therefor the following—
- “ (7) Where it appears to any member of the Joint Force or any person in charge of the supervision of individuals arrested, or detained, at a remand centre (as defined in the Corrections Act), police station or lock up pursuant to this Act that any such individual is ill or requires medical attention, whether or not the individual complains of illness, the member of the Joint Force or person in charge of the supervision (as the case may be) shall, without delay, take such steps as are necessary to cause the individual to be given medical attention.”.
- Part V In the heading for Part V, delete the word “Intervention” and substitute therefor the word “Transformation”.
- Section 23 Delete the word “Intervention”, where it appears in the marginal note and subsection (1), and substitute therefor in each case the word “Transformation”.
- Section 24 1. Delete subsection (2), and substitute therefor the following—
- “ (2) The Minister shall approve the terms of reference of each Committee.”.

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2. In subsection (4), delete the word “especially” and substitute therefor the words “including (but not limited to) women,”.

First
Schedule

1. In the heading, delete the word “Intervention” and substitute therefor the word “Transformation”.

2. In paragraph 1, renumber sub-paragraphs (t) and (u) as sub-paragraphs (x) and (y) and insert the following as sub-paragraphs (t), (u), (v) and (w)—

- “(t) a representative of the Child Protection and Family Services Agency;
- (u) a member of the Joint Force, trained in sensitivity to matters relating to gender-based violence;
- (v) a mental health professional;
- (w) a representative of the Jamaica Council for Persons with Disabilities;”.

Passed in the Honourable House of Representatives this 26th day of September, 2023.

JULIET HOLNESS,
Speaker.

Passed in the Senate with one (1) amendment this 13th day of October, 2023.

THOMAS TAVARES-FINSON, OJ, CD, KC, JP
President.

On the 24th day of October, 2023, the House of Representatives agreed to the amendment made by the Senate.

JULIET HOLNESS
Speaker.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Clerk to the Houses of Parliament.

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This printed impression has been carefully compared by me with the Bill which has passed the House of Representatives and Senate, and has been found by me to be a true and correct printed copy of the said Bill.

Clerk to the Houses of Parliament.