

ABILL

ENTITLED

AN ACT to Provide for the integration of the National Family Planning Board into the Ministry with responsibility for health; to make provision for the transfer of the functions, assets, rights and liabilities of the National Family Planning Board; to repeal the National Family Planning Act; and for connected matters.

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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 National Family Planning (Repeal) Act, 2023, and shall come into operation on a day (hereinafter referred to as the appointed day) to be appointed by the Minister by notice published in the *Gazette*.

Short title
and
commencement.

Interpretation.

2. In this Act, unless the context otherwise requires—

“assets” means—

- (a) choses in action, goodwill, rights, interests and claims of every kind in or to property—
 - (i) whether arising from, accruing under, created or evidenced by, or the subject of, an instrument or otherwise; and
 - (ii) whether liquidated or unliquidated, actual, contingent or prospective; and
- (b) property of every kind whether tangible or intangible, real or personal, corporeal and incorporeal;

“functions” includes powers and duties;

“liability” means any liability, duty or obligation, whether actual, contingent or prospective, liquidated or unliquidated, or whether owed alone or jointly or jointly and severally with any other person;

“right” means any right, power, privilege or immunity, whether actual, prospective or contingent.

Repeal of the National Family Planning Act.

3. The National Family Planning Act is repealed.

Transfer and devolution of assets, rights and liabilities.

4.—(1) On the appointed day, all moneys held in any bank account in the name of or standing to the credit of the National Family Planning Board, shall be credited to the Consolidated Fund to be applied in the payment of the liabilities of the National Family Planning Board, arising before the appointed day, and the National Family Planning Board shall be deemed to have been dissolved.

(2) The Consolidated Fund shall be credited with all moneys becoming payable to the National Family Planning Board before, on or after the appointed day and paid after the appointed day.

(3) On and after the appointed day—

- (a) the assets and rights of the National Family Planning Board, that were immediately before that day vested in the National Family Planning Board vest—
 - (i) in relation to real property, in the Commissioner of Lands by force of this section; and
 - (ii) in relation to personal property, in the Crown by force of this section;
- (b) the liabilities of the National Family Planning Board (including any share of a liability) subsisting immediately before the appointed day become, by force of this section, the liabilities of the Crown;
- (c) any proceeding or remedy that immediately before the appointed day might have been brought or continued by, or available against or to, the National Family Planning Board, may be brought or continued by, and are available by or against or to, the Attorney General; and
- (d) all records and data of the National Family Planning Board pass to the Minister with responsibility for health for and on behalf of the Crown.

5. Transfer tax, stamp duty and other applicable fees relating to the transfer, registration and later disposal of assets under section 4 shall be waived.

Waiver of transfer tax and stamp duty.

6.—(1) Where any reference is made to the National Family Planning Board in any enactment, agreement, instrument or other document, unless the context otherwise requires, such reference shall be read and have effect, on and after the appointed day, as if it were a reference to the Crown acting through the Ministry with responsibility for health.

Reference to the National Family Planning Board.

(2) Any agreement or instrument subsisting immediately before the appointed day, to which the National Family Planning Board was a party, or which contains a reference to the National Family Planning

Board, has effect on and after the appointed day as if—

- (a) the Crown acting through the Ministry with responsibility for health were substituted for the National Family Planning Board as a party to the agreement or instrument, (as the case may be); and
- (b) any reference in the agreement or instrument to the National Family Planning Board were (unless the context otherwise requires) amended to be or include a reference to the Crown acting through the Ministry with responsibility for health.

Transfer of
functions of
the National
Family
Planning
Board.

7. On and after the appointed day, the functions conferred upon the National Family Planning Board under the Act shall be performed by the Minister with responsibility for health, on behalf of the Crown.

Savings.

8. The operation of this Act shall not be regarded—

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of residual assets, rights or liabilities or the disclosure of information;
- (c) as giving rise to any remedy by a party to an instrument or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any assets, rights or liabilities;
- (d) as causing any contract or instrument to be void or otherwise unenforceable; or
- (e) as releasing or allowing the release of any surety.

MEMORANDUM OF OBJECTS AND REASONS

The National Family Planning Board (hereinafter referred to as the Board) was established as a body corporate by the Government of Jamaica in August, 1970, pursuant to the National Family Planning Act, to prepare, carry out and promote the carrying out of family and planning programmes, as well as to act as the principal agency of the Government for the allocation of financial assistance or grants to other bodies or persons, engaged in the field of family and population planning in Jamaica.

Pursuant to the Public Sector Transformation Action Plan, which outlines the policy on the Categorization and Rationalization of Public Bodies (which includes, mergers, closures, shared service arrangement and divestment of several public bodies), a decision has been taken to integrate the Board into the Ministry with responsibility for health—

- (a) in keeping with the policy on the Categorization and Rationalization of Public Bodies, the functions of the Board do not require body corporate status;
- (b) in order to achieve synergy in operations and greater efficiency gains; and
- (c) for the purpose of streamlining services and eradicating duplication of efforts.

This Bill seeks to give effect to that decision.

CHRISTOPHER TUFTON
Minister of Health and Wellness.

A BILL

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As introduced by the Honourable Minister of Health
and Wellness.

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