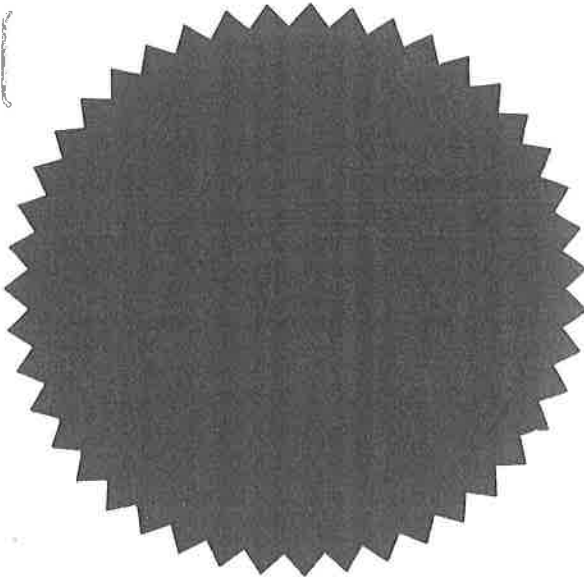


JAMAICA

No. 34 - 2017



I assent,

P. C. Allen

Governor-General.

8th day of December 2017

AN ACT to Repeal the Road Maintenance Fund Act; and for
connected matters.

*The date notified by the Minister
[beginning the Act into operation]*

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 Road Maintenance Fund (Repeal) Act, 2017, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Short title
and
commence-
ment.

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

Interpreta-
tion.

“assets” means choses in action, goodwill, rights, interests and claims of every kind in or to property, whether arising from, accruing under, created or evidenced by or the subject of,

an instrument or otherwise and whether liquidated or unliquidated, actual, contingent or prospective and property of every kind whether tangible or intangible, real or personal, corporeal or incorporeal;

“commencement date” means the day appointed under section 1 for the coming into operation of this Act;

“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
*Road
Maintenance
Fund Act.*

3. *The Road Maintenance Fund Act* is repealed.

Funds in, or
payable to,
Road
Maintenance
Fund.

4.—(1) On the commencement date, any moneys held in any bank account in the name of, or standing to the credit of, the Road Maintenance Fund shall be credited to the Consolidated Fund to be applied in the payment of any liabilities of the Road Maintenance Fund which arose before the commencement date and the Road Maintenance Fund is then to be closed.

(2) The Consolidated Fund shall be credited with any money that became payable to the Road Maintenance Fund before the commencement date and that is paid after that date.

Reference to
Road
Maintenance
Fund.

5.—(1) If in an agreement, instrument or other document there is a reference to the special fund called the Road Maintenance Fund, that reference is, unless the context otherwise requires, to be read and have effect on and after the commencement date as if it were a reference to the Consolidated Fund.

(2) Any agreement or instrument subsisting immediately before the commencement date to which the Board of Management of the Road Maintenance Fund was a party or which contains a reference to

the Board of Management of the Road Maintenance Fund, has effect on and after the commencement date as if—

- (a) the Government of Jamaica were substituted for the Board of Management of the Road Maintenance Fund as a party to the agreement or instrument; and
- (b) any reference in the agreement or instrument to the Board of Management of the Road Maintenance Fund were (unless the context otherwise requires) amended to be or include a reference to the Government of Jamaica.

6. On and after the commencement date—

Devolution
of assets and
liabilities.

- (a) the assets and rights of the Road Maintenance Fund that were immediately before that date vested in the Road Maintenance Fund 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 Road Maintenance Fund (including a share of a liability) immediately before that date become, by force of this section, the liabilities of the Crown;
- (c) any proceeding or remedy that immediately before that date might have been brought or continued by or available against or to the Road Maintenance Fund, may be brought or continued and are available, by or against or to the Attorney-General; and
- (d) all records and data of the Road Maintenance Fund pass to the Minister with responsibility for works for and on behalf of the Crown.

7. On and after the commencement date, the functions conferred upon the Board of Management under the Act shall be performed by the Minister with responsibility for works for and on behalf of the Crown.

Transfer of
functions of
Board of
Management.

- Saving. **8.** The operation of this Act is not to 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 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, right or liability;
 - (d) as causing any contract or instrument to be void or otherwise unenforceable; or
 - (e) as releasing or allowing the release of any surety.
- Amendment of *Road Traffic Act*. **9.** Section 15 of the *Road Traffic Act* is amended by deleting—
- (a) the marginal note and substituting therefor the following—
 - “Payment of
licence
duties and
fees into
Consolidated
Fund and
Parochial
Revenue
Fund.”;
 - (b) from subsection (1), the words “subsections (2) and (3)” and substituting therefor the words “subsection (2)”; and
 - (c) subsection (3).

Passed in the House of Representatives this 14th day of November, 2017.

PEARNEL P. CHARLES, CD, MP, JP
Speaker.

*The Road Maintenance Fund (Repeal)
Act, 2017*

[No.]

5

Passed in the Senate this 24th day of November, 2017.

THOMAS TAVARES-FINSON, CD, QC, JP

President.

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.

Sgd. Heather E. Cooke
Clerk to the Houses of Parliament.

