

THE JAMAICA NATIONAL HERITAGE TRUST ACT

REGULATIONS
(under section 28)THE JAMAICA NATIONAL HERITAGE TRUST (PUBLIC INQUIRY)
REGULATIONS, 1990

(Made by the Minister on the 12th day of September, 1990)

L.N. 46¹/90

1. These Regulations may be cited as the Jamaica National Heritage Trust (Public Inquiry) Regulations, 1990. Citation.

2. In these Regulations—

Interpreta-
tion.

“objector” means a person who pursuant to paragraph (1) (d) of the First Schedule to the Act has made an objection to the proposed declaration of a national monument;

“Tribunal” means such person or persons appointed by the Trust pursuant to regulation 3.

3.—(1) Where, pursuant to paragraph 2 of the First Schedule to the Act, the Trust directs that a public inquiry be held with respect to the proposed declaration of a national monument, the Trust shall appoint a Tribunal consisting of one or more persons to hold the inquiry.

Constitution
of Tribunal.

(2) Where the Tribunal consists of more than one person—

- (a) the Trust shall appoint one of such persons to be Chairman of the Tribunal; and
- (b) the decisions of the Tribunal shall be by a majority of votes of the members, and in addition to an original vote, the Chairman shall have a casting vote in any case in which the voting is equally divided.

4. The Tribunal may exclude from the inquiry any particular person for the preservation of order, for the due conduct of the inquiry, or for any other reason.

Preservation
of order.

Notification
of objectors.

5.—(1) The Trust shall send to an objector a written notice informing him of—

- (a) the time and place of the inquiry;
- (b) his right to be represented at the inquiry;
- (c) the fact that if he fails to attend at the inquiry either personally or by a representative, and the Tribunal is satisfied that the notice has been properly served, the Tribunal may, in its discretion, proceed to hear and determine the inquiry in his absence.

(2) A notice under paragraph (1) may be served on an objector—

- (a) by personal delivery at least fourteen clear days before date of the inquiry; or
- (b) by sending it by registered post to his last known address at least twenty-one days before the date of the inquiry.

Tribunal to
regulate its
proceedings.

6. Subject to the provisions of these Regulations, the Tribunal shall regulate its own proceedings.

Evidence.

7.—(1) The Tribunal shall have power to summon any person to attend at the inquiry and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person.

Schedule.

(2) A summons under this regulation shall be in the form prescribed in the Schedule and may be served either personally or by registered post.

(3) The Tribunal shall have power to administer oaths to or take the affirmation of any witness appearing before the Tribunal.

Witnesses.

8.—(1) Any person summoned to attend and give evidence or to produce any paper, book, record or document before the Tribunal shall—

- (a) be bound to obey the summons served upon him;
- (b) be entitled, in respect of such evidence or the disclosure of any communication or the production of any such paper, book, record or document, to the same right or privilege as he would have before a court;
- (c) be entitled to be paid, from public funds, his expenses, including travelling expenses, at the rates prescribed by the Witnesses Expenses Act for the witnesses who are entitled

to have their expenses paid from public funds:

Provided that the Tribunal may disallow the whole or any part of such expenses in any case if it thinks fit.

(2) Any person who—

- (a) without sufficient cause, fails or refuses to attend at the inquiry in obedience to a summons under these Regulations, or fails or refuses to produce any paper, book, record or document which he was required by that summons to produce;
- (b) being a witness, leaves the inquiry without the permission of the Tribunal;
- (c) being a witness, refuses, without sufficient cause, to answer any question put to him by or with the permission of the Tribunal; or
- (d) wilfully obstructs or interrupts the proceedings of the Tribunal,

shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding four hundred dollars.

9.—(1) There shall be paid to the members of the Tribunal such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Remuneration and protection of members.

(2) No action, suit or other proceedings shall be brought or instituted personally against any member of the Tribunal in respect of any act done *bona fide* in the execution or intended execution of the Tribunal's functions.

10. At the inquiry the Trust and any objector shall each be entitled—

- (a) to be heard;
- (b) to submit written representations, call witnesses and cross-examine witnesses;
- (c) to produce documents in support of their respective positions; and
- (d) to ask the Tribunal to order production of such documents in the possession of an opposing party as are relevant to the inquiry.

Rights of parties.

[The inclusion of this page is authorized by L.N. 70/1992]

Record
keeping and
costs.

11.—(1) The Tribunal shall make or cause to be made notes of the proceedings of the inquiry and shall record in writing its findings with respect thereto.

(2) Upon conclusion of the inquiry the Tribunal may make such order in respect of costs as it thinks just.

SCHEDULE

(Regulation 7)

SUMMONS TO WITNESS

To: (Name, address, etc.)

You are hereby summoned to appear at (place)
upon the day , 19 , at
o'clock before a Tribunal constituted to hold a public inquiry into
the proposal to declare (state nature and location of structure) to be
a national monument and to give evidence respecting the proposal.

(If the person summoned is to produce any documents, add):

And you are required to bring with you (specify documents required)

Therefore fail not at your peril.

Given under the hand of

Sole Inquirer/Chairman this day of , 199 .