

THE CARIBBEAN MARITIME INSTITUTE ACT

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SCHEDULE

CARIBBEAN MARITIME INSTITUTE

- (c) to hold examinations for persons pursuing courses of training at the Institute;
- (d) to make awards to persons who have successfully completed their course of training;
- (e) to provide a resource centre for the maritime industry with a view to the development and maintenance of a vibrant shipping industry in the Caribbean region.

2/2001
S. 3.

(2) For the purposes of subsection (1) the Institute may—

- (a) construct and maintain buildings and other facilities necessary for carrying into effect the functions specified in subsection (1);
- (b) conduct seminars for persons in the shipping industry;
- (c) collect, compile, analyze and disseminate information relating to the shipping industry;
- (d) provide technical, advisory and consultancy services in connection with the shipping industry, including, without prejudice to the generality of the foregoing, research, training and development programmes;
- (e) charge fees in connection with the provision of training courses and for the services specified in paragraph (d).

(3) For the purposes of discharging its functions under the Act, the Institute may, subject to the provisions of this Act, do anything and enter into any transaction which, in the opinion of the Institute, is necessary to ensure the performance of its functions.

5.—(1) The Minister may, after consultation with the chairman, give to the Institute such directions of a general character as to the policy to be followed by the Institute in the discharge of its functions as appear to the Minister to be necessary in the public interest and the Institute shall give effect to such directions.

Ministerial
directions.

(2) The Institute shall furnish to the Minister such information as he may require with respect to the activities of the Institute and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

Staff

6.—(1) The Minister may appoint and employ on the recommendation of the Institute an Executive Director, a Deputy Executive Director and an Administrative Manager at such remuneration and on such terms and conditions as the Institute may recommend.

Appoint-
ment of
officers and
employees.

(2) The Institute may appoint and employ at such remuneration and on such terms and conditions as it thinks fit such other officers, employees and agents as it thinks necessary for the proper performance of its functions.

(3) The Governor-General may, subject to such conditions as he may impose, approve the appointment of any officer employed in the service of the Government to any office with the Institute and while so employed any officer so appointed shall be treated, in relation to any pension, gratuity, or other allowance and in relation to other rights as a public officer, as continuing in the service of the Government.

7. The Institute may—

- (a) enter into arrangements respecting schemes, whether by way of insurance policies or not; and

Pension
scheme,
retiring
benefits, etc.

(b) make regulations,

for medical benefits, pensions, gratuities and other retiring benefits or disability or death benefits, in respect of the employees of the Institute and such arrangements or regulations may include provisions for the grant of benefits to the dependents and legal representatives of such employees.

Financial Provisions, Accounts and Report

Funds of
Institute.

8. The funds and resources of the Institute shall consist of—

- (a) such sums as may be provided annually for the purpose in the Estimates of Revenue and Expenditure of the Island;
- (b) such sums as may be contributed by the Port Authority and the Shipping Association of Jamaica;
- (c) fees paid by students of the Institute;
- (d) all sums which the Institute is authorized to collect under this Act;
- (e) such sums as may be contributed by any regional or international body;
- (f) all other sums or property which may in any manner become payable to or vested in the Institute in respect of any matter incidental to its functions.

2/2001
S. 4(b).

Expenses of
Institute.

9. The expenses of the Institute, including the remuneration of members of staff thereof, shall be paid out of the funds and resources of the Institute.

Borrowing
powers.

10.—(1) Subject to the provisions of subsection (2), the Institute may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(2) The power of the Institute to borrow, where such borrowing involves the pledging, mortgaging or assigning of assets which, vest in the Institute pursuant to section 18, shall be exercisable only with the approval of the Minister respon-

sible for finance, as to the amount, the sources of borrowing and the terms on which the borrowing may be effected, and an approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise, or may be either unconditional or subject to conditions.

11.—(1) With the approval of the House of Representatives, the Minister responsible for finance may guarantee, in such manner and on such conditions as he may think fit, the repayment of the principal and the payment of interest on any authorized borrowings of the Institute pursuant to section 10 (2).

Minister of
Finance
may
guarantee
loans.

(2) Notwithstanding anything to the contrary, where any loan is, pursuant to subsection (1), guaranteed by the Minister responsible for finance, the repayment of the principal moneys and interest represented by the loan so guaranteed shall, during the continuance of such guarantee, be a first charge upon such revenue and assets of the Institute as shall be specified by that Minister.

(3) Where the Minister responsible for finance is satisfied that there has been default in the repayment of any principal moneys or in the payment of interest guaranteed under the provisions of this section, he shall direct the repayment or, as the case may be, the payment, out of the Consolidated Fund and assets of Jamaica, of the amount in respect of which there has been default.

(4) The Institute shall make to the Accountant-General, at such times and in such manner as the Minister responsible for finance may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee under this section, and payments of interests on what is outstanding for the time being in respect of any sums so issued at such rate as that Minister may direct, and different rates of interest may be directed as respects different sums and as respects interest for different periods.

Power to
invest
moneys.

12. All moneys of the Institute not immediately required to be expended for the purpose of meeting any obligations or discharging any functions of the Institute, may be invested in such securities as the Institute deems appropriate and the Institute may sell all or any of such securities.

Accounts
and audit.

13.—(1) The Institute shall keep accounts and other records in relation to its business and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which shall conform with the best commercial standards.

(2) The accounts of the Institute shall be audited annually by an auditor appointed in each year by the Institute.

(3) The Auditor-General shall be entitled at all reasonable times to examine the accounts and other records in relation to the business of the Institute.

Annual
report.

14.—(1) As soon as practicable after the end of each financial year, the Institute shall cause to be made and shall transmit to the Minister—

- (a) a statement of its accounts audited in accordance with section 13 (2); and
- (b) a report dealing generally with the proceedings and policies of the Institute during that financial year.

(2) The Minister shall cause a copy of such report together with the annual statement of accounts and the auditor's report thereon to be tabled in the House of Representatives and the Senate.

Exemption
from taxes
and duties.

15.—(1) The Institute shall be exempt from income tax and property tax.

(2) The Institute shall be entitled to a rebate of all stamp duties paid by it on all instruments executed by or on behalf of the Institute.

(3) Any transfer by the Institute of any property belonging to it or of any right or interest created in, over or otherwise with respect to any such property, shall be exempt from transfer tax.

(4) No customs duty, tax payable under the General Consumption Tax Act, or other similar impost shall be payable upon any article imported into Jamaica, or taken out of bond in Jamaica by the Institute and shown to the satisfaction of the Commissioner of Customs to be required for the use of the Institute in the performance of its functions.

16.—(1) Subject to subsection (2), an article which is imported into Jamaica, or taken out of bond in Jamaica, free of customs duty, tax under the General Consumption Tax Act, or other similar impost pursuant to section 15 shall not, without the prior approval in writing of the Minister responsible for finance be sold or given away at any time within three years next after the date on which it was imported into Jamaica or taken out of bond in Jamaica, as the case may be.

Customs
duty, etc., to
be paid in
certain cir-
cumstances.

(2) Subsection (1) shall not apply if, at the time when the article is sold or given away the Commissioner of Customs is paid all sums which would have been payable in respect of customs duty, tax under the General Consumption Tax Act, or other similar impost in respect of the importation into Jamaica or the taking out of bond in Jamaica of that article if it had not been imported or taken out of bond, free of such duty, tax or other similar impost.

(3) Where any article referred to in section 15 (4) is sold or given away otherwise than in accordance with subsection (1) of this section, that article shall be forfeited to the Crown, and the person by whom it is sold or given away shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a penalty of three times the value of the article so sold or given away or two hundred thousand dollars (whichever is the greater) and in default of payment to imprisonment for a term not exceeding three years.

General

Regula-
tions.

17. The Institute with the approval of the Minister may make regulations for the better carrying out of the purposes of the Act.

Vesting of
property.
2/2001
S. 2(b).
L.N.
121/2002.

18. All real and personal property belonging to the Caribbean Maritime Training Institute, including all moneys standing to the credit of or receivable by that Institute shall, on the 10th day of October, 2002, without any conveyance, assignment or other transfer, belong to and be vested in the Caribbean Maritime Institute.

SCHEDULE

(Section 3 (2))

Constitution and Procedure of the Institute

1. The Institute shall consist of the following members appointed by the Minister by instrument in writing as follows —

Constitution of Institute.

- (a) one *ex officio* member who shall be the Executive Director of the Institute; and
- (b) twelve other members (hereinafter referred to as "appointed members") of whom—
- (i) two members shall be representatives of the Port Authority and shall be appointed upon the recommendation of that Authority;
 - (ii) two members shall be representatives of the Shipping Association of Jamaica and shall be appointed upon the recommendation of that Association;
 - (iii) one member shall be a representative of the University of the West Indies and shall be appointed upon the recommendation of that body;
 - (iv) one member shall be a representative of the College of Arts, Science and Technology and shall be appointed upon the recommendation of that College;
 - (v) one member shall be a representative of the Government of Norway and shall be appointed upon the recommendation of that Government;
 - (vi) three members shall be appointed from among persons appearing to the Minister to have special technical expertise in maritime matters;
 - (vii) two members shall be appointed from among persons appearing to the Minister to be representative of the interests of maritime or trade associations within the Caribbean region.

2/2001
S. 5(a).2/2001
S. 5(c).

2.—(1) The Minister shall appoint one of the appointed members to be chairman.

Appointment of chairman.

(2) In the case of the absence or inability to act of the chairman, the Minister may appoint some other person to act temporarily in the place of the chairman.

3.—(1) The appointment of every appointed member shall, subject to the provisions of this Schedule, be for a period not exceeding three years.

Tenure of office.

(2) Every appointed member of the Institute shall be eligible for reappointment.

(3) The Minister may at any time revoke the appointment of the chairman and any other appointed member if he thinks it expedient so to do.

(4) Before taking action under sub-paragraph (3) to revoke the appointment of a member appointed under paragraph 1 (b) (i) to (v), the Minister shall consult with the organization which recommended the appointment of that member.

Temporary
appoint-
ment.

4. The Minister may appoint any person to act temporarily in the place of an appointed member in the case of the absence or inability to act of that appointed member.

Resignation.

5.—(1) Any appointed member, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of receipt by the Minister of such instrument, that appointed member shall cease to be a member of the Institute.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister, and such resignation shall take effect as from the date of receipt by the Minister of such instrument.

Publication
of member-
ship.

6. The names of all the members of the Institute as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Seal and
execution of
documents.

7.—(1) The seal of the Institute shall be kept in the custody of the chairman or the secretary and shall be affixed to instruments pursuant to a resolution of the Institute, in the presence of the chairman or any other member of the Institute, and the secretary.

(2) The seal of the Institute shall be authenticated by the signatures of the chairman or a member of the Institute authorized to act in that behalf by the Institute, and the secretary.

(3) All documents other than those required by law to be under seal, made by and all decisions of, the Institute may be signified under the hand of the chairman or any other member authorized to act in that behalf by the Institute.

Service of
documents.

8. Any summons, notice or other document required or authorized to be served upon the Institute under the provisions of this Act or any other law may, unless in any case there is express provision to the contrary, be served by delivering the same to the chairman or secretary, or by sending it by registered post addressed to the secretary at the principal office of the Institute.

Procedure
and
meetings.

9.—(1) The Institute shall meet at such times as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times and on such days as the Institute may determine.

(2) The chairman may at any time call a special meeting of the Institute and shall call a special meeting within seven days of the receipt of a written request for that purpose addressed to him by two members of the Institute.

(3) The chairman shall preside at meetings of the Institute and if the chairman is absent from a meeting the members present shall elect one of the appointed members to preside at that meeting.

(4) A quorum of the Institute shall be four.

(5) The decisions of the Institute shall be by a majority of the votes and in addition to an original vote the chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes of each meeting of the Institute shall be kept in proper form and shall be confirmed as soon as practicable at a subsequent meeting.

(7) The validity of the proceedings of the Institute shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(8) Subject to the provisions of this Schedule, the Institute shall regulate its own proceedings.

10. A member of the Institute who is directly or indirectly interested in any matter which is being dealt with by the Institute—

Disclosure of interest.

(a) shall disclose the nature of his interest at a meeting of the Institute; and

(b) shall not be present at that meeting or take part in any deliberation or decision of the Institute with respect to that matter.

11. There shall be paid from the funds of the Institute to the chairman and other members of the Institute such remuneration and such other allowances as the Minister may determine.

Remuneration of members

12.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Institute in respect of any act done *bona fide* in pursuance or execution or intended execution of the Institute's functions under this or any other enactment.

Protection of members.

(2) Where any member of the Institute is exempt from liability by reason only of the provisions of this paragraph, the Institute shall be liable to the extent that it would be if the said member were a servant or agent of the Institute.