

THE PLANNING INSTITUTE OF JAMAICA ACT

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SCHEDULE.

THE PLANNING INSTITUTE OF JAMAICA ACT

Act
2 of 1984.

1. This Act may be cited as the Planning Institute of Jamaica Act. Short title.

2. In this Act—

“Director-General” means the Director-General of the Institute appointed under section 7;

“functions” includes powers and duties;

“the Institute” means the Planning Institute of Jamaica established under section 3.

Inter-
pretation.

3.—(1) There is hereby established a body to be called the Planning Institute of Jamaica which shall be a body corporate to which the provisions of section 28 of the Interpretation Act shall apply. Establish-
ment and
constitution
of Institute.

(2) The provisions of the Schedule shall have effect as to the constitution of the Institute and otherwise in relation thereto. Schedule.

4.—(1) The functions of the Institute shall include—

(a) initiating and co-ordinating planning for the economic, financial, social, cultural and physical development of Jamaica; and

(b) monitoring the implementation of plans so initiated or co-ordinated;

(c) undertaking research;

(d) training in planning;

(e) undertaking consultant activities for Government Ministries, agencies and statutory bodies;

Functions of
the Institute.

PLANNING INSTITUTE OF JAMAICA

- (f) maintaining a national socio-economic reference library; and
- (g) managing technical co-operation agreements and programmes.

(2) It shall be the duty of the Institute to—

- (a) advise the Government on major issues relating to economic and social policy;
- (b) interpret decisions on economic and social policy and integrate them into the national development programmes;
- (c) prepare economic models for the guidance of policy-makers, investors and other planners;
- (d) assess existing and projected social, economic and manpower resources and formulate plans for the most effective use of such resources;
- (e) co-ordinate national, regional and sectoral development planning in order to facilitate the consistent and efficient implementation of projects and programmes;
- (f) determine the economic, financial and technical feasibility of new development projects and monitor projects in progress;
- (g) be instrumental in stimulating national development and in securing public co-operation and participation in achieving planned objectives;
- (h) collect, compile, analyse and monitor special and economic performance data.

(3) For the purpose 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 Director-General, 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.

Policy 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.

6.—(1) The Institute may, by instrument in writing and subject to such conditions as may be specified in the instrument, delegate to any person any of the functions exercisable by the Institute by virtue of the provisions of this Act.

Power of Institute to delegate functions.

(2) A delegation under this section shall be revocable, and no delegation shall prevent the exercise by the Institute of any of its functions.

(3) Any person to whom a delegation is made under this section shall furnish to the Institute from time to time such information as the Institute may require with respect to the exercise of any of the functions so delegated.

7.—(1) There shall be a Director-General of the Institute who shall be appointed by the Minister.

Appointment of Director-General and other officers and servants.

(2) The Director-General shall be in charge of the day-to-day management and operation of the Institute.

(3) The Institute may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, such officers and servants as it thinks necessary for the proper carrying out of the provisions of this Act and who

have the necessary minimum qualifications required by the Institute for the performance of the functions to be performed:

Provided that—

- (a) no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister;
- (b) no appointment shall be made without the prior approval of the Minister to any post to which a salary in excess of the prescribed rate is assigned.

(4) In subsection (3) the prescribed rate means a rate of \$15,000 per annum or such higher rate as the Minister may, by order, prescribe.

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

Pensions,
gratuities
and other
retiring
benefits.

8. The Institute may, with the approval of the Minister—

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

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

Funds of the
Institute.

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

- (a) such sums as may from time to time be placed at its disposition by Parliament; and
- (b) all other moneys and other property which may in any manner become payable to or vested in the Institute in respect of any matter incidental to its functions.

10.—(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 established accounting principles. Accounts and audit.

(2) The accounts of the Institute shall be audited annually by auditors appointed by the Institute and approved by the Minister.

(3) The financial year of the Institute shall end on the 31st day of December.

11.—(1) The Institute shall, within three months after the end of each financial year, or within such longer period as the Minister may in special circumstances allow, cause to be made, and transmit to the Minister a report dealing generally with the activities of the Institute during the preceding financial year. Annual report and estimates.

(2) The Minister shall cause copies of the report together with copies of the statement of accounts and the auditor's report thereon to be laid on the Table of the House of Representatives and of the Senate.

(3) The Institute shall, before a date specified by the Minister, submit to the Minister for his approval, estimates of revenue and expenditure for the ensuing year.

12. The Minister may make regulations generally for giving effect to the provisions of this Act, and without pre- Regulations.

judice to any such general power, may make regulations prescribing anything required to be prescribed by this Act.

**Exemption
from
customs
duty.
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13. No customs duty 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 and Excise to be required for the use of the Institute in the performance of its functions under this Act.

**Exemption
from
income tax,
stamp
duties and
transfer tax.**

14.—(1) The income of the Institute shall be exempt from income tax.

(2) The Institute shall be exempt from stamp duty on all instruments executed by it or on its behalf.

(3) There shall be exempt from taxation under the Transfer Tax Act any transfer by the Institute of property belonging to it or of any right or interest created in, over or otherwise with respect to any such property.

SCHEDULE

(Section 3)

1. The Institute shall consist of the Director-General and such additional directions not being less than six nor more than eight as the Minister may from time to time appoint. Constitution of Institute.
- 2.—(1) The directors shall be appointed by the Minister by instrument in writing. Appointment of Directors.
 - (2) A director other than the Director-General, shall, subject to the provisions of this Schedule, hold office for such period not being less than three nor more than five years, as the Minister may direct in the instrument appointing the director and each director shall be eligible for reappointment.
3. The Minister may appoint any person appearing to him to have the qualifications necessary for appointment to act temporarily in the place of any director in the case of the absence or inability to act of such director. Acting appointments.
4. Any director other than the Director-General may at any time resign his office by instrument in writing addressed to the Director-General who shall forthwith cause it to be forwarded to the Minister and upon the date of the receipt by the Minister of such instrument the director shall cease to hold office. Resignations.
5. The Minister may terminate the appointment of any person as Director-General or director if such person— Revocation of appointments.
 - (a) becomes of unsound mind or becomes permanently unable to perform his functions by reason of ill health;
 - (b) is convicted and sentenced to a term of imprisonment;
 - (c) fails without reasonable excuse to carry out any of the functions conferred or imposed on him under this Act; or
 - (d) engages in such activities as are reasonably considered prejudicial to the interest of the Institute.
6. The appointment, removal or resignation of any director shall be notified in the *Gazette*. Gazetting of appointments.
7. The Minister may, on the application of any director, grant leave of absence to such director. Leave of absence.
8. The Institute shall pay to the Director-General and each director such remuneration and allowances as the Minister may determine. Remuneration of directors.
- 9.—(1) The seal of the Institute shall be kept in the custody of the Director-General or of any officer of the Institute authorized by the Institute in that behalf, and shall be affixed to instruments pursuant to a resolution of the Institute, in the presence of the Director-General or any other director authorized to act in that behalf, and the secretary thereof. Seal and execution of documents.
 - (2) The seal of the Institute shall be authenticated by the signature of 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 Director-General or any other director or officer of the Institute authorized to act in that behalf.

**Procedure
and
meetings.**

10.—(1) The Institute shall meet as often 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 Director-General may at any time call a special meeting of the Institute, and shall call a special meeting to be held within seven days of a written request for the purpose addressed to him by any two directors.

(3) The Director-General shall preside at meetings of the Institute, and if the Director-General is absent from a meeting the directors present shall elect one of their number to preside at the meeting.

(4) The quorum of the Institute shall be three.

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

(6) Subject to the provisions of this Schedule the Institute may regulate its own proceedings.

**Disclosure
of interest.**

11. A director who is directly or indirectly interested in any matter which is being dealt with by the Institute—

- (a) shall disclose the nature of his interest at a meeting of the Institute; and
- (b) shall not take part in any deliberation or decision of the Institute with respect to that matter.

**Office of
director,
other than
Director-
General,
not public
office.**

12. The office of a director, other than the Director-General, shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

**Protection
of Institute.**

13. No act done or proceeding taken under this Act shall be questioned on the ground—

- (a) of the existence of any vacancy in the directorship of, or any defect in the constitution of the Institute; or

(b) of any omission, defect or irregularity not affecting the merits of the case.

14.—(1) No action, suit or other proceeding shall be brought or instituted personally against any director in respect of any act done *bona fide* in the course of carrying out the provisions of this Act. Protection of directors.

(2) Where any director 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 that director were a servant or agent of the Institute.