

JAMAICA

No. 8 – 2021

I assent,

[L.S.]

Sgd. P. L. Allen
Governor-General.

5th day of May 2021

AN ACT to Validate and confirm all acts in relation to the winding up of the Tobacco Industry Control Authority including the divestment of assets, entering into contracts and the payment of redundancy to officers and servants, done in good faith and inadvertent as to the absence of statutory authority, by the Tobacco Industry Control Authority and other persons in the exercise of the functions of the Tobacco Industry Control Authority during the period November 21, 1983 and ending on the date of the coming into operation of the Tobacco Industry Regulation (Validation and Indemnity) (Repeal) Act, 2021; to indemnify persons against liability arising out of their carrying out of such acts; to repeal the Tobacco Industry Regulation Act; and for connected matters.

WHEREAS Cabinet by Decision Number 44/83 dated November 21, 1983 gave approval for—

- (a) the repeal of the Tobacco Industry Regulation Act and the divestment of the assets of the Tobacco Industry Control Authority by way of sale to a consortium of companies; and

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- (b) the negotiation and completion of the sale of the assets of the Tobacco Industry Control Authority to be placed under the responsibility of the Government Divestment Committee:

AND WHEREAS by Decision Number 41/85 dated December 2, 1985, Cabinet gave approval for, among other things, the redundancy of officers and servants of the Tobacco Industry Control Authority and the payment of redundancies to such officers and servants from the net proceeds of tobacco stocks, machinery, fixtures and equipment:

AND WHEREAS, NOTWITHSTANDING the decision of Cabinet dated November 21, 1983, the Tobacco Industry Control Authority was wound up and the operations of the entity ceased in the absence of a repeal of the Tobacco Industry Regulation Act:

AND WHEREAS in the absence of the repeal of the Tobacco Industry Regulation Act, Cabinet by a decision dated June 4, 2018, approved the closure of the Tobacco Industry Control Authority and thereafter by Cabinet Decision Number 32/19 dated October 7, 2019, Cabinet approved the repeal of the Tobacco Industry Regulation Act:

AND WHEREAS it is desirable to validate and confirm as lawful the acts of the Tobacco Industry Control Authority and other persons acting in support of the entity in relation to the divestment, redundancy and winding up of the Tobacco Industry Control Authority:

[5th May 2021]

NOW, THEREFORE, 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:—

Short title. **1.** This Act may be cited as the Tobacco Industry Regulation (Validation and Indemnity) (Repeal) Act, 2021.

Interpretation. **2.** In this Act, "validation period" means the period commencing on November 21, 1983, and ending on the date of the coming into operation of the Tobacco Industry Regulation (Validation and Indemnity) (Repeal) Act, 2021.

3.—(1) Notwithstanding the provisions of the Tobacco Industry Regulation Act and any provision in any other enactment, all acts referred to in subsection (2), done by—

Validation
and
indemnity.

- (a) the Tobacco Industry Control Authority;
- (b) other persons acting in support of the Tobacco Industry Control Authority; and
- (c) the Government Divestment Committee,

in good faith and inadvertent as to their being without statutory authority, during the validation period, are hereby declared to have been validly, properly and lawfully done to all intents and purposes and with effect as if done in accordance with the Tobacco Industry Regulation Act and any other enactment.

(2) The acts referred to in subsection (1) are those done—

- (a) in the purported redundancy payment to officers and servants of the Tobacco Industry Control Authority;
- (b) in the purported divestment of assets and the purported payment of costs arising from the redundancy of officers and servants of the Tobacco Industry Control Authority; and
- (c) by the agents of the Tobacco Industry Control Authority and all other persons acting in connection with, or in support of those acts.

(3) Every person liable to be legally proceeded against on the ground that any of the acts referred to in subsection (2), though done in good faith, was unauthorised, unlawfully done, or otherwise illegal or improper, for any such reason, is freed, acquitted, discharged and indemnified as well as against The Queen's Most Excellent Majesty, Her Heirs and Successors as well as against all persons whatsoever, from liability.

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Repeal of
Tobacco
Industry
Regulation
Act.

4. The Tobacco Industry Regulation Act is repealed.

Passed in the Honourable House of Representatives this 13th day of April, 2021.

JULIET A. HOLNESS
Deputy Speaker.

Passed in the Honourable Senate this 23rd day of April, 2021.

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. Valrie A Custis
Clerk to the Houses of Parliament. Act