

JAMAICA

No. 6 – 2010

I assent,

[L.S.]

(sgd.) P. L. Allen

Governor-General.

March 22, 2010

AN ACT to Validate and confirm all acts or things done in good faith by the Jamaica Urban Transit Company Limited, as if exempt from the provisions of the Motor Vehicles Insurance (Third-Party Risks) Act by virtue of its establishment and maintenance of a self-insurance fund, from the 1st day of April, 2004 to the 20th day of November, 2008; and to discharge and indemnify the Jamaica Urban Transit Company Limited, its officers and all other persons against all consequential liability, actions and legal proceedings of any kind in respect of its operations as if exempt from the provisions of the Motor Vehicles Insurance (Third-Party Risks) Act.

WHEREAS section 14 (1) of the Public Passenger Transport (Kingston Metropolitan Transport Region) Act provides that the Minister may,

[No.] *The Public Passenger Transport (Kingston Metropolitan Transport Region) (Jamaica Urban Transit Company Limited Third-Party Insurance Scheme) (Validation and Indemnity) Act, 2010*

after considering any recommendation of the Public Passenger Transport (Kingston Metropolitan Transport Region) Board of Control, by order declare that a licensee under the Act be exempt from the provisions of the Motor Vehicles Insurance (Third-Party Risks) Act (hereinafter referred to as “the Act”):

AND WHEREAS that section further provides that any such order shall set out the conditions upon which the licensee shall establish and maintain an insurance fund for making good any liability arising from any risk against which the licensee would be required to insure under the Act:

AND WHEREAS an Order by the Minister prescribing such an exemption was only made on the 21st day of November, 2008:

AND WHEREAS the Jamaica Urban Transit Company Limited from the 1st day of April, 2004 acting in good faith and with the approval of the Minister, has established and maintained a self-insurance fund under a third-party insurance scheme and has acted as if, by virtue of that scheme it was, exempt, from the provisions of the Act notwithstanding that an exemption Order under the abovementioned section 14 was not made:

AND WHEREAS it is desirable to validate and confirm all acts or things done in good faith by the Jamaica Urban Transit Company Limited, its officers and all other persons during the period commencing the 1st day of April, 2004 and ending the 20th day of November, 2008 as if the Jamaica Urban Transit Company Limited were exempt from the provisions of the Act:

[March 23, 2010]

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 Public Passenger Transport (Kingston Metropolitan Transport Region) (Jamaica Urban Transit Company Limited Third-Party Insurance Scheme) (Validation and Indemnity) Act, 2010.

2.—(1) Notwithstanding anything to the contrary, every act or thing done in good faith by the Jamaica Urban Transit Company Limited (hereinafter referred to as “the Company”) or any other person, during the period commencing the 1st day of April, 2004 and ending the 20th day of November, 2008—

Validation
of operation
and indem-
nity.

- (a) as if the Company were exempt from the provisions of the Motor Vehicles Insurance (Third-Party Risks) Act by virtue of its establishment and maintenance of a self-insurance fund under a third-party insurance scheme during that period; and
- (b) without the authority for such exemption having been made by an Order under section 14(1) of the Public Passenger Transport (Kingston Metropolitan Transport Region) Act,

shall, notwithstanding the absence of such an Order, be deemed to have been lawfully done to all intents and purposes and with the like effect as if such an Order had been in operation.

(2) The Company and every person acting on behalf of the Company, in relation to the operation of the self-insurance fund, and every other person who is liable to be legally proceeded against on the ground that the operation of the Company as if exempt from the provisions of the Motor Vehicles Insurance (Third-Party Risks) Act, was without proper authority, are hereby freed, acquitted, discharged and indemnified as well against The Queen’s Most Gracious Majesty, Her Heirs and Successors as well as against all other persons whatsoever, from all legal proceedings of any kind in respect of or consequent on such operation.

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[No.] *The Public Passenger Transport (Kingston Metropolitan
Transport Region) (Jamaica Urban Transit Company Limited
Third-Party Insurance Scheme) (Validation and Indemnity) Act, 2010*

Passed in the House of Representatives this 23rd day of February, 2010.

DELROY CHUCK
Speaker.

Passed in the Senate this 12th day of March, 2010.

OSWALD G. HARDING, O.J., C.D., Q.C.
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.*

Clerk to the Houses of Parliament.