

# Planning Institute of Jamaica Act

## ARRANGEMENT OF SECTIONS Act 2 of 1984.

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### **1. Short title.**

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

### **2. Interpretation.**

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.

### **3. Establishment and constitution of Institute.**

3. (1) There is hereby established a body to be called Planning Institute of Jamaica which shall be a body corporate to which the provisions of section 28 of the Interpretation Act shall Apply.
- (2) The provisions of the schedule shall have effect as to the constitution of the Institute and otherwise in relation thereto.

### **4. Function of the Institute.**

4. (1) The function 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;
- (f) maintaining a national socio-economic reference library; and
- (g) managing technical corporation 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. Policy directions.**

5. (1) The Minister may, after consultation with the Director-General give to the Institute such direction of a general character as to the policy to 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.

(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 time as he may reasonably require.

#### **6. Power of Institute to delegate functions.**

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.

(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. Appointment of Director-General and other officers and servants.**

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

(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 qualification 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.

## **8. 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.

## **9. 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. Accounts and audit.**

10. (1) The Institute shall keep accounts and other records in relation to its business, and shall prepare annually a statement of account in a form

satisfactory to the Minister, being a form which shall conform with established accounting principles.

(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. Annual report and estimates.**

11. (1) The Institute shall, within three months after the end of each financial year, or within such longer periods 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.

(2) The Minister shall cause copies of the report together with the copies of the statement of account and the auditor's report thereon to be laid on the Table of the house of Representative 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. Regulations.**

12. The Minister may make regulations generally for giving effect to provisions of this Act, and without prejudice to any general power, may make regulations prescribing anything required to be prescribed by this Act.

#### **13. Exemption from customs duty.**

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.

#### **14. 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 exempted from stamp duty on all instruments executed by it or on its behalf.

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

### **SCHEDULE (Section 3)**

1. The Institute shall consist of the Director-General and such additional directors not being less than six nor more than eight as the Minister may from time to time appoint.

2. (1) The directors shall be appointed by minister by instrument in writing

(2) The directors 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 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.

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 receipt by the Minister of such instrument the directors shall cease to hold office.

5. The minister may terminate the appointment of any person as Director-General or director if such person -

(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**.

7. The Minister may, on the application do any director, grant leave of absence to such director.

8. The Institute shall pay the Director-General and each director such remuneration and allowances as the Minister may determine.

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 instrument 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.

(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 decision 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.

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 tow 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 provision in this Schedule the Institute may regulate its own proceedings.

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.

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

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 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 provision of this Act.

(2) Where any director is exempt from liability by reason only of the provision 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.