

THE APPRENTICESHIP ACT

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SCHEDULE

THE APPRENTICESHIP ACT

Laws
55 of 1954,
26 of 1957,
Act
1 of 1979
1st Sch.

[23rd June, 1955.]

1. This Act may be cited as the Apprenticeship Act.

Short title.

Preliminary

2. In this Act, unless the context otherwise requires—
- “apprentice” means a person employed under a contract of apprenticeship;
- “apprenticeship order” means an apprenticeship order made in accordance with section 5;
- “the Board” means the Apprenticeship Board established in accordance with section 3;
- “contract of apprenticeship” means an agreement whether originally expressed in writing or not made between an employer and a worker, or between an employer and a worker and the parent or guardian of the worker, whereby the employer agrees to teach and the worker agrees to learn any trade in which the employer is engaged;
- “functions” includes powers and duties;
- “prescribed trade” means any trade specified in an apprenticeship order;
- “registered contract” means a contract of apprenticeship registered in accordance with section 9;
- “trade” includes any trade, craft, business or calling requiring the application of practical skill;

Interpretation.

“the Tribunal” means the Apprenticeship Appeal Tribunal established in accordance with section 24.

Establishment and Functions of Apprenticeship Board

Apprenticeship Board.

3.—(1) For the purposes of this Act there shall be established a Board to be known as the Apprenticeship Board.

Schedule Part I.

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

(3) The Board shall be a body corporate having perpetual succession and a common seal, with power to purchase, take hold and dispose of land and other property of whatever kind for the purposes of this Act.

(4) The Board may sue and be sued in their corporate name and may for all purposes be described by such name.

(5) The seal of the Board shall be authenticated in the manner described in Part I of the Schedule and shall be officially and judicially noticed.

Functions of Board.

4. Without prejudice to the powers conferred upon the Board by the succeeding provisions of this Act, it shall be the function of the Board—

- (a) to estimate the number of apprentices required to be trained from time to time in particular trades to ensure that sufficient skilled workmen will be available to satisfy the requirements of industry;
- (b) to recommend to the appropriate authorities and organizations that such steps should be taken as seem desirable to ensure that young persons are guided into suitable vocations and that there are sufficient skilled workmen to satisfy the requirements of industry;

- (c) to establish and recommend standards of training for apprentices; and
- (d) to recommend to the appropriate authorities and organizations the taking of such other steps (whether similar to the foregoing or not) in relation to the apprenticeship of workmen as seem to the Board desirable.

Apprenticeship Orders

5.—(1) Subject to the provisions of this section, the Board may from time to time as they shall think fit make apprenticeship orders regulating in respect of such trades as may be specified in such orders, all or any of the following matters—

Power of Board to make apprenticeship orders.

- (a) the minimum age at which any person may be employed as an apprentice;
- (b) the standard of education which a person shall be required to attain for employment as an apprentice;
- (c) the system of theoretical and practical instruction to be adopted for the training of apprentices;
- (d) the grant to apprentices of vacation, sick and study leave;
- (e) the probationary period to be served by apprentices;
- (f) the period of apprenticeship;
- (g) the minimum rates of pay and the allowances for subsistence and travelling to be paid to apprentices;
- (h) the maximum hours of work for apprentices;
- (i) the establishment of compulsory savings funds for apprentices, the contributions to be paid thereto by apprentices, and the application thereof;

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- (j) the establishment of a system of bonus payments to apprentices, and the conditions subject to which apprentices will be qualified to receive such payments; and
- (k) the returns and reports to be furnished, and the records to be kept by employers of apprentices, and different provisions in respect of the same trade may be made in relation to different industries.

(2) Before making an apprenticeship order the Board shall consult such representatives of employers, skilled workmen and apprentices as they may deem to be concerned and shall afford to such representatives an opportunity of making objections to or representations in respect of the proposed order and of submitting evidence (whether orally or in writing) in support of such objections or representations.

(3) An apprenticeship order shall not take effect until it has been approved by the Minister who may alter, amend or add to such order.

(4) The Board may at any time amend or revoke an apprenticeship order and the provisions of subsections (2) and (3) shall apply with respect to the amendment or revocation of an apprenticeship order as they apply with respect to the making of such order.

Contracts of apprenticeship to be subject to apprenticeship orders.

6. Where the Board make an apprenticeship order all contracts of apprenticeship in respect of each trade specified in the order, whether subsisting at the date of the coming into force of the order or entered into after such date shall, subject to the provisions of this section, be deemed to be subject to the provisions of the order and any amendment thereof or substitution therefor, and shall be deemed to be modified accordingly:

Provided that any party to any such contract of apprenticeship may at any time apply to the Board for a modification of an apprenticeship order in so far as it affects the contract of apprenticeship and the Board may make such modification of the order in relation to such contract as they think fit or may exclude that contract from the operation of the order.

Contracts of Apprenticeship

7.—(1) Every contract of apprenticeship entered into after the coming into force of this Act shall be in writing and shall be signed by the employer and the apprentice and if the apprentice is under the age of eighteen years by his parent or guardian (if any).

Formalities
as to con-
tracts of
apprentice-
ship.
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(2) Every contract of apprenticeship subsisting at the date of the coming into force of this Act shall, if it is not already in writing and signed as aforesaid, be forthwith reduced into writing and so signed.

(3) Where a body corporate is a party to any contract of apprenticeship the contract need not be under seal but may be signed on behalf of the corporation by such person or persons as by law are authorized to sign contracts in writing of the corporation not being contracts under seal.

(4) Notwithstanding anything in the Stamp Duty Act no stamp duty shall be payable on a contract of apprenticeship entered into after the coming into force of this Act.

8. From and after the coming into force of this Act no person shall, except in accordance with the provisions of subsection (1) of section 10 or of subsection (2) of section 11, employ an apprentice in any prescribed trade unless a contract of apprenticeship relating to that apprentice has

Restriction
on employ-
ment of
apprentices.

been registered by the Board in accordance with the provisions of this Act.

Registration
of contracts
of appren-
ticeship.

9.—(1) Every employer upon entering into a contract of apprenticeship in respect of any prescribed trade shall transmit the contract to the Board for registration.

(2) The Board may register such contract, or may refuse to register it if in their opinion the employer will not be able to provide adequate facilities for the training of the apprentice or the contract does not comply with the provisions of this Act or of any apprenticeship order.

(3) Where the Board decide to register a contract of apprenticeship they shall cause to be recorded in a register to be kept for the purpose such particulars of the contract as they may determine and shall endorse on the contract a note of its registration.

(4) Whenever the Board refuse to register a contract of apprenticeship they shall forthwith inform the parties thereto by notice in writing of their refusal and the grounds therefor.

(5) A contract of apprenticeship which is required to be registered under this section shall not confer or impose any rights or obligations on the parties thereto until it has been registered by the Board in accordance with the provisions of this Act.

Registration
of subsisting
contract of
apprentice-
ship.

10.—(1) A person employing an apprentice in any trade which becomes a prescribed trade after the employment of the apprentice commenced may continue to employ the apprentice in such trade notwithstanding that the contract of apprenticeship is not a registered contract.

(2) In any such case the employer shall forthwith upon the trade becoming a prescribed trade transmit the

contract of apprenticeship to the Board who shall record it in the manner provided in subsection (3) of section 9.

11.—(1) Any person affected by the refusal of the Board to register a contract of apprenticeship under section 9 may appeal in the prescribed manner to the Tribunal whose decision shall be final and conclusive.

Appeals
from refusal
to register
contract.

(2) In any case where an appeal has been lodged against a refusal to register a contract of apprenticeship the Board may if they think fit, on application, grant a permit in the prescribed form for the employment of the worker in accordance with the contract pending the decision of the Tribunal.

12.—(1) Subject to the provisions of this section—

- (a) an apprentice who is a party to a registered contract shall be bound thereby throughout its currency notwithstanding that the apprentice may have attained the age of eighteen years;
- (b) a parent or guardian of an apprentice who is a party to a registered contract shall be bound thereby until the apprentice attains the age of eighteen years and no longer.

Binding
effect of
registered
contract.
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1st Sch.

(2) At any time during the period of probation prescribed by a registered contract, the contract may be cancelled by the employer or by the apprentice where the apprentice has attained the age of eighteen years, or by the apprentice and his parent or guardian (if any) where the apprentice is under the age of eighteen years.

(3) A registered contract may be cancelled by the Board at any time upon the application of the employer or of the apprentice where the apprentice has attained the age of eighteen years, or of the apprentice and his

parent or guardian (if any) where the apprentice is under the age of eighteen years:

Provided that where any party to such contract notifies the Board that he objects to the cancellation of the contract the Board shall not cancel the contract without affording to that party, or to any person chosen by him to represent his views, an opportunity to be heard.

Suspension
and
discharge
of appren-
tices for
misconduct,
etc.

13.—(1) In any case where an apprentice who is a party to a registered contract so misconducts himself or proves himself to be so incapable that if he were an employee other than an apprentice it would be reasonable for his employer to discharge him, the employer may suspend him and apply to the Board for leave to discharge him.

(2) Every such application shall be made within three days after the apprentice is so suspended and where such application is duly made the employer may withhold any wages accruing due to the apprentice in respect of the period of suspension.

(3) The Board shall consider the application after giving the employer, the apprentice and his parent or guardian (if any) an opportunity to be heard and may grant or refuse leave to discharge the apprentice. If for the purposes of such hearing the person to whom the opportunity is afforded so desires, the like opportunity shall be afforded to a person chosen by him to represent his views.

(4) Where any such leave is granted the employer shall be entitled to discharge the apprentice as from the date on which he was suspended and in any such case the contract of apprenticeship shall be deemed to be cancelled.

(5) Where leave as aforesaid is refused the Board may make such order as they think fit as to payment of

wages to the apprentice in respect of the period of his suspension. If no such order is made the employer shall pay to the apprentice all wages that would have been payable to him in respect of the period of suspension had he not been suspended.

(6) The employer or the apprentice may within seven days after the Board have granted or refused leave to discharge the apprentice appeal in the prescribed manner to the Tribunal, whose decision shall be final and conclusive.

(7) If the employer, notwithstanding that leave to discharge the apprentice has been refused by the Board or, in the case of appeal, by the Tribunal, discharges the apprentice such discharge shall for all purposes be conclusive proof of a breach by the employer of the contract of apprenticeship.

(8) If the Tribunal in determining any appeal as aforesaid decide in favour of the apprentice they may fix an amount which shall be payable to the apprentice as damages for breach of the contract of apprenticeship in the event of the employer discharging him contrary to the determination of the Tribunal, or the Tribunal may in lieu of fixing such amount grant leave to the apprentice to make to the Tribunal *ex parte* an application for the fixing thereof in the event of the employer discharging the apprentice contrary to the determination of the Tribunal. Any such amount shall be in addition to the amount of wages payable in respect of the period of suspension.

(9) The amount (if any) so fixed by the Tribunal shall in the event of the apprentice being unlawfully discharged constitute a civil debt to the apprentice by the employer and may be recovered in the Resident Magistrate's Court.

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(10) Where an employer without proceeding in accordance with the foregoing provisions of this section discharges or purports to discharge an apprentice or having suspended him does not within three days thereafter make application as aforesaid for leave to discharge him the apprentice may within seven days after discharge or within ten days after the suspension, as the case may be, apply to the Board for relief from the discharge or suspension and thereupon the provisions of this section shall apply in like manner as if the employer had proceeded in accordance with subsection (1).

Transfer of Apprentices employed under Registered Contracts

Transfer of apprentices on application.

14.—(1) Any employer under a registered contract may make application to the Board for the transfer of an apprentice from himself to another employer in the same trade who is willing and able to undertake the obligations of the first mentioned employer.

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(2) Any apprentice under a registered contract or the parent or guardian of any such apprentice under the age of eighteen years may make application to the Board for the transfer of the apprentice from his employer to another employer in the same trade who is willing and able to undertake the obligations of the original employer.

(3) The Board may in their discretion grant or refuse permission for a transfer applied for under this section and where they have granted permission for such transfer shall endorse a note of the transfer on the contract.

(4) After the expiration of fourteen days from the granting of permission to transfer an apprentice under this section the name of the new employer shall be deemed

to be substituted in the registered contract for that of the former employer and the contract shall continue in all respects as if the new employer had been an original party to the contract but the former employer shall thereupon cease to have any further rights or obligations under the contract.

15.—(1) In any case where the Board consider that an employer under a registered contract is not able to give adequate training to an apprentice the Board, with the consent of the apprentice and (where the apprentice is under the age of eighteen years) of his parent or guardian (if any), may transfer the apprentice to another employer in the same trade who is willing and able to undertake the obligations of the original employer and upon so doing shall endorse a note of the transfer on the registered contract.

Transfer of apprentices.

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1st Sch.

(2) The provisions of subsection (4) of section 14 shall apply with respect to the transfer of an apprentice under this section as they apply with respect to the transfer of an apprentice under that section.

16. Any person affected by a decision of the Board to transfer or to refuse to transfer an apprentice under the foregoing provisions of this Act may in such manner and within such time as may be prescribed appeal to the Tribunal whose decision shall be final and conclusive.

Appeals in respect of transfers of apprentices.

Miscellaneous

17. The termination of a registered contract prior to the expiry of any period of probation prescribed by the contract and the termination thereof by agreement of the parties or by discharge of the apprentice for good cause and every transfer of an apprentice shall be notified to

Notification of termination, etc., of registered contracts.

the Board by the employer in the prescribed manner and within the prescribed time.

Receipt of premiums prohibited.
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S. 3.

18. No employer of an apprentice in any prescribed trade shall receive directly or indirectly from him or on his behalf or on his account any payment by way of premium.

Certificate of service on discharge of apprentice.

19.—(1) Whenever for any reason (including the completion of his contract of apprenticeship) an apprentice under a registered contract ceases to be employed by his employer, it shall be the duty of the employer to supply to the Board a statement in the prescribed form setting forth particulars of the service of the apprentice.

(2) The Board shall forthwith endorse a note of the termination on the registered contract and on every copy thereof submitted to them for that purpose by any of the parties to the contract.

Certificate of completion of apprenticeship.

20. On being satisfied that an apprentice has duly completed his apprenticeship under a registered contract the Board shall supply to the apprentice a certificate in the prescribed form that the apprentice has duly completed his apprenticeship.

Copy of apprenticeship orders to be exhibited.

21. In every case where an apprentice under a registered contract is employed in any premises the employer shall affix and keep affixed in some conspicuous place in the premises where it may be easily read by the apprentice a copy of all apprenticeship orders relating to the trade in which he is engaged.

Offences.
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S. 4.

22. Any person who contravenes any of the provisions of section 8, subsection (1) of section 9, subsection (2) of section 10 or sections 17, 18 and 21 shall be guilty of an offence against this Act and on summary conviction thereof

before a Resident Magistrate shall be liable to a fine not exceeding one hundred dollars and in default of payment thereof to imprisonment for a term not exceeding six months and where the offence is a continuing offence to a further fine not exceeding ten dollars for each day during which the offence continues and in default of payment thereof to a further term of imprisonment with or without hard labour not exceeding one month.

Supplementary

23.—(1) The Minister may, after consultation with the Board, from time to time by order appoint, in relation to such areas as may be specified in the order, Apprenticeship Committees for the purposes of this Act.

Apprentice-
ship Com-
mittee.

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

Schedule
Part II.

(3) Subject to the provisions of subsection (4), it shall be lawful for an Apprenticeship Committee to exercise on behalf of the Board, in relation to the area for which it is appointed any of the functions of the Board under sections 8, 9, 10, 11, 12, 13, 14, 15 and 16.

(4) Where in the exercise of any such function an Apprenticeship Committee is required by the Board or by any person directly affected by the exercise of the function to refer any question to the Board, the Apprenticeship Committee shall refer such question to the Board and shall act in accordance with the directions of the Board thereon and not otherwise.

(5) The exercise of any function by an Apprenticeship Committee on behalf of the Board shall for the purposes of appeal under sections 11, 13 and 16 be deemed to be an exercise of that function by the Board.

Apprentice-
ship Appeal
Tribunal.

24.—(1) For the purpose of hearing and determining appeals pursuant to sections 11, 13 and 16 there shall be established an Apprenticeship Appeal Tribunal which shall consist of a chairman who shall be a member of the Bar of Jamaica, England, Northern Ireland or Scotland and two other members.

(2) The chairman and other members of the Tribunal shall be appointed by the Minister and shall, subject to the provisions of subsection (4), hold office for such period not exceeding two years as the Minister may determine, but shall be eligible for reappointment.

(3) The Minister may appoint any person to act in the place of the chairman or any other member of the Tribunal in the case of the absence or inability to act of the chairman or other member.

(4) The chairman or any member of the Tribunal 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 the receipt of such instrument by the Minister.

(5) The names of all members of the Tribunal as first established and every change in the membership thereof shall be published in the *Gazette*.

(6) The Tribunal may make rules regulating the procedure to be followed upon appeals to the Tribunal.

(7) There shall be paid to the chairman and members of the Tribunal and to any person acting in the place of the chairman or a member of the Tribunal such, if any, remuneration and allowances as the Minister may determine.

25. Any party to any proceedings before the Tribunal may appear by Counsel or a Trade Union Representative.

Appearance
by Counsel,
etc.

26.—(1) The Board may make regulations for giving further and better effect to the provisions of this Act and for prescribing anything to be prescribed under this Act.

Regulations.

(2) Regulations made under this section shall not come into effect until they have been approved by the Minister who may alter, amend or add to such regulations.

27. Nothing in this Act shall be deemed to affect the provisions of section 174 of the Bankruptcy Act (relating to the discharge of a contract of apprenticeship on the bankruptcy of the employer and the preferential allowance thereon).

Savings.

(Section
3 (2))

SCHEDULE

PART I. *Constitution, Procedure, Officers and Servants of the Board*

1. The Board shall consist of nine members.

2.—(1) The members of the Board shall be appointed by the Minister, so, however, that—

- (a) three members shall be persons appearing to the Minister to represent the interests of employers of skilled workmen; and
- (b) three members shall be persons appearing to him to represent the interests of skilled workmen; and
- (c) of the remaining members one shall be an officer of the Ministry of Labour nominated by the Minister responsible for labour, one shall be an officer of the Ministry of Education nominated by the Minister responsible for education and the other shall be a fit and proper person not falling within any of the aforesaid categories.

(2) The Minister shall appoint a member of the Board who is not appointed as representative of employers of skilled workmen or as representative of skilled workmen to be chairman of the Board.

3.—(1) The chairman and other members of the Board shall, subject to the provisions of this paragraph, hold office for a period of three years and shall subject to the requirements of sub-paragraph (1) of paragraph 2 be eligible for reappointment at the expiration of such period.

(2) The Minister may at any time if he shall think fit terminate the appointment of the chairman or any member of the Board.

(3) The chairman or any member of the Board may at any time resign his appointment by notice in writing served on the Minister.

(4) Upon the termination of the appointment of the chairman, or upon his resignation, he shall cease to be a member of the Board.

4. The Minister may appoint—

- (a) any person other than a person appearing to him to be representative either of employers of skilled workmen or of skilled workmen, to act as chairman of the Board in the absence or inability to act of the chairman; and
- (b) any person, being a person appearing to him to be representative of employers of skilled workmen, to act in the place of any member of the Board appointed as representative of employers of skilled workmen, in the absence or inability to act of such member; and
- (c) any person, being a person appearing to him to be representative of skilled workmen, to act in the place of any member of the Board appointed as representative of skilled workmen, in the absence or inability to act of such member.

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

6. The seal of the Board shall be authenticated by the signatures of the chairman and an officer of the Board authorized by the Board to act in that behalf.

7. The Board shall meet as often as may be necessary or expedient for the transaction of business and such meetings shall be held at such time and place and on such days as the Board may determine.

8. The chairman may at any time call a special meeting of the Board, and shall call a special meeting within seven days of a requisition for that purpose addressed to him by any two members of the Board.

9. The chairman shall preside at all meetings of the Board at which he is present, and in the case of his temporary absence the members present and constituting a quorum shall elect a chairman from amongst their number.

10. The quorum of the Board at any meeting shall be such number as may be prescribed by the Board by regulations made in accordance with section 26 of the Act.

11. The decisions of the Board shall be by the majority of votes of members present and voting, and in any case in which the voting is equal the chairman shall have an additional or casting vote.

12. Minutes in proper form of each meeting shall be kept by the secretary and shall be confirmed by the chairman at the next succeeding meeting.

13. The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

14. The validity of any proceeding of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member or of the chairman thereof.

15. No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

16. Subject to the provisions of this Schedule, the Board shall have power to regulate their own proceedings and may delegate to any member of the Board or committee of members of the Board the power and authority to carry out on behalf of the Board such duties as may be determined by the Board:

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Provided that this paragraph shall not be deemed to confer upon the Board the power to delegate the function of making apprenticeship orders or regulations.

17. The Governor-General may appoint a secretary and such officers and servants of the Board as he may consider expedient for securing the proper discharge of the functions of the Board under this Act.

18. The chairman, members and officers and servants of the Board may be paid such remuneration, if any (whether by way of salaries, fees or travelling or other allowances), as the Minister with the approval of the House of Representatives may determine and such remuneration shall be defrayed from the Consolidated Fund.

(Section
23 (2))

PART II

Constitution and Procedure of Apprenticeship Committees

19. Each Apprenticeship Committee shall consist of seven members.

20. (1) The members of each Apprenticeship Committee shall be appointed by the Minister, so, however, that three of such members shall be appointed from amongst persons appearing to the Minister to be representative of employers of skilled workmen, and three of the remaining members shall be appointed from amongst persons appearing to him to be representative of skilled workmen.

(2) The Minister shall appoint the member of an Apprenticeship Committee who is not appointed as a representative of either employers of skilled workmen or of skilled workmen to be the chairman of the Committee.

21. (1) The chairman and members of an Apprenticeship Committee shall, subject to the provisions of this paragraph, hold office for a period of three years and shall, without prejudice to the requirements of sub-paragraph (1) of paragraph 20, be eligible for reappointment at the end of that period.

(2) The Minister may at any time terminate the appointment of the chairman or of any member of an Apprenticeship Committee.

(3) The chairman or any member of an Apprenticeship Committee may at any time resign his appointment by notice in writing addressed to the Minister.

22. The Minister may appoint—

- (a) any person other than a person appearing to him to be representative either of employers of skilled workmen or of skilled workmen to act as chairman of an Apprenticeship Committee in the absence or inability to act of the chairman; and
- (b) any person, being a person appearing to him to be representative of employers of skilled workmen, to act in the place

of any member of the Committee appointed as representative of employers of skilled workmen during the absence or inability to act of such member; and

- (c) any person being a person appearing to him to be representative of skilled workmen to act in the place of any member of the Committee appointed as representative of skilled workmen in the absence or inability to act of such member.

23. The acts of an Apprenticeship Committee shall be authenticated by the signature of the chairman of the Committee.

24. The quorum of an Apprenticeship Committee shall be such number as may be prescribed by the Board by regulations made under section 26 of the Act.

25. The provisions of paragraphs 5, 7, 8, 9, 11, 12, 14, 15 and 18 shall with necessary modifications apply in relation to apprenticeship Committees as they apply in relation to the Board.