

THE ARCHIVES ACT

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SCHEDULE

THE ARCHIVES ACT

[18th January, 1983.]

Act
20 of 1982.

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

Short title.

2. In this Act—

Interpre-
tation.

“archives” means all official records no longer in current use and adjudged by the Committee to be worthy of permanent preservation in the Jamaica Archives for reference and historical purposes;

“Committee” means the Archives Advisory Committee established under section 3;

“Jamaica Archives” means the office known as the Jamaica Archives established under section 4;

“official records” means all papers, documents, records, registers, printed material, maps, plans, drawings, photographs, microfilms, cinematograph films and sound recordings of any kind whatever, officially received or produced by any public organization for the conduct of its affairs or by any officer or employee of a public organization in the course of his official duties.

“public organization” means any ministry, department, commission, committee, board, corporation, agency or other organization of the Government of Jamaica or a local government authority.

3.—(1) For the purposes of this Act there is hereby established a body to be known as the Archives Advisory Committee.

Establish-
ment and
functions of
Archives
Advisory
Committee.

Schedule.

(2) The provisions of the Schedule shall have effect with respect to the constitution and operations of the Committee and otherwise in relation thereto.

(3) The Committee shall, with a view to the proper carrying out of the provisions and objects of this Act, advise the Minister on any matter within its knowledge or on which the Minister may seek its advice.

Establishment of Jamaica Archives.

4.—(1) For the purposes of this Act there is hereby established an office to be known as the Jamaica Archives with as many branches as the Minister may deem necessary or convenient and in which shall be preserved such archives as are transferred there or acquired by the Archivist under the provisions of this Act.

(2) The Minister may from time to time, by order, direct that official records deposited in any particular place or custody specified in the order shall be under the charge and control of the Archivist.

(3) The provisions of this Act shall apply in relation to official records referred to in subsection (2) and their custody in the same way as if they had been placed under the charge and control of the Archivist by this Act.

Seal of the Jamaica Archives.

5. The Archivist shall cause to be prepared and shall keep and use a seal bearing the impression of the Arms of Jamaica, and having inscribed in the margin thereof the words "Office of the Jamaica Archives".

Appointment and functions of Archivist.

6.—(1) There shall be an Archivist for the purposes of this Act, who shall be a public officer.

(2) The Archivist shall be responsible for—

- (a) the custody, preservation, arrangement, repair and rehabilitation of archives;

- (b) such duplication and reproduction of archives as may be necessary or appropriate; and
- (c) the preparation and publication of inventories, indexes, catalogues and other finding-aides or guides facilitating the use of archives.

7.—(1) Subject to subsection (2), the Archivist, or any officer of the Jamaica Archives authorized by him, has the power to examine any official records which are in the custody of any public organization and to advise such organization as to the care, custody and control thereof.

Examination of official records and transfer of such records to the Jamaica Archives.

(2) Nothing in this section shall authorize the Archivist or any officer referred to in subsection (1), to examine any official record relating to matters which by Statute are forbidden to be communicated to him.

(3) Official records in the custody of any public organization shall be transferred periodically to the Jamaica Archives in accordance with regulations made under this Act.

8. The Archivist may require by gift, purchase or loan, all such original records, documents, books, and other historical material, of any nature whatsoever, or copies or replicas thereof, as he may think necessary or desirable to secure for the Jamaica Archives.

Acquisition of private records by Archivist.

9.—(1) Every person responsible for the custody of official records of any description which are not in the Jamaica Archives shall make arrangements for the selection of those records which ought to be permanently preserved and for their safe-keeping.

Acquisition of official records by Archivist.

(2) Every person required to make arrangements pursuant to subsection (1), shall do so under the guidance of the Archivist or any officer of the Jamaica Archives autho-

rized in that behalf by the Archivist and the Archivist shall be responsible for co-ordinating and supervising all action taken under this section.

(3) Subject to subsection (4), official records selected for permanent preservation under this section shall be transferred not later than thirty years after their creation to the Jamaica Archives.

(4) Official records may be retained in any public organization after the period stated in subsection (3) if, in the opinion of the person who is responsible for them, they ought to be retained for any special reason.

Access to
official
records.

10.—(1) Official records in the Jamaica Archives shall not be available for public examination until they have been in existence for thirty years, or such longer or shorter period, as the Committee with the approval of the Minister may specify as respects any particular class of official records or any individual official record.

(2) Notwithstanding subsection (1), where it appears to the person responsible for any official records which have been selected for permanent preservation that they contain information which was obtained under such conditions that the opening of such records to the public after the period prescribed under subsection (1), might constitute a breach of good faith on the part of the Government or on the part of the person who obtained the information, the person responsible for such records shall inform the Archivist accordingly and those records shall not be available in the Jamaica Archives for public inspection even after the expiration of the said period except in such circumstances and subject to such conditions, if any, as the Archivist after consultation with that person, may approve.

(3) Subject to the provisions of this section and of any other enactment which prohibits the disclosure of information obtained from the public, and subject to any

regulations made under this Act, the Archivist shall arrange that reasonable facilities are made available to the public for inspecting and obtaining copies of official records in the Jamaica Archives.

(4) Notwithstanding anything contained in this section, the Archivist may permit a person to inspect any records if he has obtained special authority in writing in that behalf, given by an officer of a public organization being an officer accepted by the Archivist as qualified to give such authority.

(5) Any person who fails to comply with any condition imposed pursuant to subsection (2), shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding twelve months.

11. Where the person in charge of any public organization notifies the Archivist in writing that any official record which was transferred from that organization to the Jamaica Archives is required for use in that organization, the Archivist shall, if he has the custody or control of that official record, make it available to that person, who shall return it to the Archivist as soon as it is no longer required by him for use.

Return of
official re-
cords to
public
organiza-
tions.

12.—(1) The exportation from Jamaica of any official record which relates to Jamaica and which has been certified by the Archivist to be of historical value is prohibited, except with the permission of the Minister given in accordance with subsection (2).

Restriction
on export
of official
records.

(2) The Minister may by memorandum in writing give permission for the export of an official record specified in the memorandum and may impose such conditions in relation thereto as the Minister thinks necessary or desirable.

(3) Any person who contravenes the provisions of subsection (1) or fails to comply with any condition imposed pursuant to subsection (2), shall be guilty of an offence and shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one thousand dollars or imprisonment for a term not exceeding twelve months.

Legal
validity
of official
records and
authentic-
ated copies.

13.—(1) The legal validity of any official record shall not be affected by its removal to or from the Jamaica Archives pursuant to any provisions of this Act.

(2) A copy or extract from an official record in the Jamaica Archives purporting to be examined and certified as true and authentic by the Archivist or by an officer of the Jamaica Archives authorized by the Archivist in that behalf and to be sealed or stamped with the seal of the Jamaica Archives shall be admissible as evidence in any proceedings without further or other proof thereof if the original record would have been admissible as evidence in those proceedings.

Rules and
regulations.

14. The Minister, on the recommendation of the Committee, may make rules and regulations generally for the better carrying out of the objects and purposes of this Act and, without prejudice to the generality of the foregoing, may make rules or regulations providing for—

- (a) the admission of the public to the Jamaica Archives and the inspection by the public of the Archives;
- (b) the transfer of any official records from the custody or control of any public organization to the Jamaica Archives;
- (c) the examination, disposal or destruction of any official records which are not of sufficient value to justify their permanent preservation in the Jamaica Archives or elsewhere; and

- (d) the fees which may be charged in respect of services provided to the public by the Jamaica Archives.

15.—(1) Official records presently classified as archives ^{Saving.} and permanently preserved as such shall be deemed to be in the custody and control of the Jamaica Archives.

(2) The Record Office (Archives) Rules, 1969 in force at the 18th day of January, 1983 shall apply to the Jamaica Archives as if made pursuant to this Act and such rules may be amended or revoked pursuant to section 14.

SCHEDULE

(Section 3)

Constitu-
tion of
Committee.

1.—(1) The Archives Advisory Committee shall consist of the following members—

- (a) the Keeper of the Records;
- (b) the Deputy Keeper of the Records;
- (c) the Registrar of the Supreme Court;
- (d) the Registrar of Titles;
- (e) the Archivist, who shall be secretary;
- (f) the Chief Architect in the Ministry of Construction (Works);
- (g) not more than ten members (hereinafter referred to as appointed members) appointed by the Minister, including one representative from each of the following organizations:—
 - (i) the Ministry responsible for the Public Service;
 - (ii) the Institute of Jamaica;
 - (iii) the University of the West Indies;
 - (iv) the Jamaica Historical Society;
 - (v) the National Council on Libraries, Archives and Documentation Services.

(2) The Minister shall appoint a chairman from among the members.

Tenure
of office
of appointed
members.

2.—(1) The appointment of every appointed member of the Committee shall be evidenced by an instrument in writing and such instrument shall state the period of office of the member which shall not exceed three years.

(2) Every appointed member of the Committee shall be eligible for reappointment.

(3) Notwithstanding anything to the contrary, the Minister may at any time revoke the appointment of any appointed member of the Committee.

Resignations.

3. Any appointed member of the Committee may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of the receipt by the Minister of such instrument, such member shall cease to be a member of the Committee.

Publication
of member-
ship.

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

Procedure
and
meetings.

5.—(1) The Committee shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall

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be held at such places and times and on such days as the Committee shall determine so, however, that the Committee shall meet not less than twice a year.

(2) The chairman may at any time call a special meeting of the Committee and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two members of the Committee.

(3) The chairman shall preside at all meetings of the Committee at which he is present and in the case of the absence or inability to act, at any meeting, of the chairman, the remaining members of the Committee present at the meeting and constituting a quorum shall elect one of their members to preside at that meeting, and when so presiding the chairman or the person elected as aforesaid, as the case may be, shall have a casting vote in addition to an original vote in any case in which the voting is equal.

(4) The quorum of the Committee shall be six or such greater number as may be fixed by the Committee.

(5) Subject to the provisions of this Schedule the Committee may regulate its own proceedings.

(6) The validity of any proceedings of the Committee shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

6. There may be paid to the chairman and other members of the Committee and to members of any sub-committee appointed under paragraph 8 such remuneration (whether by way of honorarium, salary or fees) and such allowances as the Minister may determine. Remuneration of members.

7. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Committee in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act. Protection of members of Committee.

8.—(1) The Committee may appoint sub-committees for any such general or special purposes with which the Committee may be concerned as in the opinion of the Committee would be better regulated and managed by means of a sub-committee. Appointment of sub-committees.

(2) The number of members of a sub-committee appointed under sub-paragraph (1), their functions and terms of appointment, the quorum of the sub-committee and the area, if any, within which the sub-committee is to exercise authority shall be determined by the Committee.

(3) A sub-committee appointed pursuant to this paragraph may include persons who are not members of the Committee.

(4) The provisions of paragraph 7 shall apply to a member of a sub-committee who is not a member of the Committee in like manner as they apply to a member of the Committee.

(5) The validity of the proceedings of a sub-committee appointed pursuant to this paragraph shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Delegation
of powers.

9.—(1) Subject to the provisions of this Act the Committee may, delegate to any member or a sub-committee of the Committee or to any of the officers or servants of the Jamaica Archives the power and authority to carry out such of its functions as the Committee may determine.

(2) Every delegation under this paragraph is revocable by the Committee and no delegation shall prevent the exercise by the Committee of any function delegated.