

THE NATIONAL FAMILY PLANNING ACT

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SCHEDULE

THE NATIONAL FAMILY PLANNING ACT

Acts
22 of 1970,
36 of 2017
Sch.

[14th August, 1970.]

1. This Act may be cited as the National Family Planning Act. Sho

2.—(1) In this Act—

Inter-
pretation.

“Board” means the National Family Planning Board established under this Act;

“chairman” means the chairman of the Board and includes any person appointed to act as chairman;

“functions” includes powers and duties.

3.—(1) There shall be established for the purposes of this Act a body to be called the National Family Planning Board, which shall be a body corporate to which the provisions of section 28 of the Interpretation Act, shall apply. Establish-
ment of
National
Family
Planning
Board.

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

4.—(1) The Board shall have power to prepare, carry out and promote the carrying out of family and population planning programmes in Jamaica and to act as the principal agency of Government for the allocation of financial assistance or grants to other bodies or persons engaged in the field of family and population planning in Jamaica. Functions of
the Board.

(2) Subject to the provisions of this Act the Board may, for the purpose of performing any of its functions under this Act, do anything and enter into any transaction

which, in the opinion of the Board, is necessary to ensure the proper performance of its functions.

(3) In particular, and without prejudice to the generality of the provisions of subsections (1) and (2), the Board may—

- (a) co-ordinate and, where it thinks necessary direct, the work of other bodies or persons in the field of family and population planning in order to ensure an effective and economical national effort;
- (b) undertake and promote research, and disseminate information, in relation to family and population planning;
- (c) arrange and participate in national and international courses, seminars and conferences in relation to family planning;
- (d) provide for sex education and encourage the development thereof;
- (e) collaborate with other bodies and persons in the preparation and carrying out of family life programmes;
- (f) operate and collaborate with Government and other bodies in operating clinics and other institutions concerned with maternity and child welfare and family and population planning.

and shall, upon his request furnish the Minister with information concerning family and population planning.

Policy
Directions.

5. The Minister may, after consultation with the chairman, give to the Board directions of a general character as to the policy to be followed in the performance of any of its functions in relation to matters appearing to him to concern the public interest, and the Board shall give effect to any such directions.

6. The funds and resources of the Board shall consist of— Funds and resources of the Board.

- (a) such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament;
- (b) such moneys and other property as the Board may receive as gifts;
- (c) all other moneys and other property which may in any manner become payable to, or vested in the Board in respect of any matter incidental to its functions.

7.—(1) The Board shall keep proper accounts and other records in relation to its business and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which shall conform with established accounting principles. Accounts and audit.

(2) The accounts of the Board shall be audited annually by an auditor or auditors appointed annually by the Board and approved by the Minister.

8.—(1) The Board shall, in each year—

- (a) on or before the 31st day of July, submit to the Minister a report of its activities during the twelve months ending on the 31st day of March in that year, including a statement of its accounts audited in accordance with the provisions of section 7;
- (b) on or before the 30th day of September, submit to the Minister for his approval its estimates of revenue and expenditure for the financial year commencing on the 1st day of April next following.

Annual reports and estimates.

(2) Copies of reports submitted pursuant to paragraph (a) of subsection (1) together with the annual statement of accounts and auditor's report thereon shall

be laid on the Tables of the House of Representatives and of the Senate and shall be published in the *Gazette*.

Exemption
from
import duties
and stamp
duty.
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Sch.

9.—(1) No customs duty or other similar impost (other than general consumption tax) shall be payable in respect of goods which the Commissioner of Customs is satisfied are imported into Jamaica for the use of the Board in the performance of its functions.

(2) All instruments executed by or on behalf of the Board shall be exempt from stamp duty.

Appoint-
ment of
chief
executive
officer,
secretary
and other
servants and
agents.

10.—(1) The Minister may, after consultation with the Board, appoint at such remuneration and on such terms and conditions as he thinks fit a chief executive officer.

(2) The chief executive officer shall be the principal officer of the Board and shall be responsible to the Board for the day to day administration of the business of the Board, for the provision of technical advice and guidance to the Board in relation to its policy and for the execution of such policy.

(3) Subject to the provisions of subsection (1) the Board may, after consultation with the chief executive officer, appoint and employ at such remuneration and on such terms and conditions as it thinks fit a secretary and such other officers, servants and agents as it thinks necessary for the proper performance of its functions.

(4) The Governor-General may, subject to such conditions as he may impose, approve of the appointment of any public officer in the service of Jamaica to any office with the Board and any public officer so appointed shall, 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.

11.—(1) Subject to the provisions of subsection (2) the Board may, with the approval of the Minister, make regulations generally for the better carrying out of the provisions of this Act. Regulations.

(2) It shall be lawful for the Board with the approval of the Minister responsible for the public service, to make regulations establishing schemes for pensions, gratuities and other retiring benefits in respect of the employees of the Board and such regulations may include provisions for the grant of benefits to the dependants or the legal personal representatives of such employees. L.N.
149B/79

SCHEDULE

(Section 3)

- Constitution of the Board.** 1. The Board shall consist of—
- (a) the chief executive officer appointed under section 10 of the Act; and
 - (b) not less than four nor more than eleven other members appointed by the Minister by instrument in writing.
- Appointment of members.** 2. The members of the Board other than the chief executive officer shall, subject to the provisions of this Schedule, hold office for such period not exceeding three years as the Minister may direct, but shall be eligible for reappointment.
- Chairman and vice-chairman.** 3. The Minister shall appoint one of the members of the Board to be the chairman thereof and another to be vice-chairman thereof.
- Leave of absence.** 4. The Minister may grant to any member of the Board leave of absence in respect of his duties as a member of the Board.
- Acting appointments.** 5. If the chairman or vice-chairman or any other member of the Board is absent or unable to act, the Minister may appoint any person to act in the place of such chairman, vice-chairman or other member.
- Resignation.** 6. (1) Any member of the Board, other than the chairman 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 Board.
- (2) The chairman 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 receipt by the Minister of such instrument.
- Revocation of appointments.** 7. The Minister may at any time revoke the appointment of any member of the Board if he thinks it expedient so to do.
- Gazetting of appointments.** 8. The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*.
- Seal, and execution of documents.** 9. (1) The seal of the Board shall be kept in the custody of the chairman or the secretary and shall be affixed to instruments pursuant to a resolution of the Board in the presence of the chairman, or any other member of the Board, and the secretary.
- (2) The seal of the Board shall be authenticated by the signatures of the chairman, or any other member authorized to act in that behalf, and the secretary.

(3) All documents other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hands of the chairman, or any other member authorized to act in that behalf, and the secretary.

10. (1) The Board shall meet at such times 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 Board may determine. Procedure and meetings.

(2) The chairman may at any time call a special meeting of the Board and shall call a special meeting within fourteen days of the receipt of a written requisition for that purpose addressed to him by any two members of the Board.

(3) The chairman, or in his absence the vice-chairman, shall preside at meetings of the Board, and in the case of the absence of both the chairman and the vice-chairman from a meeting the members present shall elect one of their number to preside at that meeting.

(4) The quorum of the Board shall be such number as the Minister may from time to time determine not being less than one-half the total number of members of the Board.

(5) The decisions of the Board shall be by a majority of votes, and in addition to an original vote the chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed as soon as practicable thereafter at a subsequent meeting.

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

11. (1) The Board may delegate to any member or committee thereof such of the functions of the Board, other than those specified in relation to the chief executive officer in section 10 of the Act, as the Board may decide. Power to delegate.

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

12. A member of the Board who is directly or indirectly interested in a contract made or proposed to be made by the Board— Disclosure of interest.

(a) shall disclose the nature of his interest at a meeting of the Board; and

(b) shall not take part in any deliberation or decision of the Board with respect to that contract.

Protection
of members.

13. (1) 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 operation of the Board.

(2) Where any member of the Board is exempt from liability by reason only of the provisions of this paragraph the Board shall be liable to the extent that it would be if the member was a servant or agent of the Board.

Remunera-
tion of
members.

14. There shall be paid from the funds of the Board to the chairman and other members of the Board such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Office of
member not
a public
office.

15. The office of chairman, vice-chairman or member of the Board shall not be a public office for the purpose of Chapter V of the Constitution of Jamaica.