

The River Rafting Act
[20 February 1970]

Regulation

ARRANGEMENT OF SECTIONS
Act 39 of 1969

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Schedule - (Section 3(2))

1. Short title.

1. This Act may be cited as the River Rafting Act.

2. Interpretation.

2. In this Act, unless the context otherwise requires -

"Authority" means the River Rafting Authority established by section 3;

"fund" means the fund mentioned in section 6;

"raft" includes a boat or other vessel;

"raftsman" means the person who steers a river raft or propels it manually;

"river raft" means a raft used or to be used for carrying passengers for reward on a river, not being a prescribed boat or vessel;

"river rafting" and "rafting" mean the use of any raft as a river raft.

3. Establishment of River Rafting Authority.

3. (1) There shall be established for the purposes of this Act a body to be called the River Rafting Authority.

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

4. Functions of Authority.

4. The functions of the Authority are -

(a) to regulate and control river rafting in Jamaica;

(b) to develop, within the limits of its resources, river rafting in Jamaica, and to, promote the efficient operation of river rafting in Jamaica;

(c) to offer, by way of trade or business, or to encourage others so to offer, any goods, equipment, entertainment, transportation, food, drink or service to patrons of river rafting, where it considers it is desirable so to do;

(d) to encourage, by such measures as it thinks fit, the attainment and maintenance of the highest standards of service by raftsmen and other persons who offer or provide by way of trade or business any goods, equipment, entertainment, transportation, food, drink or service to patrons of river rafting;

(e) to perform such other functions in relation to river rafting in Jamaica as the Minister may from time to time determine;

(f) to make all such enquiries and to collect all such information as it may think necessary or desirable for the purpose of carrying out its functions, and to examine, in consultation with such organizations and persons as it considers appropriate, problems affecting the operation of river rafting in Jamaica;

(g) generally to take all such other lawful measures as it may consider likely to assist it in carrying out most effectively the purposes of this Act.

5. Powers of Authority.

5. The Authority shall have power to do all such things as are in its opinion necessary for, or conducive to, the proper discharge of its functions.

6. Funds of Authority.

6. (1) The Authority shall maintain a fund -

(a) into which shall be paid -

(i) all such moneys as may from time to time be appropriated by Parliament for the purposes of this Act;

(ii) all moneys accruing to the Authority from any other source; and

(b) out of which shall be paid

(i) any fees, salaries, remuneration, allowances and expenses payable under this Act to members of the Authority or of any committee appointed by the Authority or to any officer, servant or agent of the Authority;

(ii) any expenses incurred by the Authority in the performance of its functions under this Act.

(2) The Authority shall keep proper accounts of the fund to the satisfaction of the Minister and such accounts shall be audited annually by the Auditor-General or by an auditor appointed by the Authority with the approval of the Minister.

7. Reports and estimates.

7. (1) The Authority shall, in each year and at such times as the Minister shall direct, prepare and forward to the Minister a report of its activities during the preceding financial year including a statement of its accounts, audited in accordance with section 6, and the Minister shall cause copies of such report, together with the auditor's report, to be laid on the Table of the House of Representatives and of the Senate.

(2) The Authority shall, before a date specified by the Minister, submit to the Minister for his approval estimates of revenue and expenditure for the ensuing financial year.

8. Power of Minister to issue general directions to Authority.

8. The Minister may, after consultation with the chairman of the Authority, give to the Authority directions of a general character as to the discharge and exercise of the functions of the Authority, and the Authority shall give effect thereto.

9. Regulations.

9. (1) The Authority may, with the approval of the Minister, make regulations for the better carrying out of the functions of the Authority and in particular (but without prejudice to the generality of the foregoing) such regulations may -

(a) make provision for prohibiting or suspending river rafting on any river, and for prohibiting, suspending or regulating the movement under way on any river or any raft;

(b) prescribe requirements as to the construction of, and accommodation and equipment on, river rafts, the safety devices to be provided and the safety measures to be employed on river rafts, and the inspection and examination of river rafts;

(c) prohibit the use of any raft as a river raft unless it is licensed by such person or body as may be prescribed, and provide for the grant and refusal of river raft licences by the prescribed person or body;

(d) prescribe the maximum number of passengers to be carried on a river raft at any one time;

(e) prohibit the movement under way of any river raft on a river unless it is under the control of a raftsman licensed by such person or body as may be prescribed, and provide for the grant and refusal of raftsmen's licences by the prescribed person or body;

(f) provide for regulating the conduct of raftsmen and make provision regarding the uniform to be worn by them;

(g) regulate the conduct of all persons on board any river raft on a river;

(h) prohibit or regulate (whether by means of the grant or refusal of licences by such person or body as may be prescribed or otherwise) the offer to or provision for patrons of river rafting, by any person other than the Authority, by way of trade or business, of any goods, equipment, entertainment, food, drink or prescribed service on, or on the bank of, any river or at, or in the near vicinity of, any embarkation, disembarkation or other stopping point for river rafts;

(i) prohibit or regulate (whether by means of the grant or refusal of licences by such person or body as may be prescribed or otherwise) the offer or provision, by way of trade or business, by any person other than the Authority, of services for transporting persons or river rafts from disembarkation and other stopping points for river rafts or for driving patrons' motor vehicles;

(j) provide for the suspension and revocation by the prescribed person or body, of licences granted by such person or body, and the duration of such licences and the conditions which may be attached to such licences;

(k) regulate rafting and make provision for securing and maintaining the orderly and efficient organization of rafting trips (whether by means of roster systems for raftsmen, transportation personnel and other persons or otherwise);

(l) prohibit or regulate the embarkation and disembarkation of passengers on river rafts, provide for designating embarkation, disembarkation and other stopping points for river rafts, prohibit or regulate the entry or presence of persons thereto or therein, and make provision in relation to river landing places, river beaches and river piers;

(m) make provision regarding the obstruction of any river on which river rafting is operated;

(n) prohibit or regulate any prescribed act or conduct in, on, over, in the vicinity of or in relation to, any river on which river rafting is operated;

(o) prohibit or regulate the sale and issue of tickets for rafting trips and make provision for regulating the charges therefor, the persons to whom and the manner in which such charges shall be paid and the manner in which moneys received shall be applied;

(p) provide that no rafting trip shall be made unless a ticket therefor for the appropriate amount has been issued, by a prescribed person or body, in respect of each passenger;

(q) make provision for regulating the charges for driving patrons' motor vehicles between embarkation and disembarkation points and such other points in the vicinity as may be requested by the patron, the persons to whom and the manner in which such charges shall be paid, and the manner in which moneys received shall be applied;

(r) prescribe fees to be paid in connection with any matter or thing done or to be done under such regulations, and make provision in relation to the payment thereof to such person or body as may be prescribed;

(s) make provision regarding the Appeal Tribunal referred to in subsection (3) and the hearing of appeals thereto;

(t) prescribe anything required or permitted by this Act to be prescribed;

(u) contain such incidental and supplemental provisions as appear to the Authority to be expedient for the purposes of this Act or such regulations.

(2) Regulations under this section may be made so as to apply in relation to such river or rivers or part thereof as may be specified in the regulations, and different regulations may be made under this section in respect of different rivers.

(3) Where regulations made under this section contain licensing provisions the regulations shall provide for the establishment of an Appeal Tribunal consisting of three persons to be appointed by the Minister to which, within the prescribed time and in the prescribed manner and on payment of the prescribed fee any person may appeal who -

(a) being an applicant for the grant of a licence, is aggrieved by the refusal or failure of the prescribed person or body to grant the licence, or by any condition attached to the licence; or

(b) being the holder of a licence, is aggrieved by the suspension or revocation thereof or by any variation of the conditions attached thereto, and on any such appeal the Appeal Tribunal shall have power to make such order as it thinks fit (including an order suspending or revoking a licence) and any such order shall be final and conclusive.

(4) Regulations made under this section may provide in respect of a contravention of any of the provisions thereof that the offender shall be liable to such fine not exceeding two hundred dollars or to such term of imprisonment, not exceeding six months, or to both such fine and imprisonment, as may be prescribed therein.

SCHEDULE (Section 3(2))

The River Rafting Authority

1. The Authority shall consist of -

(a) the persons who are for the time being members of the Tourist Board established by section 3 of the Tourist Board Act, (hereinafter referred to as "*ex-officio* members"); and

(b) such other persons, not exceeding five, as the Minister may appoint (hereinafter referred to as "appointed members").

2. An appointed member of the Authority shall, subject to the provisions of this Schedule, hold office for such period as the Minister shall specify at the time of his appointment, and every such member shall be eligible for reappointment.

3. (1) The Minister shall appoint one of the *ex-officio* members of the Authority to be chairman.
- (2) The appointment of a member of the Authority as chairman shall, subject to the provisions of this Schedule, be for such period as the Minister shall specify at the time of his appointment, and the chairman shall be eligible for reappointment.
4. If the chairman or any other member of the Authority is absent or unable to act as such the Minister may appoint some other person to act in the place of the chairman or such other member.
5. (1) The chairman may at any time resign his office as chairman by instrument in writing addressed to the Minister.
- (2) An appointed member may at any time resign his office as member by instrument in writing addressed to the Minister and transmitted through the chairman.
- (3) Every such resignation as aforesaid shall take effect from the date of receipt by the Minister of the instrument of resignation.
6. The Minister may at any time revoke any appointment made by him under this Schedule.
7. The names of all members of the Authority as first constituted and every change in the membership thereof shall be published in the *Gazette*.
8. (1) The Authority shall be a body corporate to which the provisions of section 28 of the Interpretation Act, shall apply.
- (2) The seal of the Authority shall be kept in the custody of the chairman or secretary and shall be affixed to instruments pursuant to a resolution of the Authority in the presence of the chairman, or any other member of the Authority, and the secretary.
- (3) The seal of the Authority shall be authenticated by the signatures of the chairman, or any other member of the Authority authorized to act in that behalf, and the secretary.
- (4) All documents other than those required by law to be under seal, made by, and all decisions of, the Authority may be signified under the hand of the chairman, or any other member of the Authority authorized to act in that behalf, or an officer of the Authority so authorized.
9. The Authority shall have a principal office in Kingston or St. Andrew but may maintain such branch offices, agencies and correspondents (whether within or outside Jamaica) as the Authority deems fit.
10. (1) The Authority may appoint and employ at such remuneration and on such terms and conditions as it thinks fit a secretary and such other officers, agents and servants as it thinks necessary for the proper carrying out of its functions under this Act:

Provided that no salary in excess of \$4,000 per annum shall be assigned to any post without the prior approval of the Minister.

(2) The Governor-General may, subject to such conditions as he may impose, approve of the appointment of any officer in the service of Jamaica to any office with the Authority, and any officer so appointed shall, in relation to pension, gratuity, allowance and other rights as a public officer, be deemed to be in the service of Jamaica while employed in any such office.

11. (1) The Authority 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 Authority may determine.

(2) The Chairman may at any time call a special meeting of the Authority 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 Authority.

(3) The chairman shall preside at all meetings of the Authority at which he is present, and in his absence from any meeting the members present and constituting a quorum shall elect a chairman from among their number to preside at that meeting.

(4) A quorum of the Authority shall be three.

(5) The decisions of the Authority shall be by a majority of votes and in addition to an original vote, the 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 Authority shall be kept.

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

(8) Subject to the provisions of this Schedule, the Authority may regulate its own proceedings.

12. (1) Any member of the Authority who, otherwise than as such member, is directly or indirectly interested in a contract made or entered into, or proposed to be made or entered into, by the Authority shall as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Authority.

(2) A disclosure under this paragraph shall be recorded in the minutes of the Authority and the member -

(a) shall not take part after the disclosure in any deliberation or decision of the Authority relating to the contract; and

(b) shall be disregarded for the purpose of forming a quorum of the Authority for any such deliberation or decision.

13. (1) The Authority may appoint such committees, for such purposes, as it may think fit and may, with the approval of the Minister, delegate to any such committee such of the functions of the Authority as the Authority may decide, but excluding the power of delegation conferred by this sub-paragraph.

(2) Every such committee shall consist of -

(a) at least one member of the Authority nominated by the Authority; and

(b) such other persons as the Authority may appoint as members of the committee.

(3) The chairman of each such committee shall be appointed by the Authority.

(4) The quorum of any such committee shall be such number of its members as the Authority may determine.

(5) A special meeting of any such committee may be called by the chairman thereof.

(6) A delegation under this paragraph may be revoked by the Authority at any time.

(7) A delegation of any power under this paragraph shall not prevent the exercise of the power by the Authority.

(8) The provisions of paragraphs 2, 4, 5 and 6, and subparagraphs (1), (3), (5), (7) and (8) of paragraph 11 of this Schedule shall (with the necessary modifications) apply in relation to any such committee as if references to the Minister were references to the Authority and references to the Authority were references to such committee.

14. (1) No member of the Authority or any committee appointed by it shall be personally liable for any act or default of the Authority or committee done or omitted to be done in good faith in the course of the operations of the Authority or committee.

(2) Where any member of the Authority or a committee is exempt from liability by reason only of the provisions of this paragraph the Authority or, as the case may be, the committee, shall be liable to the extent that it would be if the member were its servant or agent.

15. There shall be paid from the fund to the chairman and other members of the Authority and to the chairman and other members of every committee appointed by the Authority such remuneration, if any, whether by way of honorarium, salary or fees, and such allowances, as the Minister may determine.

16. (1) The income of the Authority shall be exempt from income tax.

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

17. The office of chairman or member of the Authority or of any committee appointed by the Authority shall not be a public office for the purpose of Chapter V of the Constitution of Jamaica.