

THE FUNDAMENTAL RIGHTS (ADDITIONAL
PROVISIONS) (INTERIM) ACT

Act.
16 of 1999.

[26th March, 1999.]

1. This Act may be cited as the Fundamental Rights (Additional Provisions) (Interim) Act. Shirt title.

2. In this Act—

Interpreta-
tion.

“contravention” means in relation to any requirement, a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

“court” means any court of law in Jamaica other than a court constituted by or under service law;

“public authority” means—

- (a) a Ministry, department or agency of Government;
- (b) a Parish Council or the Kingston and St. Andrew Corporation;
- (c) a statutory body or authority;
- (d) any company registered under the Companies Act, being a company in which the Government or an agency of Government holds not less than fifty-one *per centum* of the ordinary shares, which is declared by resolution of each House of Parliament to be an authority for the purposes of this Act;
- (e) any person performing functions or providing services which are—
 - (i) essential to the welfare of the Jamaican society; and

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(ii) declared to be so essential by resolution of each House of Parliament;

“service law” means the law regulating the discipline of a defence force or police officers.

Duration
of Act.

3. This Act shall continue in force until provision is made in the Constitution of Jamaica for the inclusion therein of the rights specified in this Act in terms which preclude the alteration of that provision otherwise than in accordance with the procedures prescribed by, or in relation to section 49 (2) of the Constitution, and shall then expire.

Right to
vote.

4.—(1) Every person shall have the right to vote and to participate in free and fair elections if that person—

(a) is qualified to be registered as an elector and is so registered; and

(b) is not, by the provision of any law in force for the time being, disqualified from being eligible to be registered as an elector.

(2) A person shall be qualified to be registered as an elector if he—

(a) is a citizen of Jamaica resident in Jamaica at the date of registration; or

(b) is a Commonwealth citizen (other than a citizen of Jamaica) who is resident in Jamaica at the date of registration and who has been so resident for at least twelve months immediately preceding that date; and

(c) has attained the age of eighteen years,

and is not, by the provision of any law in force for the time being, disqualified from being eligible to be registered as an elector.

(3) In subsection (1) the right to vote means the right to vote in—

- (a) general elections for members of the House of Representatives;
- (b) parish council elections for councillors to each Parish Council;
- (c) elections for councillors for the Council of the Kingston and St. Andrew Corporation; and
- (d) any referendum held under the Constitution or any other law.

5. Every person shall have the right to fair and humane treatment by any public authority in the exercise of any of its functions.

Right to fair, etc., treatment from public authority.

6. Every citizen of Jamaica shall have the right to be granted a passport and shall not be denied or deprived thereof except by or under the provisions of a law that—

Right to be granted a passport.

- (a) prescribes the grounds on which, and the circumstances under which a person may be denied or deprived of a passport; and
- (b) secures to that person a right of access to a court for the purpose of appealing against such denial or deprivation.

7.—(1) Any person who alleges that any of the provisions of this Act has been, is being or is likely to be, contravened in relation to him, may, without prejudice to any other action which is lawfully available with respect to the same matter, apply to the Supreme Court for redress.

Application for redress.

(2) The Supreme Court shall have original jurisdiction to hear and determine any application made by any person in pursuance of subsection (1) of this section and

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may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing, or securing the enforcement of, any of the provisions of sections 4 to 6 to the protection of which the person concerned is entitled.

(3) A person authorized by law or, with the leave of the Court, a public or civic organization which has a sufficient interest in the matter to which the application relates may, on behalf of persons who are entitled to apply under subsection (1), initiate an application to the Supreme Court for a declaration or any other form of redress.

(4) Any person aggrieved by any determination of the Supreme Court under this section may appeal therefrom to the Court of Appeal.

(5) Where any application is made for redress under this section, the Supreme Court may decline to exercise its powers and may remit the matter to the appropriate court, tribunal or authority, if it is satisfied that adequate means of redress for the contravention alleged are available to the person concerned under any other law.