

## LEGISLATION PROGRAMME

### PROVISIONAL LEGISLATION PROGRAMME 2001/2002

CLASSIFICATION	TITLE OF BILL	PURPOSE OF BILL	SITTING	LENGTH	REMARKS
INTELLECTUAL PROPERTY	Trademarks Amendment Act (Priority Rating: 1)	Amendment of existing legislation consistent with the provisions of the Bilateral Intellectual Property Agreement with the USA and the provisions of the WTO TRIPS Agreement.	Autumn	Long	Bills being drafted by CPC for review by the Legislation Committee.  The passage of the package of intellectual property legislation identified is HIGH PRIORITY. By virtue of the Agreement on Intellectual Property Rights concluded with the U.S.A. in March 1994, Jamaica undertook to use its best endeavours to ensure that implementing legislation would be in place by September 1995. Legislation (patents, trademarks, designs, geographical indications) pursuant to the terms of Agreement is not yet in place and is urgent. The U.S.A. attaches great importance to the protection of intellectual property rights and Jamaica could well be denied certain investment benefits by the U.S.A. if the requisite legislation is not in place early.
	The Patent & Industrial Designs Act (Priority Rating: 1)	Repeal of the existing legislation and the establishment of new legislation in line with bilateral and the TRIP Agreement etc.	”	“	In addition the TRIP Agreement of the WTO requires the implementation of WTO consistent Intellectual Property Legislation by member states of developing countries by June 2001. Other Caricom countries (e.g., Trinidad and Barbados) have already enacted legislation. Jamaica remains delinquent and in the absence of implementing legislation, stands to be severely embarrassed during the TRIP Council legislation review scheduled for later this year. Jamaica could also be challenged by its trading partners for non-compliance of the standards relating to intellectual property. This has serious implications for Government's IT thrust as IT investors
	Establishment of the Geographical Indications Act (Priority Rating:1)	Introduction of WTO consistent legislation to protect local names and places e.g., Blue Mountain, etc.	“	Medium	

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	Establishment of the Plant Varieties Act (Priority Rating: 1)	Introduction of WTO consistent legislation for the protection of local plant varieties.		Medium	fearful of the absence of a proper intellectual framework may be discouraged from investing in Jamaica.
	Jamaica Intellectual Property Act (JIPO) (Priority Rating: 1)	Establishment of JIPO as a statutory body and as a central office for the administration of Intellectual Property.	Spring	Short	Draft Bill circulated. To be reviewed by Legislation Committee.  The establishment of JIPO is considered critical to the provision of an effective machinery for the enforcement of intellectual property rights. Intellectual Property is a very specialized area and it is important that the Regulatory agency be staffed with professionals with the capacity to deal with the complex issues involved in standards evaluation, dispute prevention and settlement of intellectual property matters. JIPO will complement the modernization of legislative framework on intellectual property that would be enacted shortly and it is critical that the legal machinery for JIPO's creation be effected.
<b>SERVICE SECTOR</b>	Enactment of the Entertainment Industry Encouragement Act (MPIE) (Priority Rating: 1)	To provide income tax and duty concessions similar to that provided under the Motion Pictures Industry Encouragement Act to approved entertainment operators.	Summer	Medium	Bill prepared by the CPC. To be reviewed by Legislation Committee.  The entertainment sector is identified in the National Industrial Policy (NIP) as one of the growth sectors for special attention. In this connection the NIP promised as a policy support measure, a legislative framework of incentives for the sector. Public announcements by the political directorate have been made at various fora regarding Government's commitment to this incentive legislation. The Music Industry the most prominent segment of the Entertainment Sector is pressing for this legislation, which they report, is critical to the

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	Amendment of the Motion Picture Industry Encouragement Act (Priority Rating: 1)	<p>Widening of the Act to provide</p> <ul style="list-style-type: none"> <li>• tax and duty benefits to Motion Picture providers;</li> <li>• coverage to newer areas of film production consequent on improved technology in film production;</li> <li>• removal of the objection clause in Section 9 (which calls for the comments of competitors on each application).</li> </ul>	Summer	Medium	<p>modernization and development of the industry. This is a top priority item for action. Its removal from the legislation programme could not be justified.</p> <p>Draft Bill prepared. To be reviewed by Legislation Committee.</p> <p>Amendments to the MPIE were promised under the NIP. Film interests view the amendments as critical to further investment expansion. The Legislative process has already commenced as a draft Bill has been prepared. Necessary that amendments be implemented this year.</p>
	International Finance Companies (Income Tax) Relief Act	Widen the scope of legislation to include in addition to financial services professional management and other business services.	Final	Medium	<p>Submission seeking approval for drafting instructions to be issued to the CPC with Cabinet.</p> <p>Government has declared its support for diversification of the export product. The proposed Act consistent with this thrust seeks, through implementing legislation to widen the export base from the tourism services to the more knowledge and skills based products e.g. managerial and professional services. It is important that the legislative process in respect of this proposal</p>

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					commences this year. The Industry Advisory Council on Services gives strong support for this Legislation.
<b>CONSUMER PROTECTION</b>	Consumer Protection Act (Priority Rating: 1)	<ul style="list-style-type: none"> <li>• Consolidation of the various laws relating to sale of goods, hire purchase and unfair contract terms, and to establish principles of consumer rights and regularize the operations of the Consumer Affairs Commission.</li> <li>• To bring legislation in line with international laws and to ensure ability to protect consumers in era of electronic commerce.</li> </ul>	Spring	Medium	<p>Draft Bill prepared. Being revised to take account of the comments of the various Ministries.</p> <p>Ministerial announcements concerning the implementation of an umbrella legislation dealing with consumer protection issues made from 1997. Removal of this item from the legislation agenda could send a negative signal as it may be perceived as a lessening of support for consumer protection issues.</p>
	Standards Amendment Act (Priority Rating: 1)	To allow for the increase of fines under Section 11.	Autumn	Short	<p>Draft Bill being prepared by CPC.</p> <p>The existing fine of \$1,000 under Section 11 for breaches of the regulations governing compulsory standards needs to be revised to a more punitive level. This is important for the success of the Standards Compliance Programme, a very important consumer protection programme being administered by the Bureau of Standards. It is therefore important that the proposed amendment be finalized in this legislative year.</p>

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	Amendment to the Weights and Measures Act (Priority Rating: 2)	Amendment of Act required to increase fines and penalties.			Cabinet Submission being prepared.  Existing fines have been overtaken by inflation and are no longer a deterrent. Important that amendments be considered in this legislative year.
<b>MANUFACTURING SECTOR</b>	The Safeguards Act (Priority Rating: 1)	To enact legislation that permits temporary action to be taken against imports, which cause or threaten serious injury to producers.	Spring	Short	Draft Bill prepared; ready for submission to Legislation Committee.  The WTO Agreement on Safeguards permits importing countries to restrict imports of a product for a temporary period of up to eight years by either increasing tariffs or imposing quantitative restrictions. It provides an opportunity for legitimate protection of domestic industries and Jamaica must aggressively pursue such opportunities. The NIP also promised that trade remedy action such as safeguards would be implemented in the national interest. The manufacturing and agricultural communities are pressing for this legislation which they advise is critical to their growth. Removal of this item from the Legislation Programme would be extremely difficult if not impossible to justify.
	Processed Food Amendment Act (Priority Rating: 1)	To provide exemption from batch testing for processors that have a HACCP certification. To include Section 28 of the Interpretation Act.	Summer	Short	Draft Bill being prepared by CPC.  The batch by batch testing of food products for exports has been cited by exporters as a disincentive to export activities. They contend that it is a onerous and costly

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	Amendment of the Customs Duties (Dumping and Subsidies) Act (Priority Rating: 1)	To give the Anti Dumping Secretariat the necessary autonomy in the carrying out of its functions and to provide for a tighter WTO Anti Dumping framework.	Summer	Short	<p>requirement and have urged a review of the condition. Indeed this has been raised as one of the obstacles to growth under the GOJ/PSOJ Memorandum of Understanding. Commitments were given by Government for the legislation to be appropriately amended. In these circumstances it is critical that amending Legislation be enacted early.</p> <p>Draft Bill being prepared by CPC.</p> <p>The Anti Dumping Secretariat is at present restricted in the proper carrying out of its functions, as it does not have the necessary autonomy to undertake certain critical operations (e.g. sub contracting of tasks) relating to applications lodged with the Secretariat. Given the importance that has been attached to trade remedy action it is critical that this legislation be revised during the legislative year.</p>
<b>PROMOTION OF COMMERCE</b>	Amendment of Business Names Act (Priority Rating: 2)	To update the Act to include the demands of e-commerce, to allow for more realistic penalties; provide for the registration of companies operating with business names; and provide for the disposal of records etc.	Spring	Short	<p>Cabinet Submission to be prepared.</p> <p>The Office of the Registrar of Companies has the facility for on-line filing of Business Names applications, but is constrained in proceeding with the facility, as the existing Act requires <b>(i)</b> the signature of applicant on statements and <b>(ii)</b> the submission of certified photographs. These requirements do not encourage the technology modernization and the business facilitation environment</p>

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	<p data-bbox="499 764 830 833">Trade Amendment Bill (Priority Rating: 1)</p> <p data-bbox="499 1203 830 1308">Electronic Commerce Act (Priority Rating: 2)</p>	<p data-bbox="857 764 1319 833">Change of function and name of Trade Board</p> <p data-bbox="857 1203 1319 1271">To provide environment for electronic commerce in Jamaica</p>	<p data-bbox="1346 764 1427 792">Final</p>	<p data-bbox="1561 764 1682 792">Medium</p>	<p data-bbox="1776 220 2274 248">being encouraged by Government.</p> <p data-bbox="1776 293 2591 464">In addition there is currently no requirement in Law requiring a company operating a Business Name to register the Business Name it uses. It is important that there be some mechanism for the disclosure of such information.</p> <p data-bbox="1776 509 2591 615">The amendments being proposed will facilitate commercial activities and it is important that legislative action commence early.</p> <p data-bbox="1776 764 2292 792">Cabinet Submission to be prepared.</p> <p data-bbox="1776 837 2591 1052">Pursuant to policy decision for the role and functions of the Trade Board to be changed it is necessary that the Trade Act be revised to reflect these changes which are due to be effected within the next couple of months. It is therefore important that the legislative changes be made within the corresponding period of policy implementation.</p> <p data-bbox="1776 1203 2292 1230">Cabinet Submission to be prepared.</p> <p data-bbox="1776 1276 2591 1453">There is a global effort for implementation of legislation to facilitate electronic commerce and protect the privacy of individuals. Jamaica cannot afford to be left behind in such developments particularly given the emphasis and policy promotion being placed on the</p>

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					telecommunications sector. Critical that the legislative process commences this year.
<b>FOOD SAFETY</b>	Food Storage and Prevention of Infestation (Amendment) Act  (Priority Rating: 2)	To facilitate increased of penalty fees and empower the Department the right to disinfect any article within its jurisdiction.	Final	Medium	Cabinet Submission being prepared.  Food safety is an important area of the Ministry's portfolio. Important that Legislative changes commence this year.
<b>POST AND TELEGRAPH</b>	Post Office Act (Priority Rating: 1)	To revise and modernize existing legislation in keeping with the commercialization objectives of the Post Office	Summer	Medium	Cabinet Submission being prepared.  Important that the administrative machinery to carry out the commercialization objectives of the Postal system be put in place as early as possible. The proposed amendments seek to do just that and it is important that the legislative changes commence as early as possible.
<b>FREE ZONES</b>	Amendment of the Jamaica Export Free Zone Act (Priority Rating: )	To provide to private free zone developers incentive similar to that provided to public sector free zones.	Autumn	Short	Cabinet Submission being prepared.  The establishment of private free zones is being actively encouraged as a part of the government's privatization thrust. Important that an incentive framework in support of this thrust is in place and that the legislative process commence during the year.