

THE JAMAICA DEVELOPMENT BANK ACT
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SCHEDULE

THE JAMAICA DEVELOPMENT BANK ACT

Acts
12 of 1969,
43 of 1974,
28 of 2003
S. 2.

[3rd September, 1969.]

1. This Act may be cited as the Jamaica Development Bank Act. Short title.

2. In this Act—

Inter-
pre-
tation.

“agricultural development enterprise” means an agricultural or livestock enterprise operated on a commercial basis;

“the Bank” means the Jamaica Development Bank established in accordance with this Act;

“the Board” means the Board of Directors of the Bank constituted in accordance with this Act;

“the chairman” means the chairman of the Board;

“debenture” includes debenture stock;

“development enterprise” means an industrial enterprise, a tourist industry enterprise, a housing enterprise, an agricultural development enterprise or any enterprise that may from time to time be approved as a development enterprise by the Minister by order;

“director” means a director of the Bank;

“financial year” means the period of twelve months beginning on the first day of January in any year:

Provided that the period beginning on the date of the commencement of this Act and ending on the thirty-first day of December next following shall be deemed to be a financial year;

“functions” includes powers and duties;

“housing enterprise” means an enterprise in Jamaica in which is carried on the business of construct-

ing or facilitating the construction or purchase of dwelling-houses;

“industrial enterprise” means an enterprise in Jamaica in which is carried on the business of—

- (a) manufacturing, processing, assembling, installing, overhauling, reconditioning, altering, repairing, cleaning, packaging, transporting or warehousing of goods;
- (b) logging, drilling, construction, engineering, technical surveys or scientific research;
- (c) operating a mine or quarry;
- (d) generating, supplying or distributing electricity;
- (e) operating a commercial transport service;
- (f) supplying premises, machinery or equipment for any business mentioned in paragraph (a), (b), (c), (d) or (e) hereof under a lease, contract or other arrangement whereby title to the premises, machinery or equipment is retained by the supplier;

“secretary” means the secretary of the Board,

“share” includes stock;

“shareholder” means a shareholder of the Bank;

“tourist industry enterprise” means an enterprise in Jamaica in which is carried on the business of—

- (a) supplying hotel accommodation or other facilities principally intended for visitors to Jamaica; or
- (b) supplying premises or equipment for any business referred to in paragraph (a) hereof under a lease, contract or other

arrangement whereby title to the premises or equipment is retained by the supplier.

3.—(1) There is hereby established a body to be called the Jamaica Development Bank which shall be a body corporate with perpetual succession and a common seal with power to purchase, take, hold and dispose of land and other property of whatever kind, to enter into contracts, to sue and be sued in the said name and to do all things necessary for the purposes of this Act.

Establishment of the Jamaica Development Bank.

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

Schedule.

(3) The seal of the Bank shall be authenticated in the manner prescribed in the Schedule and shall be judicially and officially noticed.

4.—(1) Subject to the provisions of this Act, it shall be the duty of the Bank—

Duty of the Bank.

- (a) to assist persons in establishing, carrying on or expanding development enterprises by participating in share capital, granting loans and providing other forms of financial assistance to such persons; and
- (b) to foster the development of money and capital markets in Jamaica.

(2) The Bank shall in the performance of its duty—

- (a) ensure that every application dealt with on behalf of the Bank is considered principally on its financial and economic merits;
- (b) take all such measures as may be necessary to ensure that any financial assistance rendered by the Bank to any development enterprise is utilized for the purpose for which it is given.

(3) The Bank shall not make an investment in or otherwise transact business with an enterprise in which a director of the Bank is a partner, director or shareholder or is in any other way directly or indirectly interested, unless the transaction is unanimously approved by the other directors of the Bank.

(4) A director who is directly or indirectly interested in a contract made or proposed to be made by the Bank—

- (a) shall disclose the nature of his interest; and
- (b) shall not take part in any deliberation or decision of the Bank with respect to that contract.

Powers of
the Bank.

5.—(1) Subject to the provisions of this Act, the Bank 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 Bank, is necessary to ensure the proper performance of its functions.

(2) In particular and without prejudice to the generality of the provisions of subsection (1) the Bank may—

- (a) underwrite new issues of stocks, shares, bonds, debentures and other securities;
- (b) guarantee loans made from private investment sources;
- (c) sell investments of whatever kind belonging to the Bank as and when appropriate;
- (d) carry out transactions involving unit trust schemes and mortgages;
- (e) furnish financial advice and provide or assist in obtaining managerial, technical, and administrative services for development enterprises in Jamaica;
- (f) make mortgage loans for fixed periods to persons who are in the whole time service of the Bank for the purpose of facilitating the acquisition by them of housing.

43/1974
S. 2(b).