

THE UNIVERSITY OF THE WEST INDIES
(MONA CAMPUS) (SECURITY) ACT

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THE UNIVERSITY OF THE WEST INDIES
(MONA CAMPUS) (SECURITY) ACT

Act
37 of 2002.

[14th October, 2002.]

1. This Act may be cited as the University of the West Indies (Mona Campus) (Security) Act. Short title.

2.—(1) In this Act—

Interpre-
tation.

“Campus” means all that land known as the Mona Campus of the University of the West Indies in the parish of Saint Andrew and comprised in Certificate of Title registered at Volume 703 Folio 75 of the Register Book of Titles;

"Committee" means the Campus Finance and General Purposes Committee as established in the Charter of the University of the West Indies;

"Corporate Area" has the same meaning as in the Judicature (Resident Magistrates) Act;

“member of staff” means a person in the employment of the University engaged in teaching, research, administrative, professional, technical, clerical or ancillary duties;

"parking place" means any portion of the Campus designated by the Committee as a place where a vehicle may be parked;

"restricted area" means any part of the Campus so designated by the University;

"security officer" means—

(a) a member of staff who performs security duties;

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- (b) a person assigned to the Campus to perform security duties by the security company to which he is employed, being a company contracted by the Committee to carry out security services on the Campus; or
- (c) a member of the Jamaica Constabulary Force, the Island Special Constabulary Force or the Jamaica Defence Force;

"Senate" means the Senate of the University of the West Indies;

"student" means a person who is registered as a student of the University (whether full-time or part-time) during a current year for a first or higher degree, diploma, certificate or such other qualification or courses of the University as may be approved by the Senate;

"traffic sign" means any sign or other device for the guidance or direction of persons using the roadways on the Campus, which the University causes or permits to be placed on or near any such roadway and includes a—

- (a) speed limit sign;
- (b) mark on the surface of a roadway;
- (c) signal, whether automatic, electrical or otherwise;
- (d) warning sign post; and
- (e) direction post;

"Tribunal" means the Tribunal established under section 15;

"University" means the University of the West Indies established by Royal Charter;

"vehicle" means a wheeled vehicle whether mechanically propelled or not, intended and adapted for use on a road, and includes a truck, motor car, motorcycle, pedal cycle, tractor, mower and push cart.

3.—(1) A person shall not, without the prior written approval of the Committee, carry on any business or trade on the Campus. Restriction on trade or business.

(2) Where such approval under subsection (1) is granted the business or trade shall be carried on in accordance with such terms and conditions as the Committee may specify.

(3) Where the person to whom approval has been granted under subsection (1) breaches the terms and conditions under which approval has been granted, the Committee may withdraw such approval in writing.

4.—(1) Subject to subsection (2) no person shall— Restriction on display advertisement, etc.

(a) post or display any advertisement, circular or placard, or paint any word or picture on, or distribute any matter on any part of the Campus;

(b) take any still, motion or sound picture on any part of the Campus for commercial use,

without the written permission of the Committee and under such terms and conditions as the Committee may specify.

(2) Subsection (1) shall not apply to a member of staff or a student.

5.—(1) A person shall not operate on the Campus, without the written permission of the Committee, any wireless transmitting or receiving equipment or apparatus, except cellular telephones. Restriction on operation of wireless equipment.

(2) Subsection (1) shall not apply to—

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- (a) a member of staff so authorized by the Committee;
- (b) a security officer;
- (c) a member of the Jamaica Fire Brigade, while on the Campus in that capacity.

(3) Where the Committee grants permission for the operation of any equipment or apparatus referred to in subsection (1), such operation shall be carried out in the manner and under such conditions as the Committee may specify.

Restricted
area.

6.—(1) A person shall not enter or remain in a restricted area, unless that person is—

- (a) a member of staff who works in that restricted area;
- (b) a security officer on duty; or
- (c) so authorized by the Committee.

(2) A person, other than a person referred to in subsection (1) (a) to (c), who is found in a restricted area, shall, on the request of a security officer—

- (a) state his name and address;
- (b) produce a valid form of identification; and
- (c) produce a valid document, if any, attesting to the purpose of his presence in and the authority upon which he entered that area.

(3) A person who fails to comply with a request made under subsection (2) may be ordered by a security officer to leave the restricted area.

(4) A person shall not drive into or park, or use or operate a vehicle in a restricted area without the prior written approval of the Committee.

(5) A person who is authorized under subsection (1) to be in a restricted area shall, while in that area, follow any instructions given by the security officer on duty.

7. Any person who walks, rides or drives on the Campus shall— Use of
Campus,
roads, etc.

- (a) use the roads provided for that purpose;
- (b) not obstruct the proper use of any road;
- (c) do so in a manner that does not cause harm or danger to any person thereon;
- (d) follow any directions for parking given by a security officer.

8.—(1) A person shall not operate a vehicle on the Campus— Restriction
on use of
vehicles.

- (a) for hire or rental; or
- (b) for the purpose of giving driving instruction,

except with the written permission of the Committee and in accordance with such terms and conditions as the Committee may specify.

(2) Where a vehicle is operated for hire it shall, when not in operation, be parked in the area designated for such vehicle or at any such other place as a security officer may direct.

9. A person shall not—

- (a) abandon a vehicle in any parking place;
- (b) service or repair, or cause or permit to be serviced or repaired any vehicle in any parking place otherwise than for the purpose of enabling that vehicle to get underway.

Abandon-
ment,
service or
repair of
vehicle.

10. Nothing in this Act shall prevent the driver of a vehicle, in response to an emergency involving danger to life or property, from operating that vehicle on the Campus in a manner necessitated by that emergency. Emergency
situation.

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Erection of
traffic signs,
etc.

11.—(1) The person with responsibility for security shall, after consultation with the Committee, cause to be placed, erected or displayed on the Campus, such traffic signs as are considered necessary for the proper direction, control and regulation of vehicular traffic thereon.

(2) Any person operating a vehicle on the Campus shall comply with the traffic signs thereon.

(3) A pedestrian who is on the Campus, shall within a pedestrian lane marking, have the right of way over vehicular traffic.

(4) A person shall not load or unload goods unto or from any vehicle on the Campus except at such place as may be designated for that purpose.

Parking place.

12.—(1) The Committee shall designate any area of the Campus as it thinks fit as a parking place.

(2) Any person who parks a vehicle within the boundaries of the Campus shall do so within a parking place.

(3) Subsection (4) shall apply to any vehicle that is parked in an area of the Campus where that vehicle endangers the life or safety of any person or obstructs a fire hydrant or a parking place reserved for disabled persons.

(4) A vehicle which is not parked in the manner described in subsection (2) shall be clamped or towed away at the owner's expense, and shall be released only on payment of a fine of three thousand dollars to the Committee.

(5) The amount of the fine imposed under subsection (4) may be increased by regulations made under section 16.

Protection of
vegetation,
etc.

13. A person shall not carry out any of the following acts on the Campus, without first being authorized to do so by the Committee, that is to say —

- (a) cut trees, plants or other vegetation;
- (b) take trees, plants or other vegetation or
take fruits or other parts therefrom;

- (c) set fires or remove growing trees, plants or other vegetation;
- (d) lay or put up any wire, cable, fence, pipeline, net or any other material; or
- (e) dig, excavate, bore or lay any road, track or path,

14.—(1) Any person who is on the Campus is liable to have his person, motor vehicle, bag or other container searched by a constable, if that constable has reasonable grounds to believe that the person has in his possession any property which is being illegally removed from the Campus. Search.

(2) The constable conducting the search shall take such steps as are reasonably practicable in the circumstances to ensure that the person being searched is afforded every opportunity to observe everything done in relation to the search.

(3) Subject to subsection (4), a female shall only be searched by another female.

(4) Where there is reasonable cause for the conduct of a search of a body cavity, that search shall only be conducted by a registered medical practitioner.

15.—(1) There is hereby established a Tribunal for the purposes of hearing appeals under this Act and the provisions of the Schedule shall have effect as to the constitution of the Tribunal and otherwise in relation thereto. Tribunal.
Schedule.

(2) A person who is aggrieved by a decision of the Committee under section 3, 4, 5 or 8 may appeal to the Tribunal in the prescribed manner.

(3) Subject to the provisions of this section, the Tribunal may, in respect of any such appeal, quash or vary the decision or may dismiss the appeal.

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(4) If the decision is varied or the appeal is dismissed, the Tribunal may direct that the decision of the Committee shall not take effect until such date (not being later than twenty-eight days from the determination of the appeal) as the Tribunal thinks fit.

(5) Before determining an appeal the Tribunal shall give the appellant, who may be represented by an attorney-at-law or any other person, the opportunity to be heard by the Tribunal.

Regulations. **16.** The Minister may, after consultation with the Committee, make regulations generally for the better carrying out of the purposes of this Act.

Offences. **17.** A person who contravenes section 3, 4, 5, 6, 7, 8, 9 or 13 commits an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred thousand dollars.

SCHEDULE

(SECTION 15)

Constitution and Procedure of Tribunal

- 1.—(1) The Tribunal shall consist of not less than three nor more than five members appointed by the Minister. Appoint-
ment of
members.
- (2) For the hearing of any appeal under this Act, the Tribunal may consist of one member sitting alone if the parties to the appeal agree.
2. If the chairman or other member of the Tribunal is absent or unable to act the Minister may appoint another person to act temporarily as chairman or such other member. Temporary
appoint-
ment.
- 3.—(1) The appointment of every member of the Tribunal shall be evidenced in writing and shall be for a period not exceeding three years. Tenure of
office.
- (2) Every member of the Tribunal shall be eligible for reappointment.
- (3) The Minister may at any time revoke the appointment of the chairman or any other member of the Tribunal.
- 4.—(1) Any member of the Tribunal 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 Tribunal. Resignation.
- (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 the receipt of such instrument by the Minister.
5. The names of the members of the Tribunal as first constituted and every change in membership thereof shall be published in the Gazette. Publication
of member-
ship.
6. All documents made by, and all decisions of, the Tribunal may be signified under the hand of the chairman or any other member of the Tribunal authorized to act in that behalf. Authentica-
tion of
documents.
- 7.—(1) The Tribunal shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Tribunal may determine. Procedure.
- (2) The chairman or any other person appointed to act temporarily as chairman shall preside at meetings of the Tribunal.

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(3) Subject to paragraph 1(2) the decisions of the Tribunal shall be by a majority of votes of the members and in addition to an original vote, the chairman shall have a casting vote in any case in which the voting is equal.

(4) The Tribunal shall have power to regulate its own proceedings.

(5) Proper records of all proceedings of the Tribunal shall be kept.

Remuneration
of members.

8. There shall be paid to the chairman and other members of the Tribunal such remuneration (whether by way of honorarium, salary or fees) and such allowances as the Minister may determine.

Protection of
members.

9. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Tribunal in respect of an act done *bona fide* in pursuance or execution or intended execution of the provisions of this Act.

Disclosure of
interest.

10. Any member of the Tribunal who has any interest, directly or indirectly, in any matter brought before the Tribunal—

(a) shall disclose the nature of the interest to the Tribunal; and

(b) shall not take part in any deliberations or decisions of the Tribunal with respect to that matter.

Office of
member not a
public office.

11. The office of chairman or member of the Tribunal shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.