

**ANTIGUA AND BARBUDA**



**THE MOUNT ST. JOHN'S MEDICAL CENTRE ACT, 2009**

**No. 2 of 2009**

*[ Printed in the Official Gazette Vol. XXIX No. 12  
dated 13th February, 2009. ]*

Printed at the Government Printing Office, Antigua and Barbuda,  
by Eric T. Bennett, Government Printer  
— By Authority, 2009.

800—2.09

*[ Price\$7.85 ]*



**THE MOUNT ST. JOHN'S MEDICAL CENTRE ACT, 2009****ARRANGEMENT****Sections**

1. Short title and commencement.
2. Interpretation.
3. Establishment of the Mount St. John's Medical Centre Board.
4. Composition of the Board.
5. Meetings of the Board.
6. Declaration of interests.
7. Pecuniary interests for the purposes of section 6.
8. Removal or exclusion of disability, etc.
9. Functions and duties of the Board.
10. Policy directions by Minister and daily management of the Hospital.
11. Appointment of Chief Executive Officer and Director of Finance, Senior Management Personnel and Management Company.
12. Appointment of Medical Director.
13. Appointment of medical and other staff.
14. Pension Scheme.
15. Clinical departments and services.
16. Medical Executive Committee.
17. Financial provisions.
18. Borrowing powers.
19. Investment.
20. Bank accounts.
21. Accounts of the Board.
22. Audit of accounts.
23. Inspection of premises of and standards at the hospital.
24. Vesting of certain property, rights and liabilities in the Board.
25. Annual Report.
26. Ministerial approvals.
27. Exemption from tax, customs duties and other duties.
28. Repeals
29. Transitional provisions.
30. Power to make regulations.
31. Power to make rules.



[L.S.]

I Assent,

**Louise Lake-Tack,**  
*Governor-General.*

6th February, 2009

**ANTIGUA AND BARBUDA**

**THE MOUNT ST. JOHN'S MEDICAL CENTRE ACT, 2009**

**No. 2 of 2009**

**AN ACT** to establish the Mount St. John's Medical Centre Board to be responsible for the administration, management and organisation of the hospital in an efficient manner, and for connected purposes.

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

**1. Short title and commencement.**

(1) This Act may be cited as the Mount St. John's Medical Centre Act, 2009.

(2) This Act shall come into force on such day or days as the Minister may appoint by Notice in the *Gazette*.

(3) A Notice under subsection (2) may appoint different days for different provisions or for different purposes of the same provision.

**2. Interpretation.**

In this Act, unless the context otherwise requires—

“Board” means the Mount St. John’s Medical Centre Board established under section 3;

“Chief Executive Officer” means the person appointed to be Chief Executive Officer under section 11;

“Director of Finance” means the person appointed to be Director of Finance under section 11;

“fees” includes any fees or charges prescribed to be paid by patients in the hospital, whether in-patients or out-patients, for treatment, nursing, accommodation, attendance, food, dressings, drugs, medicines or other supplies or services of whatever kind rendered to each patient by the hospital, but does not include fees payable to members of the medical staff who are not officers or servants of the Board;

“financial year” means the financial year of the Board as defined in section 21(3);

“funds” includes monies, stocks, shares and other securities;

“hospital” means the institution known as the “Mount St. John’s Medical Centre” and any premises which may be declared by the Minister by Notice published in the *Gazette*, to be part of the hospital;

“medical staff” means the medical practitioners appointed under section 13 to practise their professions in the hospital;

“Minister” means the Minister responsible for health;

“premises” includes messuages, buildings, lands, easements and hereditaments of any tenure;

“public officer” has the same meaning as in section 127 of the Antigua and Barbuda Constitution Order, 1981; and

“Secretary” means the Secretary of the Board appointed under section 11(2)(a).

### **3. Establishment of the Mount St. John’s Medical Centre Board.**

(1) There is established a Board to be known as the Mount St. John’s Medical Centre Board having the powers and duties conferred upon it by this Act and in which all funds for the management of the hospital shall be vested.

(2) The Board established under subsection (1) shall be a body corporate with perpetual succession and a common seal and capable of suing and being sued in its corporate name.

(3) Subject to the provisions of this Act the Board shall have the power to acquire, hold and dispose of movable and immovable property of any kind, to enter into contracts, to do or perform all such acts that bodies corporate may by law do or perform, and to exercise the powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

(4) The seal of the Board shall be kept in the custody of the Secretary at all times and shall not be affixed to any instrument except by the authority of a resolution of the Board; and the sealing of any instrument shall be authenticated by the Chairman or the Deputy Chairman of the Board and the Secretary.

(5) All documents executed by or on behalf of the Board, other than those required by law to be under seal, and all decisions of the Board may be signed under the hand of the Chairman or the Secretary.

#### **4. Composition of the Board.**

(1) The Board shall consist of—

- (a) a Chairman, a Deputy Chairman and six other members, appointed, subject to subsection (3), by the Minister in writing; and
- (b) *ex officio*—
  - (i) the Chief Medical Officer; and
  - (ii) the Superintendent of the Medical Benefit Scheme,

neither of whom shall be eligible to be appointed to act as Chairman or Deputy Chairman during their *ex officio* appointment.

(2) Subject to subsection (11) a member of the Board shall hold office for a period of not less than three nor more than five years from the date of his appointment, and shall be eligible for re-appointment.

(3) The members of the Board (including the Chairman and the Deputy Chairman) appointed by the Minister under subsection (1)—

- (a) shall, so far as possible, include persons who have either a recognised qualification in, or at least ten years' experience in, at least one of the disciplines listed in subsection (4); and
- (b) shall not by virtue of their appointment be public officers.

(4) The disciplines mentioned in subsection (3)(a) are—

- (a) medicine;
- (b) finance;
- (c) nursing;
- (d) hospital administration;
- (e) public health; and
- (f) public administration.

(5) A member of the Board, other than the Chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman.

(6) The Chairman may at any time resign his office by instrument in writing addressed to the Minister.

(7) The Minister shall cause the names of the members of the Board as first constituted and any changes in membership to be published in the *Gazette* and in at least one newspaper circulating in Antigua and Barbuda.

(8) Each member of the Board shall make and subscribe an oath before the Governor-General that he will faithfully and to the best of his ability, discharge the trust and perform the duties devolving upon him as such member of the Board.

(9) The Minister may, on the written application of a member of the Board, grant him leave of absence.

(10) The members of the Board shall be paid such remuneration as may be determined by the Cabinet.

(11) The Minister may at any time, after prior consultation with the Chairman, revoke the appointment of a member of the Board if—

- (a) the member is permanently incapable for any reason of performing his functions as a member;
- (b) the member has been absent from meetings of the Board for three consecutive meetings, other than by reason of leave of absence granted under subsection (9);

- (c) the member fails to disclose his interest in accordance with section 6;
- (d) the member is an undischarged bankrupt
- (e) the member has neglected his duties or has engaged in misconduct; or
- (f) the member has been convicted of an indictable offence.

(12) The Minister may, at any time, revoke the appointment of the Chairman or the Deputy Chairman on any of the grounds specified in subsection (11).

(13) A member of the Board shall not be liable in damages for anything done or omitted in the discharge or purported discharge of any function under, or authorised by or under, this Act or any other enactment unless it is shown that the act or omission was in bad faith.

#### **5. Meetings of the Board.**

(1) The Board shall meet at least ten times in any one year.

(2) The Chairman may at any time convene a special meeting of the Board and shall do so if requested to do so in writing by at least three members.

(3) Meetings of the Board shall be held at the place, day, and time the Chairman, or three other members of the Board acting together, determine, and due notice of the place, day and time shall be given to each member in writing at least twenty-four hours before the time the meeting is to be held.

(4) At every meeting of the Board the Chairman or in the absence of the Chairman, the Deputy Chairman shall preside and in the absence of both the Chairman and the Deputy Chairman the members present shall elect a member to preside at the meeting.

(5) The quorum for meetings of the Board shall be five members, and if a quorum is present, the Board shall not be disqualified for the transaction of business by reason of a vacancy among its members.

(6) The decisions of the Board shall be by a majority of votes, and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote.

(7) Minutes of each meeting and all transactions of the Board shall be recorded by the Secretary and shall be confirmed by the Board at its next meeting and signed by the Chairman or Deputy Chairman.



(8) A copy of the minutes of each Board meeting shall be forwarded to the Minister within five days following confirmation by the Board and signature by the Chairman or Deputy Chairman.

(9) The Board may appoint one or more committees—

- (a) to inquire into and advise the Board on such matters within the scope of the Board's functions as the Board may refer to it; and
- (b) to exercise such of the powers and perform such of the functions and duties of the Board as the Board may delegate to it,

(10) A committee appointed under subsection (9)—

- (a) may include a minority of non-board members, appointed by the Board or co-opted by the committee, who have the specialist knowledge and expertise to advise the committee on the issues referred to it; and
- (b) shall report only to the Board.

(11) Either the Board or a committee appointed under subsection (9) may require any officer or employee of the Board to attend any meeting of the Board or committee and to bring to that meeting any specified document or information.

(12) Subject to the provisions of this Act, the Board may regulate its own procedure for meetings.

## **6. Declaration of interests**

(1) If a member of the Board has any pecuniary interest, direct or indirect, in any contract, proposed contract, licence or other matter and is present at a meeting of the Board or of any of the Committees of the Board at which the contract, proposed contract, licence or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract, proposed contract, licence or other matter or vote on any question with respect to it and shall be excluded from the meeting for the duration of the consideration, discussion and voting procedure.

(2) If any person fails to comply with the provisions of subsection (1) he commits an offence and is liable on summary conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 2 years, or to both, unless he proves that he did not know that the contract, proposed contract, licence or other matter in which he had a pecuniary interest was the subject of consideration at that meeting.

(3) A disclosure under subsection (1) shall be recorded in the minutes of the Board.

(4) No act or proceeding of the Board shall be questioned on the ground that a member of the Board has contravened this section.

#### **7. Pecuniary interests for the purposes of section 6**

(1) For the purposes of section 6, a member of the Board shall be treated, subject to the following provisions of this section and to section 8, as having indirectly a pecuniary interest in a contract, proposed contract, licence or other matter if—

- (a) he or any nominee of his is a member of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the licence or other matter under consideration;
- (b) he is a partner, or is in the employment of a person with whom the contract was made or is proposed to be made, or who has a direct pecuniary interest in the licence or other matter under consideration; or
- (c) he, or any partner of his is a professional adviser to a person who has a direct or indirect pecuniary interest in a contract, proposed contract, licence or other matter.

(2) Subsection (1) does not apply to membership of or employment under any public body.

(3) In the case of married persons the interest of one spouse shall be deemed for the purpose of section 6 to be also the interest of the other.

#### **8. Removal or exclusion of disability, etc.**

(1) Section 6 does not apply to an interest in a contract, proposed contract, licence or other matter which a member of the Board has as a member of the public or to an interest in any matter relating to the terms on which the right to participate in any service is offered to the public.

(2) Where a member of the Board has an indirect pecuniary interest in a contract, proposed contract, licence or other matter by reason only of a beneficial interest in securities of a company or other body, and the nominal value of those securities does not exceed \$10,000 or one-thousandth of the total nominal value of the issued share capital of the company or other body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-thousandth of the total issued share capital of that class, section 6 shall not prohibit him from taking part in the consideration or discussion of the contract, proposed contract, licence or other matter or from voting on any question with respect to it, without prejudice, however, to his duty to disclose his interest.

**9. Functions and duties of the Board.**

(1) The Board shall be responsible for the overall organisation and management of the hospital to the standards of the Joint Commission International, or to the standards of such other international health care accreditation agency as may be specified by the Minister in Regulations made under this Act.

(2) The Board shall consider and advise upon all matters which may from time to time be referred to it by the Minister and shall provide the Minister with such information as he may reasonably require relating to the administration of this Act.

(3) The Board shall—

- (a) administer the hospital generally in an efficient manner to promote the welfare of the patients of the hospital;
- (b) make available at the hospital modern methods of treatment of the sick and infirm;
- (c) co-ordinate the administration and operation of the hospital;
- (d) make recommendations to the Minister on the development of the hospital and the hospital service in Antigua and Barbuda;
- (e) establish and determine the duties of its Committees;
- (f) establish a secretariat for the purposes of the Board and its committees; and
- (g) determine, subject to sections 11 and 12 the duties of its officers.

**10. Policy directions by Minister and daily management of the Hospital.**

(1) The Minister may give general directions as to the policy to be followed by the Board in the performance of its functions as appear to the Minister to be necessary in the public interest, and the Board shall give effect to those directions.

(2) The Minister shall not direct the Board, its officers, servants or agents on the manner in which it manages the daily operation of the hospital.

**11. Appointment of Chief Executive Officer and Director of Finance, Senior Management Personnel and Management Company.**

(1) The Board may appoint at such remuneration, and on such terms and conditions as it considers appropriate, a Chief Executive Officer who shall be a full-time officer of the Board and the principal executive officer of the Board.

(2) Subject to subsection (5), the Board shall appoint at such remuneration, and on such terms and conditions as it considers appropriate —

- (a) a Secretary, who may be a full-time employee of the Board; and
- (b) a Director of Finance who shall be a full-time officer of the Board and be responsible to the Board through the Chief Executive Officer for the efficient management of the financial administration of the hospital.

(3) The Board may appoint at such remuneration, and on such terms and conditions as it considers appropriate, other senior management personnel to administer the operations of the hospital.

(4) The Board may appoint at such remuneration, and on such terms and conditions as it considers appropriate, a professionally qualified and experienced management company instead of a Chief Executive Officer to carry out such management, financial and other services as it considers necessary to operate the hospital in an efficient and business-like manner.

(5) Notwithstanding subsection (2), if a management company is appointed in accordance with subsection (4) to be responsible for the financial administration of the hospital the Board shall not appoint or continue to employ a Director of Finance,

## **12. Appointment of Medical Director.**

(1) The Board shall appoint, at such remuneration, and on such terms and conditions as it considers appropriate, a Medical Director for the hospital, who shall be a medical practitioner registered under the Medical Practitioners Act 2009 and may or may not be a full-time officer of the Board.

(2) The Medical Director shall be responsible to the Board through the Chief Executive Officer for the supervision of the medical and dental care given to all patients of the hospital in accordance with the policies established by the Board.

(3) The Medical Director shall be Chairman of the Medical Executive Committee at the hospital.

## **13. Appointment of medical and other staff.**

(1) The Board may, after consultation with the Medical Executive Committee and on the terms and conditions approved by the Board, appoint medical staff for the hospital, but a person appointed to the medical staff shall not by reason only of that appointment be an officer, servant or agent of the Board.

(2) Subject to subsection (3) a person appointed to the medical staff shall hold office for a period of not more than five years and shall be eligible for reappointment.

(3) The Board may revoke the appointment of a person to the medical staff for good cause (including any breach of the rules of the Board).

(4) The Board may appoint such other employees, either full-time or part-time, and engage under contract for services such professional, technical or other assistance as it considers necessary to carry out its functions.

(5) Any person who is employed as a full-time employee of the Board shall not, except with the permission of the Board, practice any profession or engage in any trade or business or take any employment for gain, otherwise than in the pursuance of the duties of his office.

#### **14. Pension Scheme**

(1) The Board may provide a pension scheme for its employees by—

- (a) establishing a separate scheme for its employees only;
- (b) entering into arrangements with the Government to admit the Board's employees into a pension scheme maintained by the Government, whether under the Pensions Act (Cap. 311), the Pension (Non-established Government Employees) Act, (Cap. 310) or otherwise;
- (c) entering into arrangements with another employer to admit the Board's employees into a pension scheme established by that employer; or
- (d) entering into arrangements with an insurance company or other similar financial institution for the provision of a pension scheme for the Board's employees.

(2) In subsection (1) "employee" means a person working for the Board under a contract of service.

(3) A pension scheme established under subsection (1)(a) shall be established in accordance with regulations made under section 30.

#### **15. Clinical departments and services.**

(1) The Board may, after consultation with the Medical Executive Committee, establish and maintain such clinical departments or services as it considers necessary for the proper operation of the hospital and without prejudice to the generality of the foregoing, shall establish and maintain at the hospital the following departments or services—

- (a) Medical;
- (b) Surgical;

- (c) Obstetrics and gynaecology;
- (d) Paediatrics;
- (e) Emergency medicine;
- (f) Diagnostic medicine; and
- (g) Anaesthesiology.

(2) The Board may, after consultation with the Medical Executive Committee and the Chief Executive Officer, appoint a member of the medical staff to be the head of any department or service established under subsection (1).

#### **16. Medical Executive Committee.**

There shall be established a Medical Executive Committee for the hospital which shall be a standing committee and the composition, procedure and functions of the Medical Executive Committee shall be as prescribed by Regulations made under section 30.

#### **17. Financial provisions.**

The funds and resources of the Board shall consist of—

- (a) fees and other charges for hospital services;
- (b) monies received by the Board by way of rents, subsidies, interest and other income derived from the investment of the Board's funds;
- (c) monies borrowed by the Board under section 18 for the purpose of carrying out its functions under this Act;
- (d) monies or other property real or personal received by way of grants, gifts or bequests given to the hospital or to the Government for the purposes of the hospital; and
- (e) monies appropriated by the Legislature for the purposes of the hospital or the Board.

#### **18. Borrowing powers.**

(1) The Board may, after consultation with the Minister and subject to subsection (2), borrow monies required by it for the purpose of carrying out its functions under this Act.

(2) The Minister of Finance shall approve in advance the amount to be borrowed, the source of the borrowing and the terms on which the borrowing is to be effected and his approval may be either general or limited to the particular borrowing and may be either conditional or unconditional.

#### **19. Investment.**

(1) The Board may invest monies in securities to be determined by the Board and the investments shall include funds that are given or bequeathed for the benefit of the hospital.

(2) The Board may realise any funds that have been invested provided that any funds realised that were given or bequeathed for the benefit of the hospital shall as soon as practicable or expedient be re-invested by the Board.

(3) Funds received by the Board that are in an investment may be retained by the Board in that investment.

#### **20. Bank accounts.**

(1) The Board shall open and maintain such bank accounts as are necessary for the performance of its functions.

(2) The Board shall ensure that all money received by or on behalf of the Board is banked as soon as possible after being received.

(3) The Board shall ensure that no money is withdrawn or paid out of any of its bank accounts without the Board's authority.

#### **21. Accounts of the Board.**

(1) The Board shall cause proper accounts of its financial affairs to be maintained.

(2) Without prejudice to the generality of subsection (1) the Minister may give general or special directions with respect to the accounting procedures of the Board and the Board shall act in accordance with those directions.

(3) For the purposes of this Act, the financial year of the Board shall end on the date the Board, with the approval of the Minister, may determine.

#### **22. Audit of accounts.**

(1) The accounts of the Board shall be prepared in the form and at the time the Minister from time to time may direct, and shall be audited annually by the Director of Audit or a person appointed by the Board.

(2) The Board shall grant to the Director of Audit or the auditor appointed under subsection (1) to audit the accounts, access to all books, documents, cash and securities of the Board and shall give to him on request any information in relation to the operations of the Board.

(3) The Board shall submit to the Minister every account, certified by the Director of Audit or the auditor appointed under subsection (1) to audit the accounts, within thirty days of the date of the certificate.

(4) The Minister shall, as soon as possible after receipt of an account in accordance with subsection (3) lay a copy of the account before the House.

### **23. Inspection of premises of and standards at the hospital.**

(1) An officer in or a contractor of the ministry of health authorised by the Permanent Secretary of that ministry in that behalf may, at all reasonable times, enter into all premises within the control and management of the Board with or without technical advisers and inspect the services provided by the Board and the safety and standards thereof, and shall report to the Minister the result of that inspection, and the Minister shall immediately forward a copy of each report to the Board.

(2) At the request of the Minister, an officer in or a contractor of the ministry responsible for public works authorised by the Permanent Secretary of that ministry in that behalf, may at all reasonable times and upon reasonable notice being given to the Board, enter into and inspect all premises with or without technical advisers within the control and management of the Board, and shall report to the Minister upon the state of the premises and the Minister shall forward a copy of each report to the Board.

### **24. Vesting of certain property, rights and liabilities in the Board.**

(1) Mount St. John Medical Centre Limited shall not later than six months after the coming into force of this Act or after the hospital has been completed, whichever shall be the later, transfer to the Board such property, both movable and immovable of Mount St. John Medical Centre Limited on such terms and conditions as Mount St. John Medical Centre Limited and the Board may agree.

(2) The benefits and liabilities of any contract for or in connection with Mount St. John Medical Centre Limited and facilities to which the Board is a party (including debts and debt servicing, the right to recover and receive all monies due and payable to Mount St. John Medical Centre Limited) and which subsist or are in force immediately before the coming into force of this Act shall be transferred at a date to be determined by the Board of Mount St. John Medical Centre Limited and published by notice in the *Gazette* from Mount St. John Medical Centre Limited to the Board.

(3) Any proceedings upon any contract, agreement, deed, bond or other instrument to which reference is made in subsection (2) which are pending immediately before the coming into force of this



Act and to which Mount St. John Medical Centre Limited was a party shall in accordance with the provisions of subsection (2) continue as if the Board was a party thereto in lieu of Mount St. John Medical Centre Limited.

(4) No immovable property vested in the Board under subsection (1) shall be divested without first obtaining the written approval of the Cabinet.

## **25. Annual Report**

(1) The Board shall, not later than ninety days after the end of each financial year, make and transmit to the Minister a report dealing generally with the activities of the Board during the preceding financial year.

(2) The Minister shall, as soon as practicable but not later than sixty days after the receipt of the report, cause a copy of the report to be laid on the table of the House of Representatives together with a copy of the audited accounts which relate to the financial year covered by the report.

## **26. Ministerial approvals**

Where requests for approvals have been submitted in writing by the Board through its Chairman, Deputy Chairman or Secretary to—

- (a) the Minister pursuant to section 21(3); or
- (b) the Minister of Finance pursuant to section 18(2),

the Minister to whom such request has been made shall inform the Board in writing of his decision within one month of the Minister's receipt of the Board's request for approval.

## **27. Exemption from tax, customs duties and other duties**

The Board shall be exempt from the payment of—

- (a) taxes imposed by or under any Act;
- (b) stamp duty chargeable in respect of any instrument by or on behalf or in favour of the Board in cases where, but for this exemption, the Board would be liable to pay the duty chargeable in respect of such instrument; and
- (c) customs duties and other duties on all plant, machinery, appliances, equipment and materials for every kind whatsoever imported into Antigua and Barbuda by the Board for the purpose of carrying out its functions under this Act.

## **28. Repeals**

The Antigua and Barbuda Hospitals Board Act, 1999 is repealed.

## **29. Transitional provisions**

(1) Every person who, at the coming into force of this Act is a public officer at Holberton Hospital (except those persons employed in the performance of the catering and housekeeping functions) shall be seconded by the Government to the service of the Board.

(2) A person who is seconded by the Government to the service of the Board under subsection (1) shall in relation to pension, gratuity, other allowances and any rights or obligations as a public officer be treated as continuing in the service of the Government.

(3) The sums payable by Government as employer and employee contributions respectively under the Social Security Act (Cap. 408), the Medical Benefits Act (Cap. 271) and the Board of Education Act, 1994, in respect of such public officers as are seconded to the service of the Board under subsection (1) shall at the end of every month after the commencement of this Act be paid into the Consolidated Fund by the Board and such sums shall be paid by Government immediately on receipt into the appropriate funds established under the Social Security Act (Cap. 408), the Medical Benefits Act (Cap. 271) and the Board of Education Act, 1994.

(4) The Government and the Board may enter into an agreement whereby the sums mentioned in subsection (3) may be paid directly by the Board on behalf of the Government into the appropriate funds established under the Social Security Act (Cap. 408), the Medical Benefits Act (Cap. 271) and the Board of Education Act, 1994.

(5) The Board shall, within three months after the end of each financial year, pay to the Government in respect of such public officers as are seconded to the service of the Board under subsection (1) such sum or sums of money as a contribution to the pension and other rights of such public officers under The Pensions (Non-Established Government Employees) Act, Cap 310 and The Pensions Act, Cap 311 as would have been due by Government in respect of the accruing pension and other rights of such public officers under the respective Acts.

(6) The Board may, as an alternative to making payments under subsection (5), and following agreement with the Government, establish under Regulations made under section 30 a fund to be maintained by Trustees in accordance with such regulations into which the Board shall pay the contributions mentioned in subsection (5) for the payment of the accruing pension and other rights of such public officers.

(7) The Minister may by regulations made under this section provide for such further transitional, consequential and saving provisions to have effect in connection with the coming into operation of any provision of this Act as are necessary or expedient.

(8) Regulations made under subsection (7) may be given retrospective operation to a day not earlier than the day this Act comes into force.

(9) Subsections (7) and (8) shall expire one year after they come into force.

(10) Regulations made under subsections (7) and (8) may make modifications to this Act or to any other enactment.

(11) Regulations made under subsections (7) and (8) shall be subject to affirmative resolution of the legislature.

### **30. Power to make regulations.**

(1) The Minister may, after consultation with the Board, by regulations make provision for the purpose of carrying this Act into effect and for the better carrying out of the objects and purposes of this Act, and, in particular, but without prejudice to the generality of the foregoing—

- (a) prescribing or enabling the prescription of the sums to be charged by way of hospital fees;
- (b) prescribing anything which may be or is to be prescribed under this Act;
- (c) prescribing professional and other qualifications required by officers of the Board;
- (d) prescribing the conditions under which medical and other practitioners shall be admitted to the hospital to practise their professions;
- (e) prescribing the conditions under which students shall be admitted to the hospital to study their profession;
- (f) prescribing the duties to be performed by the various officers and Committees of the Board;
- (g) prescribing the composition, procedure and functions of the Medical Executive Committee;
- (h) prescribing the terms and conditions of any pension scheme established by the Board under section 14;
  - (i) establishing a trust in accordance with section 29(6); and
  - (j) generally for the purpose of giving effect to this Act.

(2) Subject to section 29(11), regulations made under this Act shall be subject to negative resolution of the House.

(3) Regulations under this Act may—

- (a) make different provision in relation to different cases or circumstances;
- (b) apply in respect of particular persons or particular cases or particular classes of persons or particular classes of cases, and define a class by reference to any circumstances whatsoever; and
- (c) contain such transitional, consequential, incidental or supplementary provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(4) Regulations made under this Act may create an offence punishable by a fine not exceeding \$25,000.

### **31. Power to make rules.**

(1) The Board may make hospital rules—

- (a) governing the professional conduct of the medical staff;
- (b) as to investigations into allegations of misconduct by the medical or other staff;
- (c) as to the disciplinary action that may be taken following a finding of misconduct;
- (d) to establish and institute policies for the efficiency, good order and management of the hospital; and
- (e) to make provision for—
  - (i) the admission and discharge of patients, patients identification and protection of the rights of patients;
  - (ii) the conduct and control of patients;
  - (iii) the conduct of visitors; and
  - (iv) the control and supervision of clinical work and the use of the facilities of the hospital in the course of that work.

(2) A handbook of the policies and rules of the Board shall be supplied by the Board to medical practitioners and made available for inspection by other persons on request being made to the Chief Executive Officer.

Passed the House of Representatives on this  
26th day of January, 2009.

Passed the Senate on this 30th day of  
January, 2009.

**D. Gisele Isaac-Arrindell,**  
*Speaker.*

**McKenzie Frank,**  
*President.*

**T. Thomas,**  
*Acting Clerk to the House of Representatives.*

**T. Thomas,**  
*Acting Clerk to the Senate.*