

ANTIGUA AND BARBUDA



THE MOUNT ST. JOHN'S MEDICAL CENTRE (AMENDMENT) ACT, 2023

No. 10 of 2023

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[L.S.]



I Assent,

Rodney Williams,
Governor-General.

14th August, 2023.

ANTIGUA AND BARBUDA

THE MOUNT ST. JOHN'S MEDICAL CENTRE (AMENDMENT) ACT, 2023

No. 10 of 2023

AN ACT to amend the Mount St. John's Medical Centre Act 2009, No. 2 of 2009; to effect the renaming of the Act to the Sir Lester Bird Medical Centre Act, to change the name of the hospital and the Board and to bring an end to the secondment of public officers at the Sir Lester Bird Medical Centre, and for other connected purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Sir Lester Bird Medical Centre (Amendment) Act 2023.

2. Interpretation

In this Act, "principal Act" means the Mount St. John's Medical Centre Act 2009, No. 2 of 2009 herein renamed the Sir Lester Bird Medical Centre Act.

3. Amendment of section 2

Section 2 of the principal Act is amended by:

- (a) deleting the definition of the word "Board" and replacing it as follows -
"“Board” means the Sir Lester Bird Medical Centre Board (formerly the Mount St. John's Medical Centre Board) established under section 3;”
- (b) deleting the definition of the word "hospital" and replacing it as follows –

““hospital” means the institution formerly known as the “Mount St. John’s Medical Centre”, including any premises that have been declared by the Minister to be a part thereof and which, with effect from 18th May, 2021, has been known and been referred to as the Sir Lester Bird Medical Centre, and shall include any premises which may be declared by the Minister by Notice published in the Gazette, to be part of the hospital;”

4. Amendment of section 3

Section 3 of the principal Act is amended by:

- (a) repealing the section heading and replacing it with the section heading “Establishment of the Sir Lester Bird Medical Centre”;
- (b) in subsection (1), by repealing the words “Mount St. John’s Medical Centre Board” and replacing this with the words, “Sir Lester Bird Medical Centre Board”;

5. Amendment of section 14

Section 14 of the principal Act is amended by repealing the section in its entirety and replacing it as follows –

“14. Pension Scheme

(1) The Board shall provide a pension scheme for its employees by entering into arrangements with the Government to admit the Board’s employees into a pension scheme to be maintained and managed by the Board.

(2) The Minister, after consultation with the Board, shall make regulations for the establishment of the Sir Lester Bird Medical Centre Pension Scheme which shall mirror regulations made under the provisions of the Pensions Act, Cap. 311.”

6. Amendment of section 24

Section 24 of the principal Act is amended as follows:

- (a) *by repealing the section heading and replacing it with the section heading “Vesting of certain property, rights and liabilities in the Mount St. John’s Medical Centre Board”;*
- (b) *by inserting the words “Mount St. John’s Medical Centre” before the word “Board” wheresoever the word shall appear in the section.*

7. Insertion of section 24A

The principal Act is amended by inserting immediately after section 24 the following new section:

“24A. Vesting of certain property, rights and liabilities in the Sir Lester Bird Medical Centre Board

(1) All property, both movable and immovable, registered or standing in the name of the Mount St. John's Medical Centre on or after the 18th May 2021 shall be transferred to the Sir Lester Bird Medical Centre Board.

(2) The benefits and liabilities of any contract for or in connection with the Mount St. John's Medical Centre and its facilities to which the Mount St. John's Medical Centre Board is a party (including debts and debt servicing, the right to recover and receive all monies due and payable to the Mount St. John's Medical Centre Board) which was in force on the 18th May 2021 shall be transferred to the Sir Lester Bird Medical Centre Board.

(3) Any proceedings upon any contract, agreement, deed, bond or other instrument to which reference is made in subsection (2) which were subsisting or pending on the 18th May 2021 or anytime thereafter, to which the Mount St. John's Medical Centre Board was a party shall in accordance with the provisions of subsection (2) continue as if the proper party was at all times the Sir Lester Bird Medical Centre.

8. Amendment of section 29

Section 29 of the principal Act is amended by:

- (a) repealing subsections (7) through to (11), inclusive; and
- (b) inserting the following subsections after subsection (6):

“(7) Notwithstanding subsection (1) through (6), the secondment of all public officers, established as well as non-established, to the service of the Board pursuant to subsection (1) shall come to an end on the 30th September, 2023.

(8) Unless otherwise provided in this section,

- (a) the years of service of seconded public officers prior to the ending of the secondment shall be carried forward and count as service rendered to Sir Lester Bird Medical Centre should the employee continue in the service of the Sir Lester Bird Medical Centre, as determined by this section;
- (b) seconded public officers shall be entitled to retain the salary and emoluments received by them prior to the ending of the secondment as the salary entitlement due to them.

(9) A seconded public officer may opt to return to service under the Central Government by providing written indication to the Permanent Secretary of the Ministry not later than 31st August 2023, of the seconded public officers' desire to return to service under the Central Government.

(10) A seconded public officer who does not provide the Permanent Secretary with the written indication as required by subsection (9) shall, as at the 1st October 2023, be deemed to have become a direct hire of Sir Lester Bird Medical Centre.

(11) Where practicable, public officers who opt to return to service in the Central Government shall be returned to posts that are commensurate with their level of experience, qualifications and position held by them prior to the ending of the secondment.

(12) Seconded public officers that are unable to revert to service under the Central Government as a result of the unavailability of a suitable post, may opt either to be terminated or to be granted early retirement in accordance with the provisions of the applicable Pensions Act.

9. Insertion of section 29A

The principal Act is amended by inserting after section 29 the following new section —

“29A. Pension entitlement of seconded public officers

(1) the salary adjustment —

(a) received by a seconded public officer who transitioned from service at the Holberton Hospital to service at the Mount St. John's Medical Centre when the hospital commenced operations in February 2009; and

(b) which continues to be paid to seconded public officers as at the date of the passing of this amendment,

shall be converted to salary for the purpose of calculating the pensionable entitlement of a seconded public officer.

(2) Formerly seconded public officers who retired while in the service of the hospital, prior to the ending of the secondment, shall be paid a pension calculated on the salary adjustment stated in subsection (1) and which was last received by them at the hospital on the date of their retirement.

Passed by the House of Representatives
this 28th day of July, 2023

Passed by the Senate this 9th day of
August, 2023

Gerald Watt, Q.C.,
Speaker.

Alicia Williams-Grant,
President.

Rosemarie Weston,
Clerk to the House of Representatives.

Rosemarie Weston,
Clerk to the Senate.