
CHAPTER 235A
RESIDENTIAL CARE ESTABLISHMENTS

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CHAPTER 235A
RESIDENTIAL CARE ESTABLISHMENTS

An Act to provide for the establishment of a residential care establishments licensing authority responsible for the regulation and licensing of operators of residential care establishments and for purposes connected therewith. *24 of 2004.*

*[Assent 3rd December, 2004]
[Commencement 1st July, 2005]* *S.I. 32/2005.*

1. This Act may be cited as the Residential Care Establishments Act. *Short title.*

2. In this Act — *Interpretation.*

“Administrator” means the person responsible for the day to day operation and management of a residential care establishment;

“Authority” means the Residential Care Establishments’ Licensing Authority established under section 3;

“Minister” means the Minister responsible for care facilities;

“operator” means a person entitled to be issued a licence to operate a residential care establishment under section 9 of the Act;

“register” means the register of residential care establishments kept by the Authority in accordance with section 15;

“residential care services” includes assistance with daily living and the provision of social and emotional support programmes by the operator of the facility; and

“residential care establishment” includes —

- (a) any facility, including a private home, operated by a person who receives compensation for the provision of residential care services for five residents or more;

- (b) an establishment which provides residential care services for compensation to persons in need of care by reason of old age, disablement, social dislocation or a past or present dependence on alcohol or drugs;
- (c) any charitable or non-charitable establishment for the provision of residential care services for children and young persons, persons of old age, persons suffering from social dislocation or disability and persons dependent on drugs.

Establishment of Authority.

3. (1) There is hereby established a body to be called the Residential Care Establishments' Licensing Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal, with power to acquire, hold and dispose of land and other property of whatever kind and to sue and be sued.

First Schedule.

(3) The First Schedule shall have effect with respect to the constitution and procedure of the Authority and otherwise in relation thereto.

Functions of Authority.

4. The functions of the Authority are —

- (a) to register buildings as residential care establishments;
- (b) to register operators and administrators of residential care establishments;
- (c) to regulate residential care establishments;
- (d) to appoint suitable persons, (not being persons engaged in the management of residential care establishments) to be inspectors for the purposes of this Act;
- (e) to govern and regulate the conduct of operators and employees of residential care establishments;
- (f) to issue licences to operators of residential care establishments under this Act;
- (g) to establish standards of qualifications for operators and employees of residential care establishments; and
- (h) to do such other things as may be prescribed by this Act or any other written law.

5. (1) No person shall operate a residential care establishment unless that residential care establishment is registered under this Act.

Registration of residential care establishments.

(2) The Authority may, upon application in the prescribed manner and —

- (a) on being satisfied that the premises on which the residential care establishment would be operating is fit for that purpose;
- (b) on being satisfied that all emergency, medical and disaster plans are in place in the residential care establishment;
- (c) on being satisfied that the residential care establishment would operate in a manner that is in the best interest of the public's safety; and
- (d) upon payment of the prescribed fee,

grant to the applicant a certificate of registration in the prescribed form to use a building as a residential care establishment.

(3) A certificate of registration issued in respect of a residential care establishment shall be displayed in a conspicuous place in that residential care establishment.

(4) A certificate of registration issued under this Act shall, unless sooner suspended or revoked, be valid for two years from the date of the grant of the certificate.

(5) Application for renewal of a certificate of registration shall be made in the prescribed form and not later than thirty days before the date of the expiration thereof.

(6) The Authority may upon application in the prescribed manner and on being satisfied of the conditions in section 5(2) grant a renewal of the certificate of registration.

(7) Where the Authority refuses an application for renewal for registration, the Authority shall within seven days from the date of such refusal give written notice to the applicant stating the reasons therefor.

6. (1) No person shall operate a residential care establishment without being duly registered under this Act.

Penalty for operating an establishment without being registered.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two thousand five hundred dollars and

where the offence continues after conviction, the person commits a further offence and is liable to a further fine of one hundred dollars for every day upon which such offence continues.

Qualifications for registration as an operator.

7. (1) A person who applies to the Authority to be registered as an operator of a residential care establishment and who satisfies the Authority that —

- (a) the applicant and every person to be employed by the applicant is eighteen years of age or over;
- (b) the applicant or a person employed by the applicant is not by reason of age or otherwise incapable of operating or being employed in a residential care establishment;
- (c) the applicant or any of the employees are fit and proper, that is to say —
 - (i) they have not been convicted of any offence against this Act;
 - (ii) they have not been convicted of any offence under the Sexual Offences and Domestic Violence Act;
 - (iii) they have not been convicted of any offence within the last five years of which violence, dishonesty or drug abuse is an element:

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Provided that in the case of a person who has completed a rehabilitative programme and is employed in the residential care establishment where the rehabilitative programme was conducted; such person should not have been convicted of any offence within the last two years of which violence, dishonesty or drug use is an element;

- (iv) in the case of a body corporate, none of its directors have been convicted of any offence as mentioned in this paragraph;
 - (v) the Authority is satisfied as to the character, antecedents or competence of the applicant; and
- (d) the applicant is qualified to be so registered, is entitled, upon compliance with this Act and on payment of the prescribed fee, to be registered under this Act.

(2) For the purposes of subsection (1)(d), a person is qualified to be registered as an operator of a residential care establishment if that person has not been disqualified or suspended from operating a residential care establishment whether within or outside The Bahamas and —

- (a) there is evidence that the operator, or in the case where the operator is a body corporate, the Administrator has satisfactory training or experience in providing care for the residents of the establishment as may be prescribed;
- (b) he is a citizen of The Bahamas or a permanent resident of The Bahamas whose permanent residence certificate permits him to engage in gainful occupation.

(3) An application for registration under this section shall be made in the prescribed form and an applicant shall furnish to the Authority —

- (a) evidence of his qualification, or in the case of a body corporate, evidence of the qualifications of the Administrator;
- (b) proof of his identity; and
- (c) such further or other information as the Authority requires in respect of the matters specified in paragraphs (a) — (d) of subsection (1).

(4) A registration under this section shall be known as the first registration, and the fee payable in respect thereof shall be known as the first registration fee.

(5) Where a person qualifies under this section, the Authority shall enter the person's name on the register kept under section 15.

(6) Where the Authority refuses to approve the registration of a person under this Act, the Authority shall within seven days from the date of such refusal give written notice to the applicant stating the reasons therefor.

(7) Where it appears to the Authority that an applicant for registration is not qualified under this section, the Authority may, upon payment of the prescribed fee issue to that person a provisional licence subject to such conditions as the Authority may determine which shall entitle him to operate an establishment as he would have been entitled to do if he had been registered and licensed in accordance with the Act.

(8) A provisional licence shall, unless it is sooner cancelled, remain in force for a period, not exceeding one year.

(9) The Minister shall cancel a provisional licence at any time on the direction of the Authority.

Establishment
must have an
Administrator.

8. (1) Every residential care establishment shall have at all times an Administrator whose name shall be registered with the Authority.

(2) Every Administrator shall possess such qualifications as may be prescribed by regulations and such regulations may contain different qualifications for Administrators of different residential care establishments.

Licences.

9. (1) Every person registered as an operator of a residential care establishment shall upon application in the prescribed manner and on payment of the prescribed fee, be entitled to have issued to him by the Authority a licence, and every person holding such a licence shall display the licence in a prominent place in that person's place of business.

(2) A licence shall take effect on the date specified in the licence and shall be valid for two years from that date unless otherwise suspended or revoked.

(3) The Authority may, upon application in the prescribed manner, on being satisfied that the residential care establishment was previously operated in accordance with the Act, on payment of the prescribed fee, renew a licence.

(4) Where a licence has been lost, destroyed or mutilated, it may be replaced by the Authority by the issue of a copy thereof upon application by the holder of the licence and on payment of the prescribed fee.

Transfer of a
licence.

10. (1) Where a licensee dies or divests himself of his interest in the business of a residential care establishment in respect of which a licence was granted, the Authority may, upon application made by any person claiming the right to succeed to that licence as the operator of a residential care establishment, and upon payment of the prescribed fee, transfer the licence to that person subject to such terms and conditions as the Authority may think fit to impose.

(2) Any person to whom a licence is transferred under subsection (1), must satisfy the Authority that he is a

fit and proper person to operate a residential care establishment and of all the other requirements under this Act.

(3) Before transferring a licence under this section the Authority shall, where practicable, give to the licensee or, as the case may be, to his legal personal representative a reasonable opportunity to make any representations that he may wish to make in relation to that application, and shall take into account any representations so made by him or on his behalf.

11. (1) The Authority may at any time, upon written application made by a licensee or of its own motion, vary any of the terms or conditions of a licence.

Variation of a licence.

(2) The Authority shall in varying any term or condition of a licence take into account any representations made to it by the licensee or on his behalf and shall not vary such term or condition of its own motion without first giving to the licensee a reasonable opportunity to make such representations.

12. A transfer of a licence or variation of any term or condition of a licence made by the Authority under sections 10 or 11 shall be endorsed on the licence, together with the date when it was made by the Authority and the date when it is to take effect.

Transfer or variation to be endorsed on licence.

13. Where an operator of a residential care establishment fails to renew his licence or his certificate of registration within two months from the date of expiration thereof, that residential care establishment shall be deemed not registered for the purposes of this Act until such time as the operator has complied with sections 5 and 9.

Failure to renew licence or certificate of registration.

14. (1) A person who, on the date of commencement of this Act, is the operator of a residential care establishment shall apply in the prescribed manner to the Authority within nine months after that date —

Existing residential care establishments.

- (a) to be registered as an operator of a residential care establishment;
- (b) to have the residential care establishment registered;
- (c) to be issued with a licence pursuant to this Act.

(2) Where an application is made pursuant to subsection (1), the operation of a residential care establishment to which the application relates may be continued pending the determination of the application.

(3) The Authority shall within ninety days after the receipt of an application made pursuant to subsection (1), make a determination in respect of that application and if no determination is made within the ninety day period and the applicant is duly qualified for registration under section 7, that residential care establishment shall be deemed to be duly registered and licensed for one year from the date of the application.

Register to be kept.

15. The Authority shall keep a register which shall consist of the names of all licensed operators, the Administrators and the names of the residential care establishments which they operate and shall cause to be entered therein from time to time, in respect of every residential care establishment any operator registered in accordance with the provisions of this Act, and the particulars specified in this Act for registration.

Records of residential care establishments to be kept.

16. The Administrator of a residential care establishment shall keep or cause to be kept —

- (a) a register of residents in which shall be recorded the name, age, former place of abode and next of kin of each resident within the residential care establishment;
- (b) medical records of each resident;
- (c) proper records showing the business conducted by the Administrator in respect of that residential care establishment;
- (d) a log book recording the day to day activities of the establishment; and
- (e) such other records as may be prescribed by the Minister.

Publication of register.

17. (1) The Authority shall cause the register under section 15 to be published in the Gazette as soon as practicable after the expiration of ninety days after the commencement of this Act.

(2) In each year after the register is published under subsection (1), the Authority shall cause to be published in the Gazette as aforesaid a corrected edition of the register or a list with additions made to the register since it was last published.

(3) The Authority shall keep the register open at all reasonable times for inspection by members of the public.

18. (1) Where the Authority considers that an operator registered under this Act has failed or is failing to operate a residential care establishment in accordance with the licence or the Act, the Authority may give written notice to the operator registered specifying in what respect, in the opinion of the Authority, the operator failed or is failing to comply with the requirements of the licence or the Act.

Notice of failure to comply with Act.

(2) The Authority may, upon giving notice pursuant to subsection (1), impose any conditions it deems necessary and specify any time period for which such conditions must be met.

19. (1) The Authority may at any time, by order suspend or revoke as the case may be, the licence of a residential care establishment —

Suspension and revocation of licence.

- (a) if the respective holder of the licence has been convicted of an offence under this Act, or willfully neglects or refuses to comply with any of the provisions of this Act;
- (b) if in the opinion of the Authority, the building of the residential care establishment is kept in an unsanitary condition or without proper fire protection;
- (c) if the business of the residential care establishment is conducted in a manner contrary to this Act, or in such a manner that the revocation of the licence is required in the interest of the public health or public safety; or
- (d) where the Authority receives complaints regarding the care of residents within that residential care establishment and is satisfied upon investigation that such complaints are legitimate.

(2) Before making an order under subsection (1), the Authority shall give to the operator not less than fourteen days notice of its intention to make an order, and that notice shall state the grounds on which the order is to be made and shall contain a statement that, if within fourteen days after receipt of the notice, the person registered informs the Authority in writing that he desires to do so, the Authority will before making the order, give the operator an opportunity to show cause, in person or by a representative why the order should not be made.

(3) If the Authority after giving the person registered an opportunity to be heard by it, decides to suspend or revoke the licence, the Authority shall make an order to that effect and shall send a copy of the order to the licensee.

(4) Upon making an order under subsection (1), the Authority may when necessary, in conjunction with the operator of the residential care establishment, make arrangements for the placement, temporary or otherwise of the residents of the residential care establishment.

Appeal.

20. (1) A person aggrieved by —

- (a) a decision of the Authority to refuse to grant, renew, transfer, or vary a term or condition of a licence;
- (b) any other decision of the Authority in the exercise or purported exercise of any power or authority conferred upon it by this Act,

may appeal to a judge of the Supreme Court by giving notice of appeal in writing to the Registrar of the Supreme Court and to the Authority within fourteen days of the decision of the Authority, and such notice of appeal shall be given, and such appeal shall be heard and determined, in accordance with rules made under the provisions of the Supreme Court Act, and the Authority shall give effect to any order made by the Supreme Court on any such appeal.

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(2) An appeal under subsection (1) shall not operate as a stay of the decision of the Authority.

Power of
Minister to
suspend
operation.

21. (1) Notwithstanding sections 19 and 20, the Minister acting on the advice of the Authority that a residential care establishment is operating in a manner that is detrimental to the public health or public safety, may by order published in the Gazette suspend with immediate effect the operation of that residential care establishment.

(2) The Minister shall within seventy-two hours after suspending the operation of the residential care establishment, inform the operator of that residential care establishment, of any conditions that must be complied with prior to the lifting of any order made under subsection (1).

(3) The Minister shall, upon making an order under subsection (1), cause to be made the necessary arrangements for the placement, temporary or otherwise of the residents of the residential care establishment.

(4) A person who fails to comply with an order made pursuant to subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for one year or to both that fine and imprisonment.

(5) A person aggrieved by a decision of the Minister made under subsection (1), may appeal to a judge of the Supreme Court, but such appeal shall not operate as a stay of the decision of the Minister.

22. All fees collected by the Authority under this Act shall be paid into the Consolidated Fund. Fees.

23. (1) No operator shall employ another person in a residential care establishment unless — Employees of establishments.

- (a) the person has been certified by a registered medical officer to be in good health and free from communicable diseases;
- (b) that person produces a current police record; and
- (c) that person has received such necessary training as may be approved by the Minister.

(2) Every operator of a residential care establishment shall ensure that its employees are certified annually by a registered medical officer to be in good health and free from communicable diseases.

(3) Every residential care establishment shall be staffed with as many employees as the Authority deems necessary.

(4) Every operator of a residential care establishment shall ensure that —

- (a) all of its employees that provide care services are trained in first aid care;
- (b) at all times there is at least one member of staff on duty trained in first aid care;
- (c) first aid care drills are carried out within the establishment not less than twice a year; and
- (d) where further medical help is needed, first aiders are trained to act in accordance with established procedures.

(5) An operator who contravenes this provision commits an offence and is liable on summary conviction to a fine of two thousand five hundred dollars.

First Aid and fire equipment.

24. The operator of every residential care establishment shall ensure that the residential care establishment is equipped with —

- (a) a clearly marked standard First Aid kit;
- (b) smoke detectors; and
- (c) an adequate number of multi-use fire extinguishers.

Admission of persons.

25. No person shall be admitted to a residential care establishment unless that person has received a medical for the purposes of being admitted.

Supervision of persons.

26. No employee of a residential care establishment shall knowingly permit a resident of such establishment to do any act that may cause harm to that resident or any other person while in the residential care establishment.

Protection and care of residents.

27. (1) No person shall inflict corporal punishment on a resident in a residential care establishment.

(2) No person shall physically restrain another person for the purposes of inflicting punishment on that person in a residential care establishment so, however, that where restraint is necessary for the physical protection of the person such restraint shall be administered by a care giver in that residential care establishment.

(3) No person shall deprive a resident in a residential care establishment of sleep, food and good hygienic care.

(4) No person shall subject a resident of a residential care establishment to excessive labour.

Appointment of inspectors.

28. (1) The Authority shall appoint persons to be inspectors for the purposes of this Act.

(2) An inspector may at a reasonable time, enter and inspect the premises of a residential care establishment where that inspector —

- (a) has reasonable cause to believe that the residential care establishment is being operated in contravention of the Act;
- (b) is investigating a complaint concerning the operation of the residential care establishment; or
- (c) wishes to determine whether the residential care establishment is being operated in accordance with the Act.

(3) Any inspector or person appointed to assist such inspector who has a direct or indirect pecuniary interest in any residential care establishment shall as soon as possible, disclose the nature of his interest to the Authority and that inspector or person shall not be permitted to inspect or evaluate the residential care establishment for which he has a pecuniary interest.

(4) An inspector may, for the purposes of subsection (2) —

(a) require the production of records or other documents required to be kept pursuant to this Act; and

(b) make copies of such documents or records.

29. (1) Every operator and employee of a residential care establishment shall cooperate with an inspector executing his functions pursuant to section 28.

Obligation of staff to cooperate with inspectors.

(2) A person who obstructs or impedes an inspector in the execution of his duties under this Act commits an offence and is liable on summary conviction to a fine of one thousand dollars.

30. (1) The Minister may cause a residential care establishment to be visited at any reasonable time by the Director of Social Services, the Director of Environmental Health, the Chief Medical Officer or any other personnel authorized by them for the purpose of ensuring compliance with the Act and that proper health standards are maintained at that residential care establishment.

Health inspection.

(2) Where the person who operates a residential care establishment is notified of the proposed date of visit and such visit is likely to cause unreasonable disruption of a programme already planned or in progress at the residential care establishment, the operator or Administrator of the residential care establishment shall inform the health authorities accordingly, and shall arrange for the visit to take place not later than three days from the date of receipt of such notification.

31. The funds and resources of the Authority shall consist of —

Funds and Resources of the Authority.

(a) any monies as from time to time are provided by Parliament; and

(b) any monies or other property as from time to time may in any manner be lawfully paid to or

vested in the Authority whether or not in respect of any matter incidental to its functions.

Accounts and Audits.

32. (1) The Authority shall keep proper accounts of all transactions and shall prepare in respect of each financial year a statement of accounts in a form that the Minister may with the approval of the Minister of Finance direct.

(2) The accounts shall be audited annually by an auditor appointed by the Authority with the approval of the Minister.

Annual Report.

33. (1) The Authority shall, as soon as possible after the expiration of each financial year and in any event not later than the 30th June in any year, submit to the Minister a report containing —

(a) an account of its transactions throughout the preceding financial year in such detail as the Minister may direct; and

(b) a statement of the accounts of the Authority audited in accordance with section 32.

(2) The Minister shall cause a copy of the report together with a copy of the audited financial statements and the auditor's report to be laid on the table of both Houses of Parliament.

(3) The Authority shall, as soon as possible after the expiration of each financial year submit to the Minister a report dealing with the activities of the Authority during the preceding financial year.

(4) The Minister shall cause a copy of every such report to be laid on the table of both Houses of Parliament.

Regulations.

34. (1) The Minister may, after consultation with the Authority, make regulations generally for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations —

(a) prescribing entries to be made in the records kept pursuant to section 15;

(b) prescribing the physical conditions of a residential care establishment;

(c) prescribing standards with regard to safety, sanitation and such other matters as the Minister considers necessary for the efficient operation of a residential care establishment;

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- (d) regulating the fees to be charged by a residential care establishment for its services;
 - (e) prescribing the forms of application, registration, reports and documents to be used under this Act;
 - (f) regulating the manner in which and the conditions subject to which the services of a residential care establishment shall be performed;
 - (g) prescribing guidelines of the nutrition programmes to be implemented by a residential care establishment;
 - (h) regulating the manner in which a person may be disciplined in a residential care establishment;
 - (i) regulating the manner in which a person may be restrained in a residential care establishment;
 - (j) prescribing any other matter or anything which may be or is required by this Act to be prescribed.

35. A person who contravenes or fails to comply with any of the provisions of this Act, for which no penalty is expressly provided by this Act commits an offence and is liable on summary conviction to a fine of one thousand dollars.

Penalty where no express penalty.

36. This Act binds the Crown.

The Crown.

37. Nothing in this Act shall derogate from any provisions of the Health Services Act, the Town Planning Act and the Building Code published by the Minister responsible for Buildings Regulations.

Non-derogation from certain Acts.
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SCHEDULE (section 3)**CONSTITUTION AND PROCEDURE OF THE
AUTHORITY**

Constitution and
procedure of
Authority.

1. The Authority shall consist of nine members appointed by the Minister of whom —

- (a) one shall be the Director of Social Services *ex officio*;
- (b) one shall be a representative of the Minister responsible for Public Works;
- (c) one shall be a representative of the Minister responsible for Health;
- (d) three persons shall be representatives of Associations representing residential care establishments; and
- (e) three shall be members of the public.

Tenure of
members.

2. Members of the Authority other than *ex officio* members appointed by the Minister shall not hold office for a period exceeding three years, and shall be eligible for re-appointment.

Chairman.

3. (1) The Minister shall appoint one of the members to be the Chairman for a term not exceeding three years.

(2) The Authority shall elect from among its members a deputy chairman for a term not exceeding three years and such person shall be eligible for re-election.

(3) The Chairman shall preside at all meetings of the Authority at which he is present and in his absence the deputy chairman shall preside.

Resignation.

4. Any member of the Authority other than an *ex officio* member may at any time resign his office by instrument in writing addressed to the Minister, and from the receipt by the Minister of such instrument such member shall cease to be a member of the Authority.

Removal.

5. The Minister by instrument in writing, may at any time revoke the appointment of the Chairman, the Deputy Chairman or any other appointed member of the Authority if he thinks it expedient so to do.

Vacancies and
acting
appointments.

6. (1) If any vacancy occurs in the membership of the Authority, such vacancy shall be filled by the appointment of another member who shall, subject to the provision of this Schedule, hold office for the remainder of the period for which the previous member was appointed, so however, that such appointment shall be made in the same manner and from the

same category of persons, if any, as the appointment of the previous members.

(2) If the Minister is satisfied that the Chairman or any other member of the Authority is unable to act, the Minister shall appoint any person to act in place of that member, so, however, that such appointment shall be made in the same manner and from the same category of persons, if any, as the member replaced.

7. The names of all members of the Authority as first constituted and every change in the membership thereof shall be published in the Gazette. Gazetting of appointments.

8. (1) The seal of the Authority shall be kept in the custody of the Chairman or any officer of the Authority as the Authority may approve and shall be affixed to instruments pursuant to a resolution of the Authority in the presence of the Chairman and any other member of the Authority. Seals, etc.

(2) The seal of the Authority shall be authenticated by the signature of the Chairman and one other member authorized to act in that behalf and shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, and all decisions of, the Authority may be signified under the hands of the Chairman or any other member authorized to act in that behalf.

9. (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Authority shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Authority. Interest of member.

(2) A disclosure under subparagraph (1) shall be recorded in the minutes of the meeting of the Authority and that member shall not, unless the Authority otherwise determines —

- (a) be present during any deliberation of the Authority with respect to that matter; or
- (b) take part in any decision of the Authority with respect to that matter.

(3) For the purpose of the making of a determination by the Authority under subparagraph (2) in relation to a member who has made a disclosure under subparagraph (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates shall not —

- (a) be present during any deliberation of the Authority for the purpose of making the determination; or

- (b) take part in the making by the Authority of the determination.

Procedures of meeting.

10. (1) The Authority shall meet as often as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Authority may determine.

(2) The Chairman may at any time call a special meeting of the Authority and shall call a special meeting within seven days of the receipt of a written requisition for that purpose addressed to him by any four members of the Authority.

(3) The Chairman shall preside at all meetings of the Authority at which he is present and, in the case of the Chairman's absence from any meeting the deputy Chairman shall preside. If both the Chairman and the deputy chairman are absent the members present constituting a quorum shall elect a Chairman from among their number to preside at that meeting.

(4) Five members of the Authority shall form a quorum.

(5) The decisions of the Authority shall be by a majority of votes, and, in addition to an original vote the Chairman or other person presiding at the meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting shall be kept by the Authority.

(7) Subject to the provisions of this Schedule the Authority may regulate its own proceedings.

Validity of decisions of Authority.

11. No decision or act of the Authority or act done under the authority of the Authority shall be invalid by reason of the fact that —

(a) the full number of members for which provision is made in paragraph 1 of this Schedule was not appointed or there was a vacancy or vacancies amongst such members; or

(b) a disqualified person acted as a member of the Authority at the time the decision was taken or the act was done or authorized, if the decision was taken or the act was done or authorized by a majority vote of the persons who at the time were entitled to act as members.

Committees.

12. The Authority may appoint such committees as it may think fit and may delegate to any such committee the power and authority to carry out on its behalf such duties as the Authority may determine.

13. (1) No member of the Authority shall be personally liable for any act or default of the Authority done or omitted to be done in good faith in the course of the operations of the Authority.

Protection of
members.

(2) Where any member of the Authority is exempt from liability by reason only of the provisions of this paragraph, the Authority shall be liable to the extent that it would be if the member was a servant or agent of the Authority.