

THE UNIVERSITY HOSPITAL ACT

ARRANGEMENT OF SECTIONS

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THE UNIVERSITY HOSPITAL ACT

[26th November, 1948.]

Cap. 400.
Law
35 of 1960.
Acts
9 of 1967,
16 of 1991
S. 64,
7 of 2011
Sch.

1. This Act may be cited as the University Hospital Act.

Short title.

2.—(1) In this Act—

Interpreta-
tion.
9/1967
S. 3.

“the Board” means the body referred to in section 4;

“employee” means any person employed in any capacity by
the Board pursuant to the provisions of this Act;

“Hospital” means the Hospital established pursuant to the
provisions of this Act.

3. There shall be established at Mona in the parish of
Saint Andrew a teaching hospital which from and after the
16th February, 1967, shall—

Establish-
ment of
University
Hospital.
9/1967
S. 4.

(a) be known as the University Hospital; and

(b) be capable of providing accommodation for patients
and facilities for the instruction of medical students.

4.—(1) There is hereby established a body corporate to
be known as the University College Hospital Board of Manage-
ment which shall have perpetual succession and a common seal
and power to acquire by purchase, barter, exchange, devise,
bequest, gift or other manner whether similar to the foregoing or
not and to hold and dispose of by sale, barter, exchange, gift or
any other manner whether similar to the foregoing or not land
and other property of whatever description.

Establish-
ment of
Board.

UNIVERSITY HOSPITAL

(2) The seal of the Board shall be authenticated by the signatures of the chairman, or one member of the Board authorized to act in that behalf, and the secretary of the Board, and such seal shall be officially and judicially noticed.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Board may be signified under the hand of the chairman, any member of the Board authorized in that behalf or the secretary of the Board.

(4) The Board may sue and be sued in their corporate name and may for all purposes be described by such name.

(5) The powers of the Board shall not be affected by any vacancy in the membership thereof, nor by the fact that it is afterwards discovered that there was some defect in the appointment or qualifications of a person purporting to be a member of the Board.

(6) From and after the 16th February, 1967, the University College Hospital Board of Management shall be known as the University Hospital Board of Management.

9/1967
S. 5.

Duties of
Board.
9/1967
S. 2 (2),
S. 6 (b).

5.—(1) The duties of the Board shall be—

- (a) to construct, equip, furnish, maintain, manage, control and operate the University Hospital together with all such schools for the training of hospital nurses or hospital technicians of any description as the Board may think requisite for ensuring that the University Hospital is at all times adequately provided with hospital nurses and technicians;
- (b) to make all such appointments as may be necessary to enable the duties imposed by paragraph (a) to be fully and effectually performed;

- (c) to prepare and to submit to the Minister not later ^{9/1967} than the 31st day of October in each year a report ^{S. 6 (a).} of the activities of the Board, a financial statement of all receipts and expenditure and a balance sheet in respect of the operations of the Board during the preceding financial year and such report and financial statement together with the auditor's report thereon and on the accounts shall be laid on the Table of the House of Representatives;
- (d) to prepare and submit to the Minister not later than the 30th day of September in each year their estimates of revenue and expenditure during the next financial year in relation to the operations of the Board and the Hospital and any activities associated with the Hospital;
- (e) to prepare and submit to the Minister and to the University of the West Indies not later than the 30th day of September in each year a triennial forecast of revenue and expenditure during the next three financial years in relation to the operations of the Board and the Hospital and any activities associated with the Hospital.

(2) In this Act "financial year" means the twelve ^{9/1967} months ending the 31st day of July in any year. ^{S. 6 (b).}

6.—(1) The Minister shall consider the estimates submitted by the Board under paragraph (d) of section 5 and shall, on or before the 30th day of April in each year, approve such estimates either without modification or with ^{9/1967} such modification as he may think fit. ^{Consideration of Hospital estimates. S. 7.}

(2) No sum shall be expended during any financial year other than is provided in the estimates approved under subsection (1) in relation to that financial year, unless such sum has been included in a supplemental estimate of

expenditure which has received the approval of the Minister.

(3) The Board may, subject to such conditions as may be imposed by the Minister, apply savings effected or to be effected on any head of their estimates or a surplus of actual over estimated receipts to meet deficiencies on any head, so, however, that the total expenditure shall not exceed that approved by the Minister in such estimates.

General
powers of
Board.

7. In addition to any powers conferred by any other section of this Act the Board shall have the following powers—

- (a) to make standing orders regulating the date, time and place of meeting of the Board and the conduct of business and the procedure to be followed at any meeting of the Board, so, however, that such standing orders shall provide that no business except the business of adjourning to some other day and time shall be transacted at any meeting of the Board unless there are present not less than nine members of the Board (including the chairman or the acting chairman);
- (b) to delegate the performance of any duty imposed or the exercise of any power conferred by or under this Act upon the Board to a sub-committee composed of so many and such members of the Board and so many and such (if any) persons other than members of the Board as the Board may appoint, so, however, that no act of any sub-committee shall have any effect unless such act is ratified by the Board not later than the next meeting but one of the Board after the meeting of the sub-committee at which such act was done;

35/1960
S. 3 (a).
9/1967
S. 8 (a).

- (c) without prejudice to paragraph (b)—
- 35/1960
S. 3 (b).
- (i) to appoint a committee to be known as the Finance and General Purposes Committee composed of a member or members of the Board and such other persons as the Board may think expedient, such committee to have power to regulate its own quorum and procedure, to hold office for such term as the Board shall fix and to appoint sub-committees whose decisions are to be subject to ratification by the committee;
- (ii) to delegate to the Finance and General Purposes Committee (subject to such conditions or exceptions, if any, as may be specified in the resolution of appointment or any subsequent resolution) the exercise and performance of all or any of the powers and duties of the Board in relation to the management, control and operation of the Hospital;
- (d) to borrow money and to secure the repayment of any money so borrowed by mortgaging or pledging any property of the Board or by the issue of debentures, debenture stock or scrip or otherwise;
- (e) to draw, negotiate and accept bills of exchange, cheques and promissory notes;
- (f) to make, with the approval of the Minister responsible for finance, schemes providing for the establishment and maintenance of superannuation funds, the contributions payable thereto and the benefits receivable therefrom;
- 9/1967
S. 8 (b).
- (g) to enter into all such contracts as the Board may consider necessary or expedient to be entered into

for the due performance of any duty imposed or the effective exercise of any power conferred upon the Board by or under this Act;

- (h) to incur all such expenditure as the Board may consider necessary or expedient for the due performance of any duty imposed or the effective exercise of any power conferred upon the Board by or under this Act;
- (i) such other powers as the Minister may by order confer upon the Board at the request of the Board.

Power to
make
by-laws.

8.—(1) Subject to the provisions of subsection (2) the Board may make by-laws—

- (a) prohibiting or restricting the access of members of the public or of any class of members of the public to any premises vested in or occupied by the Board or to any portion of such premises;
- (b) regulating the hours during which, the means whereby, the purposes for which and the conditions subject to which members of the public or any class of members of the public may have access to or egress from any premises vested in or occupied by the Board or any portion of such premises;
- (c) for ensuring the maintenance of good order and discipline amongst members of the public at any time when upon any premises vested in or occupied by the Board;
- (d) for preventing the unauthorized or improper use of or the wilful or negligent occasioning of injury to any property vested in or occupied by the Board.

(2) By-laws under this section shall be of no effect until such time as they are approved by the Minister and are published in the *Gazette*.

(3) Every person who contravenes any by-law under this section shall be guilty of an offence against this section and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding two hundred and fifty thousand dollars and in default of payment of such fine to be imprisoned for any term not exceeding thirty days.

7/2011
Sch.

(4) For the purposes of this section members of the Board, employees of the Board, medical or other students at the Hospital or at any school maintained by the Board pursuant to this Act and in-patients at any such Hospital shall not be deemed to be members of the public.

8A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.

Minister
may amend
monetary
penalties.
7/2011
Sch.

9.—(1) Subject to the provisions of this section the Board may make such regulations as may be necessary or expedient generally, provided that no regulations may be made without the approval of the Minister—

Regula-
tions.

(a) for securing the full and effectual performance of any duty imposed and exercise of any power conferred upon the Board by or under this Act;

(b) for securing the proper, efficient and economic maintenance, management, organization, administration and operation of the University Hospital, and of any clinic, out-patients department, laboratory, research or experimental station or school operated by the Board;

9/1967
S. 2 (2).

(c) for securing the proper, efficient and economic maintenance, management, administration, organization and use of any facilities or services of any description provided by or at the expense of the Board at the University Hospital or elsewhere;

9/1967
S. 2 (2).

(d) for securing the health and safety of all persons upon any premises vested in or occupied by the Board;

(e) for the preservation of all property vested in the Board and for the proper and economic use of all such property.

(2) Without prejudice to the generality of the provisions of subsection (1) regulations under this section may—

(a) regulate or restrict the admission to the Hospital or the attendance at any clinic or out-patients department maintained by the Board of any patients, and provide for the conditions upon which patients may be so admitted or may so attend, and for the maintenance of good order and discipline amongst patients at any time when upon any premises vested in or occupied by the Board, and for the discharge of patients from the Hospital;

(b) provide for the accommodation, maintenance, care and treatment of and for the regimen to be followed by any patients admitted to the Hospital;

(c) provide for the treatment of patients attending any clinic or out-patients department operated by the Board;

(d) regulate or restrict the possession or use of articles of any description by any patients at any time when upon any premises vested in or occupied by the Board;

(e) regulate or restrict the attendance at the Hospital or at any clinic, out-patients department or school operated by the Board of medical students and of other students and provide for the conditions upon which such students may so attend;

- (f) regulate or restrict the use of any educational, social or recreational facilities or amenities provided by or at the expense of the Board or upon any premises vested in the Board by medical students or other students;
- (g) provide for the maintenance of good order and discipline amongst medical students at any time when upon any premises vested in or occupied by the Board;
- (h) provide for the maintenance of good order and discipline at all times amongst employees and students other than medical students permitted to attend the Hospital or any clinic, out-patients department or school operated by the Board;
- (i) prescribe the course of study to be pursued and the examinations to be taken by and provide for ensuring the diligent attention to their studies of any students other than medical students admitted to attend at the Hospital or at any clinic, out-patients department or school operated by the Board;
- (j) prevent the improper or unauthorized use of, or the wilful or negligent loss of or damage to, any property vested in or occupied by the Board by any employee or student;
- (k) provide for the allocation of their duties amongst employees and for ensuring the due performance of those duties by such employees;
- (l) provide for the holding of enquiries into alleged breaches of regulations by any employee or medical or other student admitted to attendance at the Hospital or at any clinic, out-patients department or school operated by the Board and for the person by whom such enquiries are to be

held and for the procedure to be followed at such enquiries;

- (m) provide for the penalties by way of fine, suspension from employment or from attendance at the Hospital or at any clinic, out-patients department or school operated by the Board or from the use of any educational, social or recreational facilities provided by or at the expense of the Board or upon any premises vested in or occupied by the Board, or dismissal or expulsion from the Hospital of any employee, medical student or other student who after due enquiry is found to have contravened any regulations applicable to such employee, medical student or other student, as the case may be;
- (n) prescribe the fees to be payable in respect of any accommodation, treatment, instruction, amenities, facilities, services or materials of any description provided by or at the expense of the Board whether at the Hospital or elsewhere and provide for the manner in which such fees shall be collected, accounted for and disposed of, so, however, that regulations shall not be made under this paragraph prescribing the payment of any fees by medical students in respect of instruction.

(3) Regulations under paragraph (l) of subsection (2) shall provide for any employee, medical student or other student who is alleged to have committed any breach of any rule in respect of which an enquiry is held to be afforded an opportunity of hearing the whole of the evidence against him and of cross-examining any witnesses who give evidence against him and of giving evidence and calling witnesses upon his own behalf:

Provided, however, that an employee charged for any breach of any rule shall have the right to elect another person to defend him or appear on his behalf.

(4) Regulations under paragraph (m) of subsection (2) shall not provide for the imposition—

(a) upon any employee of any greater penalty than a fine of three days pay except with the approval of the Board;

(b) upon a student other than a medical student of any greater penalty than a fine of ten thousand dollars except with the approval of the Board;

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(c) upon a medical student of any penalty—

(i) other than suspension for a period not exceeding twelve months from the use of any educational, social or recreational facilities or amenities provided by or at the expense of the Board or upon any premises vested in or occupied by the Board or exclusion for any prescribed period or permanently from admission to the Hospital or to any clinic, or out-patients department operated by the Board; or

(ii) in respect of any contravention of regulations made under this section committed elsewhere than upon premises vested in or occupied by the Board.

(5) Notwithstanding section 29(b) of the *Interpretation Act*, regulations made under this section may provide in respect of any of the provisions thereof for the imposition of penalties on summary conviction in a Resident Magistrate's Court of a fine not exceeding one million dollars or imprisonment for a term not exceeding twelve months or both such fine and imprisonment.

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10.—(1) The Board shall be comprised of eighteen members consisting of the following—

(a) six *ex officio* members, who shall be—

(i) the Vice-Chancellor of the University of the West Indies;

Composi-
tion of
Board.
9/1967
S. 9.

- (ii) the Dean of the Faculty of Medicine of the University of the West Indies;
 - (iii) the Chief Medical Officer, Jamaica;
 - (iv) the Financial Secretary, Jamaica;
 - (v) the Bursar of the University of the West Indies;
 - (vi) the Chairman of the Medical Committee of the Hospital;
- (b) four members elected from time to time by the Council of the University of the West Indies, of whom not more than one shall be a registered medical practitioner;
- (c) eight members appointed by the Minister and consisting of the following—
- (i) three persons resident in Jamaica, one of whom shall be a registered medical practitioner engaged in private practice;
 - (ii) one registered medical practitioner appointed on the nomination of the Jamaica Medical Association; and
 - (iii) four persons, of whom one at least shall be a woman, appearing to the Minister to be interested in social welfare generally or in the welfare or after-care of patients attending the Hospital:

Provided that any *ex officio* member mentioned in subparagraph (i), (iv) or (v) of paragraph (a) may nominate some person to act on his behalf in the absence or inability to act of such *ex officio* member but no person so nominated shall act as chairman of the Board.

(2) The Minister shall appoint one of the members of the Board to be the chairman thereof.

11.—(1) There may be paid to the chairman such remuneration (if any) as the Minister, after consultation with the Minister responsible for finance, may approve.

Remuneration of chairman.
9/1967
S. 10.

(2) At any time when the office of chairman is vacant or the chairman is incapable of acting or has been granted leave by the Board the Board may appoint one of its members to act as chairman until such time as the office of chairman is filled or until the chairman becomes capable of acting or until the expiration of the leave of absence granted to the chairman, as the case may be, and any person so appointed shall have for the duration of his appointment all the powers of the chairman.

(3) If the chairman or the acting chairman fails to attend any meeting of the Board the members present at such meeting may elect one of their number to act as chairman at such meeting.

12.—(1) Subject to the provisions of subsection (2) every member of the Board except an *ex officio* member shall hold office for a period of three years from the date of his appointment or election as the case may be and shall be eligible for reappointment or re-election as the case may be.

Tenure of office and vacation of seats.
9/1967
S. 11
(a) & (b).

(2) Every member of the Board shall be deemed to have vacated his seat on the Board if—

- (a) he dies or becomes bankrupt; or
- (b) there is passed by the Board a resolution declaring that he has become incapable by reason of mental or bodily infirmity of discharging his duties; or
- (c) there is passed by the Board a resolution declaring that he has during two consecutive months been absent from not less than one-half of the meetings

of the Board without the leave of the Board first had and obtained; or

- (d) he tenders his resignation in writing to the Board; or
- (e) he is an *ex officio* member of the Board; upon his ceasing to hold the office by reason of the holding of which he is an *ex officio* member of the Board.

(3) So soon as may be after any member of the Board is deemed to have vacated his seat on the Board pursuant to the provisions of subsection (2) another person shall be appointed or elected as a member of the Board in place of the member who is deemed to have vacated his seat on the Board by the person or body of persons by whom the member so deemed to have vacated his seat was appointed or elected.

Audit.
9/1967
S. 12.

13. The accounts of the Board shall be audited annually by the Auditor-General or under such arrangements and in such manner as may be approved by the Auditor-General and the members, officers and servants of the Board shall grant to the person conducting such audit access to all the books, documents, cash and securities of the Board and shall give to him on request all such information as shall be within their knowledge in relation to the operation of the Board.

Exemption
from
customs
duty or
tax.
16/1991
S. 64.

14. Notwithstanding anything to the contrary no customs duty or tax under the General Consumption Tax Act shall be payable upon any articles imported into Jamaica or taken out of bond in Jamaica by the Board.