

**THE HEALTH FACILITIES (MEDICAL
LABORATORIES) ACT, 2005**

(Act 32 of 2005)

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SCHEDULES.

JAMAICA

No. 32 – 2005

I assent,

[L.S.]

(Sgd.) H.F. Cooke

Governor-General.

28th December 2005

AN ACT to Provide for the establishment of a Medical Laboratories Council to regulate and control the activities of medical laboratories, to establish standards in respect to medical laboratories and to provide for connected matters.

[The date notified by the Minister
bringing the Act into operation]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica and by the authority of the same, as follows:—

PART I—Preliminary

1. This Act may be cited as the Health Facilities (Medical Laboratories) Act, 2005 and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Short title
and com-
mencement.

2. In this Act—

“assessor” means a person designated as such pursuant to section 30;

Inter-
pretation.

“authorized person” means an assessor and any person acting in aid of the assessor in the performance of his functions under this Act;

“collection centre” means a place where—

- (a) samples which are obtained from patients by medical or paramedical personnel or otherwise are handled and prepared for transportation to a laboratory facility;
- (b) tests are carried out, that is to say—
 - (i) phlebotomy, smear preparation, Gram stain, serological screening test for syphilis, sickle test (slide or tube) and urinalysis by dipstick method;
 - (ii) centrifugation of blood samples, erythrocyte sedimentation test (ESR) packed cell volume (PCV), pregnancy test, haemoglobin and glucose determination all using instruments which require minimal intervention by staff for calibration; and
 - (iii) except for simple tests carried out in the office of a medical practitioner, a dentist or a veterinary surgeon, such other tests, as may be developed from time to time, which require minimal technical supervision and the use of equipment needing minimal calibration and maintenance;

“Complaints Board” means the Medical Laboratories Complaints Board established under section 20;

“Council” means the Medical Laboratories Council established under section 3;

“functions” includes powers;

“laboratory facility” means any premises in respect of which certification is granted to carry out the following activities—

collecting, handling, preparing, testing and analyzing samples provided by clients to medical, para-medical or other personnel authorized in that behalf;

tests in chemistry, cytology, haematology, histopathology, immunology, microbiology and other scientific and medical tests and research;

“laboratory practitioner” means—

- (a) Medical Laboratory Technologists, as specified in the First Schedule to the Professions Supplementary to Medicine Act;
- (b) any person falling within the categories specified in the Fourth Schedule;
- (c) any other person who is employed to and performs tasks of a technical nature in a laboratory facility or collection centre;

Fourth
Schedule.

“licensee” means a person to whom a licence is granted under section 14;

“Registrar” means the Registrar appointed under section 5;

“specified discipline”, in relation to any person, means a discipline specified in the Fourth Schedule;

Fourth
Schedule.

“Tribunal” means the Medical Laboratories Appeal Tribunal established under section 21.

PART II—*Medical Laboratories Council*

3.—(1) There is hereby established a body to be called the Medical Laboratories Council which shall be a body corporate to which the provisions of section 28 of the Interpretation Act shall apply.

Establishment
of Medical
Laboratories
Council.

(2) The provisions of the First Schedule shall have effect with respect to the constitution of the Council and otherwise in relation thereto.

First
Schedule.

4.—(1) The functions of the Council shall be to monitor, regulate and control the operation and activities of all laboratory facilities and collection centres.

Functions of
the Council.

(2) The Council shall have the power to—

- (a) grant licences for the operation of laboratory facilities and collection centres;
- (b) carry out assessments of laboratory facilities and collection centres;
- (c) set standards for the operation of such laboratory facilities and collection centres; and

- (d) do such other things as are necessary for the performance of its functions under this Act.

Appointment
of Registrar
and other
officers,
agents and
employees

5.—(1) The Council may appoint and employ at such remuneration and subject to such terms and conditions as it thinks fit, a Registrar and such other officers, agents and employees as it thinks necessary for the proper carrying out of the provisions of this Act, so, however, that no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister.

(2) For the purposes of subsection (1), the prescribed rate means five hundred thousand dollars *per annum* or such higher rate as the Minister may, from time to time, by order, prescribe.

Ministerial
directions

6. The Minister may, after consultation with the chairman, give to the Council written directions of a general nature as to the policy to be followed by the Council in the exercise and performance of its functions in relation to matters appearing to him to concern the public interest, and the Council shall give effect to such directions.

PART III—*Financial Provisions*

Funds of the
Council.

7. The funds of the Council shall consist of—

- (a) such sums as may from time to time be provided annually for the purposes in the Estimates of Revenue and Expenditure of the Island; and
- (b) such other moneys as may lawfully be paid to the Council in respect of any matter incidental to its functions.

Borrowing
powers.

8.—(1) Subject to subsection (2), the Council may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(2) The power of the Council to borrow shall be exercisable only with the approval of the Minister responsible for finance, as to the amount, the source of borrowing and the terms on which borrowing may be effected, and an approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise and may be either unconditional or subject to conditions.

Power to
invest
moneys.

9. All moneys of the Council not immediately required to be expended in meeting any of its obligations or the discharge of any of

its functions may be invested in such securities as may be approved either generally or specifically by the Minister and the Council may, with the approval of the Minister, sell all or any of such securities.

10.—(1) With the approval of the House of Representatives the Minister responsible for finance may guarantee in such manner and on such conditions as he may think fit, the repayment of the principal and interest on any authorized borrowings of the Council pursuant to section 8 (2).

Minister of Finance may guarantee loans.

(2) Notwithstanding anything to the contrary, where pursuant to subsection (1) any loan is guaranteed by the Minister responsible for finance, the repayment of the principal money and interest represented by the loan so guaranteed shall, during the continuance of such guarantee, be the first charge upon such revenue and assets of the Council as shall be specified by that Minister.

(3) Where the Minister responsible for finance is satisfied that there has been default in the repayment of any principal moneys or in the payment of interest guaranteed under the provisions of this section, he shall direct the repayment or, as the case may be, the payment, out of the Consolidated Fund and assets of Jamaica, of the amount in respect of which there has been such default.

(4) The Council shall make to the Accountant-General, at such times and in such manner as the Minister responsible for finance may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfillment of any guarantee given under this section, and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate as that Minister may direct, and different rates of interest may be directed as respects different sums and as respects interest for different periods.

11.—(1) The Council shall keep proper accounts and other records in relation to its business and shall prepare annually a statement of accounts in a form satisfactory to the Minister being a form which conforms with established accounting principles.

Accounts and audit.

(2) The accounts of the Council shall be audited by an auditor appointed annually by the Council and approved by the Minister.

(3) Within six months of the end of the financial year, the Council shall send the statement of its accounts referred to in subsection (1) to the Minister together with a copy of any report

made by the auditors in that statement or on the accounts of the Council.

(4) The auditor's fee and any expenses of the audit shall be paid by the Council.

(5) The Auditor-General shall be entitled at all reasonable times to examine the accounts and other records in relation to the business of the Council.

Exemption
from taxes
and duties.

12.—(1) The Council shall be exempt from income tax.

(2) All instruments executed by or on behalf of the Council shall be exempt from stamp duty.

(3) Any transfer by the Council of any property belonging to it or of any right or interest created in or otherwise with respect to any such property, shall be exempt from transfer tax.

(4) No customs duty, tax payable under the General Consumption Tax Act or other similar impost shall be payable upon any article imported into Jamaica, or taken out of bond in Jamaica by the Council and shown to the satisfaction of the Commissioner of Customs to be required for the use of the Council in the performance of its functions.

Annual
Report

13.—(1) The Council shall, as soon as practicable after the end of each financial year, cause to be made and shall submit to the Minister a report dealing generally with the proceedings and activities of the Council during the preceding financial year.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon to be laid on the Table of the House of Representatives and the Senate.

PART IV—*Licences and Certificates*

Grant of
licence to
operate
laboratory
facility or
collection
centre

14.—(1) Every person who is desirous of operating a laboratory facility or collection centre shall apply to the Council in the prescribed form for a licence to do so and the Council may grant or refuse to grant such a licence.

(2) An application under subsection (1) shall be accompanied by the prescribed application fee which shall be non-refundable.

(3) Upon receipt of an application under subsection (1), the Council shall cause to be carried out an inspection of the proposed laboratory facility or collection centre.

(4) The Council may grant a licence to an applicant if it is satisfied that—

- (a) the laboratory facility or collection centre will be operated in accordance with the prescribed standards;
- (b) the applicant is a fit and proper person to operate a laboratory facility or collection centre; and
- (c) the applicant is not incapacitated by reason of mental or physical disability.

(5) A licence—

- (a) shall be granted upon payment by the applicant of the prescribed licence fee;
- (b) may be granted unconditionally or subject to such conditions as are specified therein.

(6) Where the Council refuses to grant a licence it shall notify the applicant in writing, stating the reasons therefor.

(7) A licence granted under this section shall, subject to sections 17 and 18, be valid for a period of two years from the date of issue and may be renewed pursuant to subsections (8) and (9).

(8) An application for renewal of a licence, shall, unless the Council permits otherwise, be made no later than thirty days before the date of expiry thereof and shall be accompanied by the prescribed renewal fee.

(9) The provisions of subsections (1) to (7) shall apply with such modifications as may be necessary to an application for renewal of a licence.

15.—(1) Every person falling within paragraph (b) or (c) of the definition of "laboratory practitioner" in section 2 and who is desirous of being certified as a laboratory practitioner shall apply to the Council in the prescribed form to be so certified and the Council may grant or refuse to grant a certificate.

Certification
of laboratory
practitioner.

(2) An application under subsection (1) shall be accompanied by the prescribed application fee which shall be non-refundable.

(3) The Council may grant to the applicant a certificate in the prescribed form if it is satisfied that the applicant—

Fourth
Schedule

- (a) is qualified to be certified as a laboratory practitioner in one of the categories specified in the Fourth Schedule;
- (b) is not incapacitated by reason of mental disability or physical disability; and
- (c) is a fit and proper person to be so certified.

(4) A certificate may be granted unconditionally or subject to such conditions as may be specified therein.

(5) No person shall be employed in a laboratory facility or collection centre as a laboratory practitioner unless that person is certified pursuant to this section.

(6) Where the Council refuses to grant a certificate it shall notify the applicant in writing stating the reasons therefor.

(7) A certificate granted under this section shall, subject to sections 17 and 18, be valid for a period of two years from the date of issue and may be renewed.

(8) An application for renewal of a certificate shall, unless the Council permits otherwise, be made no later than thirty days before the date of expiry thereof and shall be accompanied by the prescribed renewal fee.

(9) The provisions of subsections (1), (2), (3), (4), (6) and (7) shall apply to an application for renewal of a certificate.

Display of
licence

16. Every licensee shall display the licence granted under section 14 (4) in a conspicuous place in the laboratory facility or collection centre operated by that licensee.

Suspension
of licence or
certificate

17.—(1) Subject to subsection (2), the Council may suspend a licence or certificate if a licensee or laboratory practitioner, as the case may be, is in breach of—

- (a) any provision of this Act or any regulations made hereunder; or
- (b) any term or condition subject to which the licence or certificate is granted.

(2) Before suspending a licence or certificate under subsection (1), the Council shall notify the licensee or laboratory practitioner, as the case may be, in writing of the proposed suspension—

- (a) stating the reasons therefor;
- (b) stating the effective date of the suspension; and
- (c) requesting the licensee or laboratory practitioner to remedy the breach within the time specified in the notice.

(3) A licensee who is notified under subsection (2) shall, after remedying the breach which gave rise to the proposed suspension, notify the Council in writing that the breach has been remedied.

(4) The Council shall, upon receipt of a notice by—

- (a) a licensee, cause an inspection of the laboratory facility or collection centre, as the case may require, by an assessor who shall, if satisfied that the breach has been remedied, report in writing to the Council;
- (b) a laboratory practitioner, determine whether the breach has been remedied as stated in the notice.

(5) Where the Council is satisfied that a breach—

- (a) has been remedied, it shall withdraw the notice of proposed suspension;
- (b) has not been remedied it shall suspend the licence or certificate.

(6) Every licensee or holder of a certificate whose licence or certificate, as the case may be, has been suspended shall forthwith return the licence or certificate to the Registrar.

18.—(1) The Council may revoke a licence or certificate by notice in writing to the licensee or laboratory practitioner if it is satisfied that—

- (a) the licensee or laboratory practitioner has failed to comply with the terms or conditions of the licence or certificate or the provisions of this Act or any regulations made hereunder;
- (b) the application for the licence or certificate contained any false or misleading information in any material particular;

Revocation
of licence or
certificate.

- (c) the licensee or laboratory practitioner has failed to remedy a breach which gave rise to a suspension of the licence under section 17;
- (d) a laboratory practitioner has, without authority disclosed information relating to any person which has come to his knowledge in the course of his work as a laboratory practitioner.

(2) Where a licence or certificate is revoked pursuant to this section, the licensee or laboratory practitioner, as the case may be, shall return the licence or certificate to the Council forthwith.

Register.

19. The Council shall cause the Registrar to keep in such form as the Council may determine, a register in which shall be entered—

- (a) the name and address of each person to whom a licence or certificate is granted under this Act;
- (b) the address and designation of each laboratory facility and collection centre to which a licence relates;
- (c) the category in which a laboratory practitioner is certified;
- (d) the date and reasons for—
 - (i) the suspension of a licence or certificate;
 - (ii) the revocation of any licence or certificate;
- (e) such other particulars as may be prescribed.

PART V—Complaints and Appeals

Establishment
of
Complaints
Board.
Second
Schedule.

20.—(1) There is hereby established a Medical Laboratories Complaints Board and the provisions of the Second Schedule shall have effect as to the constitution of the Complaints Board and otherwise in relation thereto.

(2) The Complaints Board shall have power to conduct investigations on its own initiative or pursuant to a complaint made by any person concerning—

- (a) the operations of any laboratory facility or collection centre;
- (b) the conduct of any person working in such laboratory facility or collection centre.

(3) The Complaints Board shall submit a written report to the Council of any investigation carried out pursuant to subsection (2).

21.—(1) There is hereby established a Medical Laboratories Appeal Tribunal for the purposes of hearing appeals under this Act.

Establishment
of Medical
Laboratories
Appeal
Tribunal
Third
Schedule
Appeals

(2) The provisions of the Third Schedule shall have effect as to the constitution of the Tribunal and otherwise in relation thereto.

22.—(1) Any person who is aggrieved by any decision of the Council—

(a) to grant or refuse a licence or certificate, suspend or revoke a licence or certificate, or to renew or to refuse to renew a licence or certificate;

(b) in relation to a report of the Complaints Board,
may, within six days of the decision, appeal to the Tribunal against that decision.

(2) Where an appeal is made under subsection (1), no action shall be taken by the Council pursuant to section 14,15,17 or 18 until the appeal is determined.

(3) A person appealing under this section may, either in person or by his representative, make oral or written submissions to the Tribunal.

(4) The Tribunal shall, within fourteen days of the hearing of an appeal, deliver its decision in writing and the decision of the Tribunal shall be final.

(5) The Minister may make rules concerning—

(a) the manner in which appeals shall be made to the Tribunal;

(b) the proceedings of the Tribunal;

(c) the matters incidental to or consequent on those proceedings.

(6) Subject to subsection (5), the Tribunal may regulate its own proceedings.

PART VI—*Offences and Penalties*

23.—(1) Any person who operates a laboratory facility or collection centre without a valid licence under this Act commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding three million dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Offence of
operating
laboratory
facility, etc
without
licence

(2) Any person who operates a laboratory facility or collection centre during any period when his licence is revoked or suspended commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding three million dollars or to imprisonment for a term not extending two years or to both such fine and imprisonment.

Offence of passing off as certified laboratory practitioner.

24.—(1) Any person who practises as a laboratory practitioner without being certified under this Act commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Any laboratory practitioner who practises as such during any period when his certificate is suspended or revoked commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

Making false statement, etc.

25. Any person who—

- (a) knowingly makes any false declaration or statement in a material particular with respect to any application for a licence or certificate;
- (b) falsely represents himself to be the holder of a valid licence or certificate;
- (c) with intent to deceive—
 - (i) forges or uses or lends to or allows to be used by any other organization or person any licence or certificate issued under this Act;
 - (ii) has any document so closely resembling such a licence or certificate;
 - (iii) knowingly provides false analytical results for samples provided by clients,

commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding two million dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

26.—(1) A person commits an offence if he—

Assault,
obstruction,
etc

- (a) assaults or obstructs any assessor or authorized person in the performance of his functions under this Act;
- (b) bribes or attempts to bribe any assessor in connection with any matter arising in the performance of his functions under this Act;
- (c) knowingly gives false or misleading information to an assessor;
- (d) being an assessor or authorized person, accepts any bribe in connection with any matter arising in the performance of any of his functions under or pursuant to this Act.

(2) A person who commits an offence—

- (a) under subsection (1)(a) is liable on summary conviction before a Resident Magistrate to a fine not exceeding one million dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment;
- (b) under subsection (1)(b), (c) or (d) is liable on summary conviction before a Resident Magistrate to a fine not exceeding three million dollars or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

27.—(1) A licensee who fails to keep any books, documents or records as required under section 31 (1), commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding one million dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Failure of
licensee to
keep or
produce
books,
records, etc

(2) A person who fails to make available to any assessor any books, documents or records or such information as required under section 31 (2), commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

28. Any licensee who knowingly employs any person as a laboratory practitioner who is not so certified commits an offence and is liable on summary conviction before a Resident Magistrate to a fine not exceeding

Offence of
employing
uncertified
laboratory
practitioner

one million dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Offence
against this
Act.

29. Any person who commits an offence against this Act for which no penalty is provided is liable on summary conviction to a fine not exceeding five hundred thousand dollars or imprisonment for a term not exceeding six months or to both such fine and imprisonment.

PART VII—*General*

Assessors

30.—(1) The Council may from time to time designate any of its officers as assessors for the purposes of this Act.

(2) The Council shall issue to each assessor an identification card which shall, on request of any person at a laboratory facility or collection centre, be shown by the assessor to that person.

(3) An assessor may at all reasonable times enter a laboratory facility or collection centre to make such inspections, examinations, enquiries and assessments as are considered necessary to ensure compliance with this Act and regulations made hereunder.

Records.

31.—(1) A licensee shall cause to be kept in a laboratory facility or collection centre such books, documents and records as may be prescribed.

(2) A licensee or any person authorized by him in that behalf shall make or cause to be made available to an assessor all such books, documents and records as are referred to in subsection (1), and such other information as may be necessary for the assessor to properly carry out an inspection of a laboratory facility or collection centre.

Confiden-
tiality.

32.—(1) Any licensee, laboratory practitioner or other person employed in a laboratory facility or collection centre who, in the course of the operations of that laboratory facility or collection centre receives information concerning the medical condition or otherwise of a person, shall treat that information as confidential.

(2) A licensee, laboratory practitioner or other person referred to in subsection (1) who discloses any information mentioned in that subsection to any person—

- (a) other than a person to whom he is authorized under this Act to disclose it; or
- (b) otherwise than for the purposes of this Act,

commits an offence and is liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one million dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

33. Every licensee shall notify the Council in writing of—

Duty of licensee to notify Council

- (a) any dismissal, resignation or retirement of any director or partner of the licensee;
- (b) the names and addresses of any new partner or director of the licensee;
- (c) any change in the address of the laboratory facility or collection centre;
- (d) any change in the ownership of the laboratory facility or collection centre.

34.—(1) The Minister may amend the Fourth Schedule by order.

Minister may amend Fourth Schedule Fourth Schedule Regulations

(2) An order made under subsection (1) shall be subject to affirmative resolution.

35. The Council may, with the approval of the Minister, make regulations for the purpose of the proper carrying out of the provisions of this Act, and without prejudice to the generality of the foregoing, may make regulations prescribing—

- (a) forms and fees for applications for the grant or renewal of licences or certificates;
- (b) forms, fees and procedures in relation to appeals under this Act;
- (c) minimum qualifications for laboratory practitioners in laboratory facilities or collection centres;
- (d) minimum standards in respect of the operation of laboratory facilities and collection centres;
- (e) any matter required by or under this Act to be prescribed.

36. This Act binds the Crown.

Act binds Crown Transitional

37.—(1) Notwithstanding anything in this Act, any person who—

- (a) immediately before the relevant date—
 - (i) was a laboratory practitioner;

(ii) operated a laboratory facility or collection centre, as the case may be; and

(b) within thirty days after the relevant date, has applied for a licence under section 14 or a certificate under section 15,

shall be entitled to continue to so practice or operate, as the case may be, without the grant of a licence or certificate for a period of nine months beginning on the relevant date or until the application for a licence or certificate has been granted or withdrawn, whichever is the later.

(2) In subsection (1) “relevant date” means the date of commencement of this Act.

FIRST SCHEDULE

(Section 3)

The Medical Laboratories Council

1.—(1) Subject to sub-paragraph (2) and (3), the Council shall consist of—

Constitution
of the
Council

- (a) the Government Chemist or his nominee, the Director of Standards appointed under the Standards Act or his nominee and the Registrar who shall be members *ex officio*;
- (b) ten members (hereinafter referred to as “appointed members”) who shall be appointed by the Minister by instrument in writing as follows—
 - (i) two of whom shall be nominated by the professional association of medical technologists recognized by the Minister;
 - (ii) two of whom shall be consultants in Laboratory Medicine nominated by the Director of the National Laboratory Services;
 - (iii) four of whom (including an attorney-at-law) shall be appointed by the Minister;
 - (iv) one shall, subject to sub-paragraphs (2) and (3), be a representative of a tertiary institution, which trains persons in medicine or in the health sciences, nominated by the Chief Medical Officer;
 - (v) one shall be nominated by a consumer organization specified by the Permanent Secretary in the Ministry responsible for health.

(2) A person appointed pursuant to sub-paragraph (1) (b) (iv) shall not hold office for two consecutive terms.

(3) No nomination shall be made from the same tertiary institution referred to in sub-paragraph (1) (b) (iv) for two consecutive terms.

(4) No member of the Council who is a member *ex officio* or an appointed member specified in sub-paragraphs (1) (b), (iii), (iv) or (v) shall—

- (a) be a licensee under this Act; or
- (b) have any interest, financial or otherwise, in the operation of any privately-owned laboratory facility or collection centre.

2. Members shall be appointed for a period not exceeding three years and, subject to paragraph 1 (2), each appointed member shall be eligible for reappointment.

Tenure of
Office.

- Chairman 3. The Minister shall appoint a chairman and a vice-chairman from among the appointed members.
- Resignation. 4.—(1) A member of the Council, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of receipt by the Minister of such instrument such member shall cease to be a member of the Council.
- (2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt by the Minister of such instrument.
- Revocation of appointment 5. The Minister may, at any time, revoke the appointment of any member of the Council if he thinks it is in the public interest so to do.
- Filling of vacancies 6. If any vacancy occurs in the appointed members of the Council such vacancy shall be filled by the appointment of another member who shall, subject to the provisions 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, as the appointment of the previous member.
- Gazetting of appointments. 7. The names of all members of the Council as first constituted and any change therein shall be published in the *Gazette*.
- Incorporation 8.—(1) The seal of the Council shall be kept in the custody of the chairman or the Registrar and shall be affixed to instruments, pursuant to a resolution of the Council, in the presence of the chairman or any other member of the Council so designated by the chairman, and the Registrar.
- (2) The seal of the Council shall be authenticated by the signatures of the chairman or any other member authorized to act in that behalf, and the Registrar, and 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 Council may be signified under the hand of the chairman, or any other member authorized to act in that behalf, and the Registrar.
- Procedure and meetings 9.—(1) The Council shall meet at such times as may be necessary or expedient for the transaction of its business, and shall meet at least six times per year and such meetings shall be held at such places and on such days as the Council may determine.
- (2) The chairman may at any time call a special meeting of the Council and shall call a special meeting within seven days of the receipt of a written requisition for that purpose addressed to him by any two members of the Council.

(3) The chairman shall preside at all meetings of the Council at which he is present, and in the case of the absence of the chairman and vice-chairman from any meeting, the members present and constituting a quorum shall elect a chairman from among their number to preside at that meeting.

(4) A quorum of the Council shall be seven.

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

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

(7) The validity of the proceedings of the Council shall not be affected by any vacancy among the membership thereof or by any defect in the appointment of a member thereof.

(8) Subject to the provisions of this Schedule, the Council may regulate its own proceedings.

10.—(1) The Council may appoint such committees as it may think fit and delegate to any such committee the power and authority to carry out on its behalf such duties as the Council may determine, other than the power to make regulations.

Committees.

(2) The constitution of each committee shall be determined by the Council.

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

Protection of members.

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

12. There shall be paid from the funds of the Council to the chairman and other members of the Council such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Remuneration of members.

SECOND SCHEDULE

(Section 20)

*The Medical Laboratories Complaints Board*Constitution
of
Complaints
Board.

1. The Complaints Board shall consist of four members appointed by the Minister as follows—

- (a) one member shall be selected from among persons appearing to the Minister to be members of a consumer protection organization;
- (b) one member shall be a representative of a professional medical association; and
- (c) two other members one of whom shall be an attorney-at-law.

Appointment
of chairman

2.—(1) The Minister shall appoint one member to be the chairman.

(2) In the case of the absence or inability to act of the chairman, the Minister may appoint some other person to act temporarily in the place of the chairman.

Tenure of
office.

3.—(1) The appointment of every member shall, subject to the provisions of this Schedule, be for a period not exceeding three years.

(2) Every member of the Complaints Board shall be eligible for reappointment.

(3) The Minister may at any time revoke the appointment of the chairman and any other member if he thinks it expedient so to do.

(4) Before taking action under sub-paragraph (3) to revoke the appointment of a member appointed under paragraph 1 (a) or (b) the Minister shall consult with the organization which recommended the appointment of that member.

Temporary
appointment

4. The Minister may appoint any person to act temporarily in the place of members in the case of the absence or inability to act of that member.

Resignation

5.—(1) Any member, other than the chairman, may at any time resign his office by an instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of receipt by the Minister of such instrument, that member shall cease to be a member of the Complaints Board.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister, and such resignation shall take effect as from the date of receipt by the Minister of such instrument.

Publication
of member-
ship.

6. The names of all members of the Complaints Board as first constituted and every change in the membership thereof shall be published in the *Gazette*.

7—(1) The seal of the Complaints Board shall be kept in the custody of the chairman or the secretary and shall be affixed to instruments pursuant to a resolution of the Complaints Board, in the presence of the chairman or any other member of the Complaints Board, and the secretary.

Seal and execution of documents.

(2) The seal of the Complaints Board shall be authenticated by the signatures of the chairman or a member of the Complaints Board authorized to act in that behalf by the Complaints Board, and the secretary.

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

8. Any summons, notice or other document required or documents, authorized to be served upon the Complaints Board under the provisions of this Act or any other law may, unless in any case there is express provision to the contrary, be served by delivering the same to the chairman or secretary, or by sending it by registered post addressed to the secretary at the principal office of the Complaints Board.

Service of documents

9.—(1) The Complaints Board shall meet at such times 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 Complaints Board may determine.

Procedure and meetings

(2) The chairman may at any time call a special meeting of the Complaints Board and shall call a special meeting within seven days of the receipt of a written request for that purpose addressed to him by two members of the Complaints Board.

(3) The chairman shall preside at meetings of the Complaints Board and if the chairman is absent from a meeting the members present shall elect one of the appointed members to preside at that meeting.

(4) The quorum of the Complaints Board shall be three.

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

(6) Minutes of each meeting of the Complaints Board shall be kept in proper form and shall be confirmed as soon as practicable at a subsequent meeting.

(7) The validity of the proceedings of the Complaints Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(8) Subject to the provisions of this Schedule, the Complaints Board shall regulate its own proceedings.

Disclosure of interest 10. A member of the Complaints Board who is directly or indirectly interested in any matter which is being dealt with by the Complaints Board—

- (a) shall disclose the nature of his interest at a meeting of the Complaints Board; and
- (b) shall not be present at that meeting or take part in any deliberation or decision of the Complaints Board with respect to that matter.

Remuneration of members 11. There shall be paid from the funds of the Council to the chairman and other members of the Complaints Board such remuneration and such other allowances as the Minister may determine.

Protection of members. 12.—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Complaints Board in respect of any act done *bona fide* in pursuance or execution or intended execution of the Complaints Board's functions.

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

THIRD SCHEDULE

(Section 21)

The Medical Laboratories Appeal Tribunal

1. The Tribunal shall consist of three members appointed by the Minister, one of whom shall be an attorney-at-law and chairman of the Tribunal. Constitution of Tribunal.
2. The members of the Tribunal shall, subject to the provisions of this Schedule, hold office for a period of two years and shall be eligible for reappointment. Tenure of office members.
3. The Minister may appoint any person to act in place of the chairman or any other member of the Tribunal in case of the absence or inability to act of the chairman or other member. Acting appointments.
- 4.—(1) Any member of the Tribunal other than the chairman may at any time resign his office by instrument in writing addressed to the chairman, who shall forthwith cause it to be forwarded to the Minister and, from the date of the receipt by the chairman of such instrument, such member shall cease to be a member of the Tribunal. Resignations.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and, from the date of the receipt by the Minister of such instrument, such chairman shall cease to be chairman and a member of the Tribunal.
5. The Minister may, if he thinks it expedient so to do, at any time revoke the appointment of the chairman or any other member of the Tribunal. Revocation of appointments.
6. If any vacancy occurs in the membership of the Tribunal, such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed. Filling of vacancies.
7. The names of the members of the Tribunal as first constituted and any change therein shall be published in the *Gazette*. Publication of membership.
- 8.—(1) Where the chairman is unable to act the Minister shall appoint a chairman from among the members. Procedure.

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

FOURTH SCHEDULE (Sections 2, 15 and 34)

Categories of Laboratory Practitioners

Medical Laboratory Scientists

Medical Laboratory Assistants

Phlebotomists

Passed in the House of Representatives this 27th day of July, 2005 with three (3) amendments.

O. T. WILLIAMS
Deputy Speaker.

Passed in the Senate this 25th day of November, 2005 with one (1) amendment.

SYRINGA MARSHALL-BURNETT, C.D.
President.

On the 29th day of November, 2005 the House of Representatives agreed to the amendment made by the Senate.

MICHAEL PEART
Speaker.

This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.

Clerk to the Houses of Parliament.