BERMUDA
1970 : 384

BERMUDA HOSPITALS BOARD ACT 1970

ARRANGEMENT OF SECTIONS

1 Interpretation
2 Bermuda Hospitals Board established
3 Seal; authentication of documents
4 Constitution of Board
5 Meetings of Board
6 Mandate of the Board
6A Provision of health services by the Board at places other than hospitals
6B Provision of health services by other persons or entities
7 Chief Executive Officer; Director of Finance
8 Chiefs of Staff and Psychiatry
9 Medical staff
10 Clinical departments and services
11 Officers of Board
12 Medical Staff Committee
13 Regulations fixing hospital fees
13A Medical and dental charges
14 Board to meet expenses out of revenue
14A Vesting of scheduled lands in Board
14B Borrowing
15 Gifts and bequests to Board
16 Application of funds
17 Land tax exemption
18 Accounts of Board
19 Audit
20 Reports of Board
21 Minister may require returns
22 Inspection of hospital premises
23 Restrictions on disposal of scheduled lands
24 Minister may give policy directions
25 Minister may make regulations
26 Board may make hospital rules and establish policies etc
27 Transitional [*omitted*]
28 Repeal [*omitted*]
29 Amendments [*omitted*]
30 Savings
31 Commencement [*omitted*]

FIRST SCHEDULE
Consequential provisions [*omitted*]

SECOND SCHEDULE
Statutory provisions repealed or amended [*omitted*]

THIRD SCHEDULE

[28 July 1970]

[preamble and words of enactment omitted]

[Section 19 of 2004:22 and paragraph 1(1) of the Schedule to that Act retitled the "Hospital Insurance Act 1970" as the "Health Insurance Act 1970" effective 1 January 2006. These amendments are not individually noted.]

Interpretation

1 (1) In this Act, unless the context otherwise requires—

"the Board" means the Bermuda Hospitals Board established under section 2;

"Chief Executive Officer" means the person appointed to be Chief Executive Officer under section 7;

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

"financial year" means the financial year of the Board as defined in section 18;

"funds" includes monies, stocks, shares and other securities;

"the general hospital" means the institution known as the King Edward VII Memorial Hospital and any premises which may be declared by the Minister, by notice published in the Gazette, to be part thereof;

"health services" means services provided under section 6A or 6B for the care or relief of the sick or infirm;

"the hospitals" means the general hospital and a hospital as defined in section 2 of the Mental Health Act 1968 [*title 11 item 36*], and includes any establish-ment for the care or relief of the sick or infirm that may be placed under the control of the Board by the Minister by notice published in the Gazette;

"medical staff" means the medical and dental practitioners appointed under section 9 to practise their professions in the hospitals;

"the Minister" means the Minister for the time being responsible for health.".

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

"prescribed" means prescribed by regulations made under this Act;

"public officer" has the same meaning as in section 102(1) of the Constitution [*title 2 item 1*];

"the scheduled lands" means the lands described in Part I of the Third Schedule.

[Section 1 amended by 1991:85 effective 15 July 1991, by 1996:17 effective 8 July 1996, by 1997:10 effective 27 March 1997; by 1998:32 effective 13 July 1998; by 2008:2 s.2 effective 25 March 2008; by 2008:33 s.2 effective 30 July 2008]

Bermuda Hospitals Board established

2 (1) There shall be established a Board to be known as "the Bermuda Hospitals Board" having the powers and duties conferred or imposed upon it by this Act and any other statutory provision.

(2) The Board shall be a body corporate having perpetual succession and a common seal and, subject to this Act, shall have power to acquire, hold and dispose of moveable and immoveable property of any kind and to enter into contracts and to do all things necessary for the purposes of its functions.

(3) The Board may sue and be sued in its corporate name and may for all purposes be described by that name to the use of which it shall have exclusive right.

Seal; authentication of documents

3 (1) The seal of the Board shall be authenticated by the Chairman or Deputy Chairman and one other member authorized to act in that behalf and shall be judicially and officially noticed.

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

Constitution of Board

4 (1) The Board shall consist of—

(a) the Chief of Staff, the Chief Medical Officer and the Permanent Secretary of the Ministry responsible for Health, ex-officio non-voting members;

(b) the President of the Women's Hospital Auxiliary and one person nominated for appointment by the trustees of the Bermuda Hospitals Charitable Trust, both ex-officio voting members; and

(c) in addition, not less than seven or more than ten members, each of whom shall be appointed by the Minister by notice published in the Gazette.

(2) Any person appointed to be a member of the Board shall hold office during the Minister's pleasure and, unless his appointment is earlier terminated, it shall be deemed to terminate three years from the date upon which such appointment took effect.

(2A) The term of office of appointed members shall be such as to ensure, so far as possible, the expiration in any such year of not more than one half of the terms of office of those members.

(3) There shall be a Chairman and Deputy Chairman of the Board, each of whom shall be appointed by the Minister from among the members of the Board and each of whom shall hold office as such during the Minister's pleasure.

(4) The Board shall be deemed to be properly constituted notwithstanding that there is a vacancy in the office of Chairman or Deputy Chairman or any other member.

(5) There shall be paid to the members of the Board such remuneration as the Minister may determine.

[Section 4 amended by 1991:85 effective 15 July 1991; subsection (1) substituted by 2005:32 s.3 effective 29 December 2005; subsection (1) amended by and subsection (2A) inserted by 2008:2 s.3 effective 25 March 2008]

Meetings of Board

5 (1) The Board shall meet as often as it deems necessary or expedient for the due performance of its functions and, without prejudice to the generality of the foregoing, shall in any event meet at least ten times in any one year.

(2) Meetings of the Board shall be held at such places, on such days, and at such times as the Chairman, or three other members of the Board acting together, shall determine, and due notice of such place,

date and time shall be given to each member in writing at least forty-eight hours before the time at which the meeting is to be held.

(3) Any meeting of the Board shall be presided over by—

(a) the Chairman; or

(b) in the absence of the Chairman, the Deputy Chairman; or

(c) in the absence of both the Chairman and Deputy Chairman, such member of the Board as the members present elect to act as Chairman at that meeting.

(4) The quorum of the Board shall be four, including the member of the Board presiding at that meeting.

(5) Every question or matter to be determined by the Board at any meeting shall be decided by a majority of the votes of the members present and voting on the question or matter:

Provided that in the event of an equal division of votes on any question or matter the person presiding at the meeting may give a second or casting vote.

[Section 5 subsection (4) amended by 2005:32 s.4 effective 29 December 2005; subsection (4) amended by 2008:2 s.4 effective 25 March 2008]

Mandate of the Board

6 (1) The Board shall, subject to this Act—

(a) have the general charge and management of the hospitals and any movable and immovable property appurtenant thereto; and

(b) have overall responsibility for the provision of health services.

(2) The Board shall—

(a) administer the hospitals and the provision of health services in an efficient manner and in such a way as to promote the welfare of patients;

(b) so far as funds at its disposal permit, promptly make available at the hospitals modern methods of treatment of the sick and infirm, and use such methods in the provision of health services;

(c) co-ordinate the administration and operation of the hospitals and the provision of health services;

(d) make recommendations to the Minister on the development of the hospitals and the hospital service, on the provision of health services and on such matters as the Minister may refer to the Board; and

(e) give effect to any directions given by the Minister under section 24.

(3) The Board may, subject to the provisions of this Act—

(a) build, construct or erect, or cause to be built, constructed or erected, any building; or

(b) carry out, or cause to be carried out, any works,

upon any land owned by, or under the control of, the Board where such building or works are calculated to facilitate, or are conducive or incidental to, the discharge of any function of the Board.

[Section 6 amended by 1997:10 effective 27 March 1997; by 2008:33 s.3 effective 30 July 2008]

Provision of health services by the Board at places other than hospitals

6A (1) The Board may provide health services at places other than hospitals in a manner determined by the Board.

(2) The Board may exercise, in relation to the provision by it of health services under this section, any functions that the Board may exercise in relation to hospitals.

[Section 6A inserted by 2008:33 s.4 effective 30 July 2008]

Provision of health services by other persons or entities

6B (1) The Board may enter into agreements (including partnering arrangements or joint ventures) with other persons or entities for the provision of health services, including at places other than hospitals.

(2) Where a person or entity provides health services under this section, the Board may authorize that person or entity to exercise, in relation to the provision of health services by that person or entity, any functions that the Board may exercise in relation to hospitals.

(3) Where health services are provided under this section by a corporation, that corporation shall be wholly or in major part owned by the Board, directly or indirectly, and shall have a majority of its directors appointed in accordance with the instructions of the Board.

(4) Where health services are provided under this section by a person or an entity that is not a corporation, the Board shall ensure that

the Board has a means of ownership or control over that person or entity equivalent to what it would have in the case of a corporation under subsection (3).

(5) Where a person or entity provides health services under this section, that person or entity shall provide audited financial statements to the Board annually, within 4 months after the end of its financial year.

(6) References in this Act to officers and servants of the Board do not include any person employed by a person or entity that provides health services under this section.

(7) For the purposes of this section, "entity" includes a partnership.

[Section 6B inserted by 2008:33 s.4 effective 30 July 2008]

Chief Executive Officer; Director of Finance

7 (1) The Board shall appoint, at such remuneration and on such terms and conditions as may be approved by the Minister, a Chief Executive Officer who shall be—

(a) a full-time officer of the Board; and

(b) the principal executive officer of the Board.

(2) The Board shall appoint, at such remuneration and on such terms and conditions as may be approved by the Minister, a Director of Finance who shall be—

(a) a full-time officer of the Board; and

(b) responsible to the Board through the Chief Executive Officer for the efficient management of the financial administration of the hospitals.

[Section 7 amended by 1991:85 effective 15 July 1991; by 2008:2 s.5 effective 25 March 2008]

Chiefs of Staff and Psychiatry

8 (1) The Board shall appoint, at such remuneration and on such terms and conditions as may be approved by the Minister, a Chief of Staff and a Chief of Psychiatry who may or may not be full-time officers of the Board, and both of whom shall be medical practitioners registered under the Medical Practitioners Act 1950 *[title 30 item 8].*

(2) The Chief of Psychiatry shall be qualified to practise as a psychiatrist by virtue of a qualification recognized by the Bermuda Medical Council.

(3) [*Deleted by 1998 : 32*]

(4) The Chief of Staff shall be responsible to the Board through the Chief Executive Officer for the medical and dental staff organization of the hospitals and for the supervision of the medical and dental care given to all patients of the hospitals in accordance with policies established by the Board.

[Section 8 amended by 1991:85 effective 15 July 1991; by 1998:32 effective 13 July 1998; by 2008:2 s.6 effective 25 March 2008]

Medical staff

9 (1) The Board may, after consultation with the Medical Staff Committee and in accordance with regulations, appoint a medical staff in respect of the hospitals on such terms and conditions as the Board thinks fit.

(2) A person appointed to the medical staff shall not, by reason only of that appointment, be an officer or servant or agent of the Board for any purpose.

(3) The Board may—

(a) terminate,

(b) suspend, or

(c) vary (whether permanently or temporarily) the terms and conditions of,

any such appointment for good cause (including any breach of the rules or policies of the Board).

(4) Any person aggrieved by the termination, suspension, or variation of the terms and conditions, of his appointment by the Board under this section may, within seven days after the service of any notice on him terminating, suspending or varying the terms and conditions of his appointment, appeal to the Supreme Court by notice in writing to the Registrar.

(5) The Supreme Court shall determine any appeal under subsection (4) and make such order as appears just; and the Board shall act in accordance with such an order.

[Section 9 substituted by 1996:17 effective 8 July 1996]

Clinical departments and services

10 (1) The Board may, as far as the funds at its disposal permit and as far as the facilities of the hospital may allow, after consultation with the Medical Staff Committee, establish and maintain such clinical departments or services as it considers necessary for the proper

operation of the hospital and without prejudice to the generality of the foregoing, shall establish and maintain at the general hospital the following departments or services—

(a) medical;

(b) surgical;

(c) obstetrics/paediatrics;

(d) emergency medicine;

(e) geriatric medicine;

(f) diagnostic medicine;

(g) laboratory;

(h) anaesthesiology;

(i) dental;

(j) psychiatry.

(2) The Board may, after consultation with the Medical Staff Committee and on such terms and conditions as may be approved by the Minister, appoint a member of the medical staff to act as head of any department or service established under subsection (1).

[Section 10 amended by 1991:85 effective 15 July 1991, and by 1996:17 effective 8 July 1996]

Officers of Board

11 (1) The Board may, at such remuneration and on such terms and conditions as may be approved by the Minister, appoint such other officers and servants as may be necessary for the due performance of the functions of the Board.

(2) The Governor, acting on the advice of the Minister, may, subject to such conditions as he may impose, approve the appointment of any person who is a public officer immediately before 1 January 1971 by way of secondment to any office under the Board, and any person so appointed shall, without prejudice to any provision of this Act whereby that person becomes an officer of the Board for the purposes of this Act, for the purpose of any pension, gratuity or other allowance, and any other rights or obligations as a public officer, be treated as continuing in the service of the Government on a salary at the rate he was receiving on the day immediately preceding the date of his secondment.

(3) Without prejudice to the generality of subsection (2), the Governor, acting on the advice of the Minister, may authorize any public officer to exercise any function or class of functions under the direction

and control of the Board as he may think fit and for the purpose of exercising such functions such public officer shall be deemed to be an officer of the Board.

(4) Without prejudice to the power of the Governor to approve the secondment of any public officer under subsection (2), an officer of the Board, other than a public officer on secondment under subsection (2) or exercising a function under subsection (3), shall, for the purposes of any statutory provision, other than the Criminal Code [*title 8 item 31*], be deemed not to be a public officer or civil servant or otherwise in the service of the Crown.

(5) Where in this Act an officer is stated to be a full-time officer of the Board, he shall not, except with the permission of the Board, practise any profession, or engage in any trade or business, or take any employment for gain, otherwise than in pursuance of the duties of his office.

Medical Staff Committee

12 The Medical Staff Committees established for the hospitals shall (from the coming into operation of the Bermuda Hospitals Board (Amendment) Act 1996) be combined together to form a Medical Staff Committee for the hospitals, and its composition and functions shall be as may be prescribed.

[Section 12 substituted by 1996:17 effective 8 July 1996; and amended by 1998:32 effective 13 July 1998]

Regulations fixing hospital fees

13 (1) The Board shall, by regulations made with the approval of the Minister, fix the sums to be charged by way of hospital fees.

(2) The affirmative resolution procedure shall apply to regulations made under this section.

(3) The regulations shall, within one month after filing, be deposited for public inspection at the King Edward VII Memorial Hospital and the Bermuda National Library, as defined in the Bermuda National Library Act 1946, and shall have effect on the day that the Minister publishes a Notice in the Gazette that the regulations have been deposited, as required by this subsection.

[Section 13 subsection (3) inserted by 2009:19 s.2 effective 25 March 2009]

Medical and dental charges

13A (1) The Minister may prepare a scale of fees which shall be charged by medical and dental practitioners for the treatment of patients in hospitals and for any course of treatment partly in and partly outside the hospitals.

(2) The Minister may consult such persons or bodies he considers appropriate in the preparation of the scale of fees under subsection (1).

(3) A scale of fees prepared under this section shall provide for the calculation, by reference to units, of the amounts which may be so charged.

(4) For the purposes of subsection (3)—

(a) "unit" means the multiplier which shall apply in relation to each separate treatment or procedure; and

(b) the dollar value of each unit shall be such amount as the Minister may by order prescribe, and different amounts may be prescribed in relation to different cases and different types of practitioner.

(5) Any reference (in any enactment) to the scale of fees prepared under this section is a reference to the scale of fees currently determined by the Minister as being in force.

(6) Medical and dental practitioners and health insurers licensed under the Health Insurance Act 1970 shall adhere to the scale of fees prepared by the Minister under subsection (1).

(7) *[Deleted by 2002:33]*

(8) The scale of fees prepared under this section shall be—

(a) supplied by the Minister to the Board; and

(b) made available by the Board to the medical staff and other persons for inspection at the hospitals during normal office hours;

and, so far as practicable, the Board shall bring to the attention of the medical staff and patients the existence of a new scale of fees prepared under this section or any changes to such a scale.

(9) Section 6(1) of the Statutory Instruments Act 1977 (Parliamentary scrutiny) shall not apply to an order made under subsection (4)(b).

[Section 13A inserted by 1996:17 effective 8 July 1996; subsections (1), (2) and (6) substituted, and (7) repealed, by 2002:33 s.2 effective 13 December 2002]

Board to meet expenses out of revenue

14 So far as is practicable, the Board shall words perform its functions, including the administration of the hospitals, and shall levy rents, fees and other charges for hospital services in a manner that, together with such funds as may be appropriated by the Legislature for

the purposes of this Act, will result in the revenue of the Board being sufficient, taking one year with another, to meet the expenditure and liabilities of the Board, including allocations to reserve for replacement of plant and provision for depreciation of assets.

[Section 14 amended by 1997:10 effective 27 March 1997; by 2008:33 s.5 effective 30 July 2008]

Vesting of scheduled lands in Board

14A Notwithstanding section 8 of the Department of Works and Engineering Act 1984, every interest in or right over the scheduled lands which immediately prior to the coming into operation of this Act was vested in, or enjoyed by, the Government or any Government Agency is—

(a) by virtue of this section and without further assurance; and

(b) subject to the conditions specified in Part II of the Third Schedule,

on the coming into operation of this Act transferred to the Board to be held and enjoyed by the Board to the extent and subject to any condition to which they were held by the Government or, as the case may be, the Government Agency.

[Section 14A inserted by 1997:10 effective 27 March 1997]

Borrowing

14B (1) Subject to the provisions of this section, the Board may borrow from the Government or from any other person any money that it may require for the purpose of discharging any of its functions under this Act or of meeting any obligations.

(2) The repayment of any money borrowed under subsection (1) may be secured upon the property of the Board by way of mortgage or by the issue of debentures or debenture stock or otherwise.

(3) The Board shall not exercise any of its powers under this section except with the prior written approval of the Minister and the Minister of Finance and such approval may be subject to such conditions, if any, as the Minister or the Minister of Finance, as the case may be, considers necessary or expedient.

[Section 14B inserted by 1997:10 effective 27 March 1997]

Gifts and bequests to Board

15 (1) The Board shall have power—

(i) to receive all funds or gifts in kind given or bequeathed to the hospitals, or to the Bermuda Government, for the purposes of the hospitals, or given or bequeathed by words showing an intention that the funds or gifts should enure to or for the benefit of the hospitals; and subject to this Act, the Board shall apply all such funds or gifts or, if such funds are invested, the income derived therefrom, to furthering the purposes of the hospitals in such manner as the Board thinks fit; and

(ii) to acquire by purchase, gift or demise, and hold in their corporate capacity, with the previous sanction in each case of the Minister, but not otherwise, any land in these Islands bona fide required to further the purposes of the hospitals:

Provided that the powers conferred by this subsection shall not be exercised in any manner inconsistent with any condition or direction imposed or given by the donor or testator with respect to any such fund or gift.

(2) Notwithstanding anything in the Trustee Act 1975 [*title 26 item 51*], the following provisions shall have effect with respect to funds received by the Board by way of gift or bequest for the purposes of the hospitals—

(a) the Board may invest liquid funds in such securities as the Board may determine, and shall so invest any such funds that are given or bequeathed for the endowment of the hospitals;

(b) the Board may realise any funds that are in a state of investment:

Provided that any funds so realised which are given or bequeathed for the endowment of the hospitals shall, as soon as may be practicable or expedient, be reinvested by the Board;

(c) funds which when received by the Board are in any investment may be retained by the Board in that investment.

Application of funds

16 Subject to sections 14 and 15 and without prejudice to section 18, any funds appropriated by the Legislature for the purposes of the hospitals or the provision of health services, any income derived from hospital fees and any other income of the Board shall be held and applied to furthering the purposes of the hospitals or the provision of health services in such manner as the Board may think fit:

Provided that—

(a) any expenditure or liability incurred by the Board or any abatement of income provided for by the Board shall be subject to the prior written approval of the Minister to annual and supplementary estimates of revenue and expenditure submitted by the Board in such form as the Minister may direct; and

(b) any funds appropriated by the Legislature for the purposes of the hospitals or the provision of health services shall, subject to the terms of the appropriation, be applied by the Board as the Minister may direct.

[Section 16 amended by 2008:33 s.6 effective 30 July 2008]

Land tax exemption

17 All property, real or personal, appertaining to the hospitals shall be exempted from land and other taxes of like nature.

Accounts of Board

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

(2) The accounts prepared for the purposes of subsection (1) shall set out—

(a) the accounts for each hospital separately;

(b) the income and expenditure of each hospital and, where an activity can be shown separately for accounting purposes, the income and expenditure arising from such activity;

(c) any other income and expenditure of the Board; and

(d) such other matters as the Minister may specify.

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

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

[Section 18 amended by 2008:33 s.7 effective 30 July 2008]

Audit

19 (1) The accounts of the Board shall be audited annually by the Auditor.

(2) In addition to, or in substitution for, the audit carried out for the purposes of subsection (1), the Minister may at any time require the Auditor to examine and report upon the accounts of the Board or of any part of those accounts and the Board shall provide the facilities necessary for such examination.

(3) In addition to any other audit, the Minister may at any time require the Auditor to examine and report on the accounts of any person or entity referred to in section 6B, and that person or entity shall provide the facilities necessary for such examination.

[Section 19 amended by 2008:33 s.8 effective 30 July 2008]

Reports of Board

20 (1) The Board shall, within six months after the end of each financial year, forward to the Minister—

(a) a report on the operations of the Board during that year and on the Board's policy and programme for future years;

(b) a copy of the accounts prepared for the purposes of section 18 certified by the Auditor.

(2) The report prepared for the purposes of subsection (1)(a) shall set out—

(a) any directions given by the Minister to the Board during that year; and

(b) the scales of salaries and wages paid to officers and servants of the Board.

(3) The Minister shall cause copies of the report and accounts of the Board forwarded to him under subsection (1) to be laid before both Houses of the Legislature.

Minister may require returns

21 Without prejudice to the generality of section 20 the Board shall forward to the Minister such returns, statistics or other information as the Minister may, by notice in writing, require.

Inspection of hospital premises

22 At the request of the Minister, the Permanent Secretary, Department of Works and Engineering, or any officer of that Department authorized by him in that behalf, may, at all reasonable times and upon reasonable notice being given to the Board, enter into and inspect all premises within the control and management of the Board, and the Permanent Secretary, Department of Works and Engineering shall report to the Minister upon the state of such premises and the Minister shall forward a copy of each such report to the Board.

[Section 22 amended by 1991:85 effective 15 July 1991]

Restrictions on disposal of scheduled lands

23 (1) Except in the case of a mortgage under section 14B, the Board shall not make a disposition of any scheduled land, whether by sale or otherwise, except in accordance with this section.

(2) *[Deleted by 1997 : 10]*

(3) Where the Board intends to dispose of any scheduled land, other than by way of mortgage, the Board shall offer such land to the Government for purchase by agreement and, unless notice is given on behalf of the Government that it does not wish to purchase, the premises, in default of agreement, shall, for the purpose of the Acquisition of Land Act 1970 [*title 19 item 2*], be deemed to be land required by the Government in respect of which purchase by agreement is, in the opinion of the Minister for the time being responsible for Works and Engineering, impracticable.

(4) If notice is given on behalf of the Government that it does not wish to purchase the premises offered to it pursuant to subsection (3) the Board may with the prior approval of the Senate and the House of Assembly,dispose of the premises on the open market to the Board's best advantage.

[Section 23 amended by 1997:10 effective 27 March 1997]

Minister may give policy directions

24 The Minister may, after consultation with the Board, give such general directions as to the policy to be followed by the Board in the performance of its functions as appear to the Minister to be necessary in the public interest.

Minister may make regulations

25 (1) The Minister may, after consultation with the Board, make regulations—

(a) prescribing anything which may be or is to be prescribed under this Act, other than the fixing of fees under section 13;

(b) prescribing the conditions under which medical and dental practitioners shall be admitted to the hospitals to practise their professions;

(c) prescribing the composition and functions of the Medical Staff Committee; and

(d) generally for the purpose of giving effect to this Act.

(2) The negative resolution procedure shall apply to regulations made under this section.

[Section 25 amended by 1996:17 effective 8 July 1996]

Board may make hospital rules and establish policies etc

26 (1) The Board may make rules—

(a) governing the professional conduct of medical and dental practitioners;

(b) as to investigations into allegations of misconduct by such persons; and

(c) as to the disciplinary action that may be taken following a finding of misconduct.

(2) The Board may establish and institute policies for the efficiency, good order and management of the hospitals and (without prejudice to the generality of the foregoing) may make provision in relation to—

(a) the admission and discharge of patients, patient identification and the protection of the rights of patients;

(b) the conduct and control of patients;

(c) the conduct of visitors; and

(d) the control and supervision of clinical work and the use of the facilities of the hospitals in the course of such work.

(3) Policies established from time to time under subsection (2) shall be contained in a policy document which, along with rules made under subsection (1), shall be—

(a) supplied by the Board to medical and dental practitioners, and

(b) available for inspection by other persons on request being made to the Chief Executive Officer.

(4) The Board shall—

(a) establish and determine the duties of its committees;

(b) determine, subject to sections 7 and 8, the duties of its officers.

[Section 26 substituted by 1996:17 effective 8 July 1996; amended by 2008:2 s.7 effective 25 March 2008]

Transitional

27 [*omitted*]

Repeal

28 [*omitted*]

Amendments

29 [*omitted*]

Savings

30 (1) [*omitted*] [*spent*]

(2) Save where otherwise expressly provided, nothing in this Act shall derogate from the powers invested in any authority under the Mental Health Act 1968 [*title 11 item 36*].

(3) Nothing in this Act shall prejudice or affect the appointment of any person as a member of the medical staff of the general hospital under the King Edward VII Memorial Hospital Act 1944, and any person so appointed shall continue to hold such appointment as if he had been appointed under this Act.

Commencement

31 [*omitted*]

[This Act was brought into operation on 1 January 1971]

FIRST SCHEDULE

[omitted]

SECOND SCHEDULE

[omitted]

THIRD SCHEDULE (sections 1 and 14A)

PART I

ALL THOSE LANDS, being lands shown on the attached drawings [*drawings omitted*] prepared by the Ministry of Works and Engineering, Parks and Housing and respectively numbered—

3/12/195/2	land at St. Brendan's Hospital, Devon Spring Road, Devonshire;
3/15/492/02	land at King Edward VII Memorial Hospital, Paget.

[*drawings omitted*]

PART II

Conditions subject to which Scheduled Lands Transferred

1 The Board shall lease to Government, for a nominal fee, sufficient space in the Old Hospital Building at the King Edward VII Memorial Hospital, together with the existing parking spaces, to satisfy the accommodation needs of the Ministry of Education & Human Affairs and the Ministry of Health & Social Services, until such time as the staff of those Ministries are permanently relocated.

2 The Board shall give the Government the first option to lease, for a nominal fee, any surplus land at the St. Brendan's Hospital site.

3 The Board shall voluntarily convey to Government any land up to a maximum of 6 feet in width along Berry Hill Road and Point Finger Road if at any time such land is required for highway improvements.

4 Existing fire and pedestrian accesses between the Botanical Gardens and King Edward Memorial Hospital are to be retained;

5 Government reserves the right to use, maintain, repair and replace all pipes, wells, drains, cables and equipment on, in or under the scheduled lands.

[*Amended by:*

1971 : 116
1976 : 8
1977 : 35
1983 : 13
1991 : 85
1996 : 17
1997 : 10
1998 : 32
2002 : 33
2005 : 32
2008 : 2
2008 : 33
2009 : 19]