

CHAPTER 54

QUEEN ELIZABETH HOSPITAL 2001-14

This Act came into operation on 8th October, 2002 by Proclamation (S.I. 2002 No. 113).

Amended by:

2005-13

2008-2

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

2007

2008

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 54

QUEEN ELIZABETH HOSPITAL 2001-14

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FIRST SCHEDULE

*THE CONSTITUTION AND PROCEDURE OF THE QUEEN ELIZABETH
HOSPITAL BOARD*

SECOND SCHEDULE

Appeal to Privy Council

**BARBADOS****QUEEN ELIZABETH HOSPITAL
2001-14**

An Act to provide for the administration of the Queen Elizabeth Hospital, the establishment of a Board of Management, and for related matters.

[Commencement: 8th October, 2002]

Short title

1. This Act may be cited as the *Queen Elizabeth Hospital Act*.

PRELIMINARY**Interpretation**

2. In this Act,

“Auditor-General” means the Auditor-General appointed by virtue of section 102 of the *Constitution*;

“Board” means the Queen Elizabeth Hospital Board established by section 5;

“financial year” means the 12 months beginning from the 1st day of April and ending on the 31st day of March in any year;

“Hospital” means the Queen Elizabeth Hospital;

“Minister” means the Minister responsible for Health.

Functions of the Hospital

- 3.** The Hospital shall be used for the following purposes:
- (a) receiving patients and providing appropriate medical care for patients;
 - (b) facilitating the provision of medical education and research either directly or through the University of the West Indies or other institutions;
 - (c) providing facilities and technical support for education and training in nursing and other health and health-related professions;
 - (d) participating, as a national referral teaching and research hospital, in national health planning;
 - (e) carrying out outreach community programmes in the furtherance of the functions enumerated in paragraphs (a) to (d); and
 - (f) such other functions as are necessary for the efficient operation of the Hospital.

Use of Hospital facilities

- 4.** Access to the facilities and services of the Hospital
- (a) by individuals other than those
 - (i) seeking or receiving medical care; or
 - (ii) visiting or assisting persons receiving medical care; and
 - (b) by organizations other than those approved by the Board
- shall be subject to the terms and conditions prescribed by the Board.

Establishment of Board

5.(1) There is established a Board to be known as the Queen Elizabeth Hospital Board that shall administer and manage the Hospital in the manner specified in this Act.

(2) The Board is a body corporate to which, subject to this Act, section 21 of the *Interpretation Act*, Cap. 1 applies.

(3) The members of the Board shall

- (a) possess the expertise, business acumen, professionalism and experience that would allow for the proper discharge of their functions;
- (b) be individuals who have demonstrated
 - (i) competence and outstanding achievement in their field of endeavour; and
 - (ii) commitment to community or public service.

(4) The *First Schedule* has effect with respect to the constitution of the Board and otherwise in relation thereto.

[2008-2]

Functions of Board

6.(1) The functions of the Board are

- (a) to ensure that the Hospital is used for the purposes set out in section 3;
- (b) to develop the policies for the
 - (i) prudent management and efficient maintenance of the Hospital;
 - (ii) provision of service to patients or clients of the Hospital;
 - (iii) assignment, utilisation and management of staff of the Hospital;

- (c) to determine the standards to be attained in the provision of services at the Hospital and the principles to be adhered to in attaining such standards;
- (d) to manage the operation of the Hospital and to control the activities within the Hospital to ensure continuous improvement in the quality of the care of patients;
- (e) to establish within the Hospital such departments or divisions as are considered necessary for the provision of effective care to patients;
- (f) to provide suitable equipment, apparatus, appliances and furnishings as the Hospital may require, and to maintain such equipment, apparatus, appliances and furnishings and the premises of the Hospital in fit and proper condition;
- (g) to ensure that
 - (i) the premises of the Hospital are kept as resistant to disaster as possible;
 - (ii) there is a disaster-preparedness plan for the Hospital; and
 - (iii) the content and procedures for the implementation of the disaster-preparedness plan are known to all staff of the Hospital;
- (h) to establish criteria for
 - (i) the appointment, assignment and utilisation of all staff of the Hospital; and
 - (ii) conferring on persons the status of honorary consultant;
- (i) to appoint all members of staff of the Hospital and to exercise discipline over such staff, including the suspension or termination of employment;
- (j) to approve a financial code and other codes respecting the operation of the Hospital and codes of conduct for staff of the Hospital;

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- (k) to prescribe and to collect all fees payable to the Hospital for services provided under this Act;
 - (l) to provide and manage the operation of an emergency ambulance service to facilitate the timely access to, and efficacious provision of services by, the Hospital; and
[2005-13]
 - (m) to take such measures as are necessary to give effect to the provisions of this Act.
[2005-13]
- (2) The Minister may give general policy directions to the Board, including directions pertaining to
- (a) the provision of services by the Hospital;
 - (b) the relationship between the Hospital and
 - (i) other health institutions; and
 - (ii) the University of the West Indies and the obligations of the teaching staff of the University in the provision of medical services at the Hospital;
 - (c) the use of the Hospital as a referral centre;
 - (d) the obligations of Hospital staff to assist with the teaching and training of staff of the Hospital;
 - (e) the terms and conditions of employment of staff of the Hospital;
 - (f) the determination of the principles upon which the fees payable for services rendered by or at the Hospital are imposed; and
 - (g) any other matter concerning the Hospital and integral to the protection of the public interest.

Delegation of functions

7.(1) The Board may delegate such of its functions as it thinks expedient for the purpose of effectively transacting the business of the Board to the Chairman, to any committee appointed or established by the Board or to any of its employees.

(2) Nothing contained in subsection (1) authorises the Board to delegate its power to make regulations or to do any act involving extraordinary expenditure.

(3) A delegation under subsection (1) may at any time be revoked by the Board and shall not prevent the discharge by the Board of any function that it has delegated under that subsection.

Remuneration of Board members

8. There shall be paid to members of the Board remuneration at the rates that the Minister determines.

Appointment of staff

9.(1) The Board may employ persons at such remuneration and on such terms and conditions as it considers necessary for the proper discharge of its functions and the functions of the Hospital.

(2) The Board shall appoint as employees a Chief Executive Officer, by whatever name called, and the following directors:

- (a) Director of Human Resources;
- (b) Director of Medical Services;
- (c) Director of Nursing Services;
- (d) Director of Support Services;
- (e) Director of Financial Services; and

(f) Director of Engineering Services.

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(3) All persons employed by the Board shall act under the general superintendence and direction of the Board in the performance of their duties.

Limitation of powers of Board

10. Notwithstanding the powers conferred on the Board by section 9, the Board shall not, without the prior approval of the Minister,

- (a) assign to any post established by the Board any salary in excess of such amounts per annum as the Minister may determine and notify to the Board in writing; and
- (b) appoint any person to a post established by the Board to which a salary in excess of the amount determined by the Minister under paragraph (a) is assigned.

Power to acquire and dispose of property

11. The Board may

- (a) with the approval of the Minister, purchase, lease, or otherwise acquire, hold and dispose of any estate or real property; and
- (b) receive in its corporate name or in any other name whatsoever any estate or property, whether by way of devise, bequest, gift, grant or donation.

[2005-13]

Funds of Hospital

12.(1) The funds of the Hospital shall consist of

- (a) moneys voted for the purpose by Parliament;
- (b) fees and other charges payable for services rendered by or at the Hospital;

- (c) moneys borrowed by the Board;
 - (d) moneys that may become payable to or vested in the Board pursuant to this Act or in relation or incidental to the carrying out of its functions; and
 - (e) money vested in the Board from sources, other than those referred to in paragraphs (a) to (d), that are approved by the Minister.
- (2) The funds of the Hospital shall be managed by the Board and are to be applied for the purpose of the administration of the Hospital.
- (3) The Board may, with the approval of the Minister,
- (a) invest its funds in securities; or
 - (b) sell any of the securities so invested.
- (4) The Board may build up reserves with the approval of the Minister.

Power to borrow

- 13.(1)** Subject to subsection (2), the Board may borrow money required by it for meeting any of its obligations or performing any of its functions.
- (2) The Board shall borrow money only on the written authorisation of the Minister responsible for Finance, which authorisation shall stipulate
- (a) the amount and source of the loan; and
 - (b) the terms and conditions on which the loan may be obtained.
- (3) The authorisation of the Minister responsible for Finance under subsection (2) may either be general or limited to a particular borrowing.
- (4) The Board shall not pledge its assets or the assets of the Hospital as security for any loan without the written approval of the Minister responsible for Finance.

(5) The Government may, by a resolution of both Houses of Parliament, guarantee the repayment of a loan authorised in accordance with subsection (2).

[2005-13]

Establishment of special fund

- 14.** The Board shall establish a special fund into which shall be paid
- (a) moneys resulting from the sale of any property referred to in section 11(b);
 - (b) moneys received by way of devise, bequest, gift, grant or donation; and
 - (c) moneys realised from fund-raising activities;

and such moneys shall be applied for the exclusive purpose of carrying out the functions of the Hospital.

Accounts and audit

15.(1) The Board shall, in respect of its functions under this Act, keep proper accounts and adequate financial and other records to the satisfaction of and in accordance with the directions of the Auditor-General or any auditor appointed under subsection (3) for the purpose of auditing the accounts.

(2) The Board shall prepare a statement of accounts in respect of each financial year.

(3) The Board shall appoint an auditor and shall, within 3 months after the end of each financial year, submit its accounts for auditing to the auditor.

(4) The auditor appointed under subsection (3) shall submit a set of certified accounts to the Board within 2 months of his receipt of the accounts from the Board.

(5) The Auditor-General may at any time, and shall on the direction of the Minister responsible for Finance, carry out an investigation into or a special audit of the accounts of the Board.

(6) The members, officers and employees of the Board shall allow the Auditor-General or the auditor appointed pursuant to subsection (3)

- (a) access to all books and documents relating to accounts;
- (b) access to all cash and securities of the Board; and
- (c) on being requested, to obtain all information within their knowledge that relates to the activities of the Board.

(7) A person who wilfully fails to comply with subsection (6) is guilty of an offence and is liable on summary conviction to a fine of \$5 000 or imprisonment for 12 months or both.

Annual report

16.(1) The Board shall, as soon as possible after the end of each financial year, submit to the Minister a report containing

- (a) a detailed account of the activities of the Hospital during the preceding financial year; and
- (b) a statement of its certified accounts.

(2) The Minister shall lay a copy of the report referred to in subsection (1) before Parliament as soon as possible after the receipt of the report.

Estimates of revenue and expenditure

17. The Board shall prepare and submit to the Minister each year estimates of revenue and expenditure in respect of its functions for the next ensuing financial year.

Virement

18. The Board may apply savings realised under any head of its estimates or surplus over estimated receipts to meet the deficiencies under another head of the estimates; except that the total expenditure for a financial year must not exceed the amount approved for that year.

Transfer of service and preservation of pension etc.

19.(1) The Board may make appropriate arrangements for the transfer or secondment of any officer in the public service to the service of the Board.

(2) Where an officer in the public service is transferred or seconded to the staff of the Board,

- (a) his rights to any pension, gratuity or other allowance for which he would have been eligible had he remained in the public service are preserved; and
- (b) his service with the Board shall, unless the Governor-General otherwise decides, be pensionable under the *Pensions Act*, Cap. 25 as if the officer had not been so transferred or seconded.

(2A) An officer who has been appointed to the public service on or before 1st October, 2004 and who is transferred to the staff of the Board not later than 1st September, 2005 shall

- (a) continue to be employed on terms and conditions that are no less favourable than those enjoyed by a public officer of proximate rank or a public officer performing comparable duties; and
- (b) have a right of appeal to the Privy Council in respect of any decision by the Board that would render a person referred to in this subsection liable to the penalty of dismissal or reduction in rank.

[2005-13]

(2B) The terms and conditions of employment that form part of the contract between the officer referred to in subsection (2A) and the Board shall be regarded as terms and conditions meeting the requirements of subsection (2A)(a).

[2005-13]

(2C) An appeal to the Privy Council shall be in accordance with the procedure set out in the *Second Schedule*.

[2005-13]

(3) Where a public officer is seconded or temporarily transferred from a pensionable office within the meaning of section 2(1) of the *Pensions Act*, Cap. 25 to perform any service with the Board, his service with the Board shall, unless the Governor-General otherwise decides, count for pension under that Act as if the officer had not been so seconded or transferred.

(4) The Board may make arrangements for the loan to the Government of the services of an employee of the Board.

(5) Where the services of a person employed by the Board are on loan to the Government for the purpose of providing service within the public service, the person providing such service is entitled to the benefits and terms of employment that are applicable to the post that that person occupies, and the service with the Government shall be taken into account as continuous service with the Board and the *Pensions Act* and the *Pensions Regulations, 1947* shall apply to him as if his service with the Board were service within the meaning of that Act.

[1947-20]

(6) This section applies *mutatis mutandis* to a public employee, within the meaning of the *Public Employees Pensions Act*, Cap. 30, seconded or transferred to a post with the Board or to an employee of the Board who is seconded or transferred to a post as public employee in the public service.

Pension rights of Board employees

20. A person who

- (a) is employed by the Board after 8th October, 2002; and
- (b) does not fall within the provisions of section 19

shall be subject to the provisions of the *Pensions Act*, Cap. 25.

Savings

21. The *Health Services (Hospital Fees) Regulations, 1977*, shall continue to have full force and effect as if they were made by virtue of section 23 of this Act until other regulations are made to replace them.

[1977/168]

Transitional

22.(1) Upon the coming into operation of this Act

- (a) all funds appropriated for the operation and management of the Hospital shall vest, by virtue of this Act, in the Board;
- (b) all rights, powers, privileges and authorities relating to the management or operation of the Hospital that immediately before 8th October, 2002 were vested in and exercisable by the Crown are vested in and exercisable by the Board;
- (c) all liabilities incurred by the Crown in respect of the functions of the Hospital and subsisting immediately before 8th October, 2002 shall have effect as if they had been incurred by or on behalf of the Board; and
- (d) without affecting paragraph (b), all contracts made by or on behalf of the Crown and subsisting immediately before 8th October, 2002 shall be deemed to have been made by or on behalf of the Board and shall be construed with such modifications and adaptations as may be necessary to give effect to them.

(2) All civil proceedings commenced before 8th October, 2002 in any court of competent jurisdiction by or against the Crown with regard to any matter concerning the Hospital may be continued by or against the Board, and process in those proceedings may be amended accordingly.

Regulations

- 23.** The Board may, with the approval of the Minister, make regulations
- (a) prescribing the services to be provided by or at the Hospital;
 - (b) prescribing the fees to be charged for the services provided by or at the Hospital;
 - (c) providing for the constitution, functions and procedure of the Medical Staff Committee, Nursing Staff Committee, Patient Care Advisory Committee and the Finance and General Purposes Committee;
 - (d) providing for the functions of the Director of Medical Services or any other employee at the Hospital; and
[2005-13]
 - (e) generally to give effect to this Act.

Repeal

- 24.** *[The Queen Elizabeth Hospital Act, 1966 and the Health Services (Medical Staff Committee) Regulations, 1977 are repealed.]*

[1966-20; 1977/242]

FIRST SCHEDULE*(Section 5 (4))****THE CONSTITUTION AND PROCEDURE OF THE QUEEN ELIZABETH
HOSPITAL BOARD*****Constitution of Board**

1.(1) The Board shall consist of 13 members who shall be appointed by the Minister by instrument in writing.

(2) The members of the Board to be appointed under sub-paragraph (1) shall comprise

- (a) the Permanent Secretary, Ministry of Health *ex officio* or the nominee of that person;
- (b) the Chief Medical Officer *ex officio* or the nominee of that officer; and
- (c) persons who possess the qualifications set out in section 5(3) in relation to the following disciplines:
 - (i) accounting;
 - (ii) engineering;
 - (iii) finance;
 - (iv) human resource management;
 - (v) industrial relations;
 - (vi) information technology;
 - (vii) law;
 - (viii) management operations;
 - (ix) medicine;
 - (x) nursing; and

(xi) paramedical services.

(3) Members of staff of the Hospital shall not be appointed as members of the Board.

(4) The Minister shall appoint the Chairman and the Deputy Chairman from among the members of the Board.

(5) The names of the Chairman, the Deputy Chairman and the other members of the Board shall be published in the *Official Gazette* within 3 months of an appointment.

[2008-2]

Tenure

2.(1) Subject to sub-paragraph (2), a member of the Board, other than an *ex officio* member, shall hold office for such period of time as the Minister determines but such period shall not exceed 5 years.

(2) The members appointed under sub-paragraph (1) are eligible for reappointment.

(3) The Chairman may at any time resign his office by instrument in writing addressed to the Minister, and from the date of the receipt of the instrument by the Minister the Chairman ceases to be a member of the Board.

(4) A member of the Board, 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 the receipt by the Minister of the instrument the member ceases to be a member of the Board.

(5) The Minister shall terminate the appointment of a member of the Board where the member

- (a) fails without reasonable excuse to attend 3 consecutive meetings of the Board;
- (b) has become bankrupt or has made an arrangement with his creditors;

- (c) is incapacitated by physical or mental illness;
 - (d) engages in fraudulent or other dishonest behaviour or behaviour conflicting with the discharge of his duties as a member of the Board;
or
 - (e) is otherwise unfit to discharge the functions of a member of the Board.
- [2008-2]

Temporary membership

3. Where a member of the Board is unable to serve or has been absent for 2 consecutive meetings or more, the Minister may appoint a person who possesses a like qualification to that of the member who has been unable to serve or has been absent, to act temporarily.

[2008-2]

Duties of secretary

4. The Board shall appoint a Secretary who shall perform the duties assigned to him.

Meetings

5.(1) The Board shall meet at the times that may be necessary or expedient for the performance of its functions under this Act.

(2) The first meeting of the Board shall be convened by the Chairman.

(3) The meetings referred to in sub-paragraphs (1) and (2) shall be held at the places and times and on the days that the Board shall determine, but there shall not be

- (a) an interval greater than 2 months between one meeting of the Board and the next meeting; and
- (b) less than 9 meetings in a financial year.

(4) The Chairman may at any time summon a special meeting of the Board, and shall summon a special meeting to be convened within 7 days of a written request for that purpose addressed to him by a majority of the members of the Board.

(5) The Chairman, or in his absence the Deputy Chairman, shall preside at a meeting of the Board.

(6) At any meeting of the Board, in case of the absence or inability to act of both the Chairman and the Deputy Chairman, the members of the Board present shall elect one of the members present to preside at that meeting.

(7) At any meeting of the Board where the Deputy Chairman is presiding as Chairman, the other members of the Board present shall elect one of the members as Deputy Chairman.

(8) Subject to sub-paragraphs (9) and (10), the decisions of the Board shall be by a majority of votes and, in addition to an original vote in any case in which voting is equal, the Chairman, or in his absence the Deputy Chairman or other member presiding at that meeting, has a second or casting vote.

(9) Subject to sub-paragraph (10), a decision of the Board may be made without a meeting by

- (a) the circulation of the relevant papers among Board members; and
- (b) the expression of the votes in writing of the majority of members.

(10) Where 3 members make a request in writing to the Secretary that a decision made in accordance with sub-paragraph (9) be deferred and that the matter for decision be considered at a meeting of the Board, the matter shall be so deferred and considered.

(11) Where a member of the Board has a personal or pecuniary interest in a matter being considered or about to be considered by the Board, that member shall, as soon as possible after that matter has come to his knowledge, disclose the nature and extent of his interest to the Board.

- (12) A disclosure of interest shall be recorded in the minutes of the meeting of the Board.
- (13) A member or other person who has disclosed an interest in a matter before the Board shall not
- (a) be present at or take part in any deliberations on or determination of the matter by the Board; or
 - (b) influence any member or other person in their deliberation on or determination of the matter.
- (14) The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members or by any defect in the appointment of a member.
- (15) Subject to this Act, the Board may regulate its own procedure.
- (16) *[Repealed by 2008-2.]*

Committees

- 6.(1) The Board shall establish a Medical Staff Committee, a Nursing Staff Committee, a Patient Care Advisory Committee and a Finance and General Purposes Committee.
- (2) In addition to the committees specified in sub-paragraph (1), the Board may
- (a) appoint other committees for the purpose of properly carrying out its functions; and
 - (b) co-opt to the committees so appointed such specialized personnel as it thinks fit.

Quorum

7. The quorum of the Board shall be 7 members.

[2005-13; 2008-2]

Minutes

8.(1) Minutes of each meeting of the Board shall be kept in proper form by the Secretary to the Board or such officer as the Board appoints for the purpose, and shall be confirmed in writing at the next meeting by the Chairman or the Deputy Chairman.

(2) A copy of the confirmed minutes of every meeting of the Board shall be submitted to the Minister within 7 days after the date of the meeting at which they were confirmed.

Seal of the Board

9.(1) The seal of the Board

- (a) shall be kept in the custody of the Secretary to the Board or such other member or officer as the Board approves;
- (b) may be affixed to instruments, pursuant to a resolution of the Board, by the Secretary to the Board or such other member or officer as the Board approves; and
- (c) shall be authenticated by the signatures of the Chairman or a member authorized to act in that behalf and the Secretary to the Board.

(2) All documents or instruments, 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 or a member authorized to act in that behalf and the Secretary to the Board.

[2005-13; 2008-2]

SECOND SCHEDULE*(Section 19(2C))**Appeal to Privy Council*

- 1.** Where upon an application for a review by an officer the Board has confirmed the decision in respect of the officer, an application may be made in writing to the Governor-General to have the matter referred to the Privy Council.
- 2.** The application shall
 - (a)* be made within 14 days of the date on which the officer was advised in writing of the decision of the Board;
 - (b)* be transmitted to the Governor-General by the Chief Executive Officer pursuant to paragraph 3.
- 3.** Together with the application referred to in paragraph 2(*b*), the Chief Executive Officer shall transmit the complete report of all the proceedings in the matter.

[2005-13]