

THE NATIONAL HEALTH SERVICES ACT

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Schemes of establishment and management of regional health authorities.
4. Appointment of Regional Director, Parish Manager and employees.
5. Responsibilities of Regional Director and Parish Manager.
6. Funds of Authority.
7. Application of revenues.
8. Borrowing powers.
9. Power to invest moneys.
10. Guarantee by Minister of borrowings by Authority and repayment of sums issued to meet guarantees.
11. Accounts and audits.
12. Annual report.
13. Regulations.
14. Liability for expenses, etc., of seaman.
15. Expenses of paupers in public health facilities.
16. Recovery of fees.
17. Transfer of officers to Authority.
18. Savings.
19. Vesting of assets and transfer of liabilities.

SCHEDULES.

THE NATIONAL HEALTH SERVICES ACT

Act  
10 of 1997.

[1st October, 1997.]

1. This Act may be cited as the National Health Services Act. Short title.

2.—(1) In this Act—

“appointed day” means the 1st day of October, 1997.

Interpreta-  
tion.

“Authority” or “regional health authority” means an Authority established by a scheme made under section 3;

“functions” includes powers and duties;

“public health facility” means any facility specified in the First Schedule;

First  
Schedule.

“public health service” means any service which is provided, whether directly or indirectly, by public health personnel in the fulfilment of their official duties, and includes services offered by public health facilities for research, monitoring, regulatory or promotional activities or for the reception or treatment of persons suffering from illness;

“region” means the area specified in a scheme establishing an Authority as the area within which each Authority administers the delivery of public health services;

“regional hospital” means any hospital specified in the Second Schedule.

Second  
Schedule.

(2) The Minister may, from time to time by order, amend the First and Second Schedules.

Schemes of establishment and management of regional health authorities.

3.—(1) The Minister may, from time to time, prepare a scheme or schemes for the establishment and management of one or more regional health authorities.

(2) Every such scheme shall—

(a) provide for—

(i) the establishment and functions of the Authority;

(ii) the appointment of members of the Authority and their tenure of office;

(b) define the parishes or parts thereof which comprise the region to be administered by an Authority;

(c) provide for the application of the funds of the Authority;

(d) provide for the duties and responsibilities of staff of the Authority;

(e) provide for such other matters as the Minister may consider expedient or necessary for giving effect to the purposes of this section.

(3) Every scheme prepared under this section shall be subject to affirmative resolution.

Appointment of Regional Director, Parish Manager and employees.

4.—(1) An Authority—

(a) shall appoint, at such remuneration and on such terms and conditions as it thinks fit—

(i) a Regional Director for the region for which that Authority is responsible; and

(ii) a Parish Manager for each parish within that region;

(b) may appoint and employ at such remuneration, and subject to such conditions as it thinks fit, such other officers, employees and agents as it thinks necessary for the proper carrying out of its functions under a scheme:

Provided that—

- (a) no salary in excess of the prescribed rate shall be assigned to any post without the prior approval of the Minister; and
- (b) no appointment shall be made to any post to which a salary in excess of the prescribed rate is assigned without the prior approval of the Minister.

(2) For the purposes of this section, 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.

(3) The Governor-General may, subject to such conditions as he may impose, approve the appointment of any officer in the service of the Government to any office with the Authority and any officer so appointed shall, while so employed, in relation to any pension, gratuity or other retiring benefits and in relation to the other rights as a public officer, be treated as continuing in the service of the Government.

(4) It shall be lawful for the Authority, with the approval of the Minister—

- (a) to enter into arrangements respecting schemes whether by way of insurance policies or not; or
- (b) to make regulations, for pensions, gratuities and other retiring or disability or death benefits relating to members and employees of the Authority, and such arrangements or regulations may include provisions for the grant of benefits to the dependents and legal personal representatives of such members or employees.

Responsibilities of Regional Director and Parish Manager.

- 5.—(1) A Regional Director appointed under section 4 (1) (a) (i) shall be responsible for—
- (a) the day-to-day administration of the business of the Authority;
  - (b) directing and controlling the development of strategic and operational plans for health services in the region;
  - (c) the provision of guidance in administrative and policy matters to Parish Managers within the region;
  - (d) the coordinating of activities of—
    - (i) all public health facilities in the region; and
    - (ii) such other agencies as may be responsible for the delivery of health services within that region;
  - (e) the review and appraisal of all projects for the divestment of medical and non-medical services in the region;
  - (f) the preparation and submission of financial reports to the Authority and the Minister on a timely basis;
  - (g) such other duties as may from time to time be specified by the Authority.
- (2) A Parish Manager appointed under section 4 (1) (a) (ii) shall be responsible for—
- (a) accounting for expenditure of monies allocated for the delivery of public health services in the relevant parish;
  - (b) directing and controlling the development of strategic and operational plans for health services in that parish;

- (c) managing the delivery of public health services in accordance with government policies and regulations; and
- (d) such other duties as may from time to time be specified by the Authority.

6. The funds and resources of an Authority shall consist of— Funds of Authority.

- (a) such sums as may be provided annually for the purpose in the Estimates of Revenue and Expenditure of the Island;
- (b) such sums as may be allocated from time to time to the Authority from loan funds;
- (c) sums borrowed by the Authority for the purpose of meeting any of its obligations or discharging functions; and
- (d) revenues from charges imposed by the Authority in respect of public health services provided by it;
- (e) all other sums or property which may in any manner become payable to or vested in the Authority in respect of any matter incidental to its functions.

7. The revenues of an Authority shall be applied for the purposes authorized by this or any other law in relation to the functions of the Authority. Application of revenues.

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

(2) The power of an Authority to borrow shall be exercisable only with the approval of the Minister responsible for finance, as to the amount, as to the source of borrowing and as to the terms on which borrowing may be effected.

(3) An approval given in any respect for the purposes of this section 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 an Authority not immediately required to be expended in the meeting of 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 Authority may, with the approval of the Minister, sell all or any of such securities.

Guarantee by Minister of borrowings by Authority and repayment of sums issued to meet guarantees.

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 Authority.

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

(3) The Authority 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 payment of any sums issued in fulfilment 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 the Minister may direct, and different rates of interest may be directed as respects different sums and as respects interest for different periods.

11.—(1) Each Authority 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 each Authority shall be audited by an auditor appointed annually by the Authority and approved by the Minister.

(3) So soon as the accounts of an Authority have been audited, the Authority 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 on that statement or on the accounts of the Authority.

(4) The auditor's fees and any expenses of the audit shall be paid by the relevant Authority.

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

12.—(1) Each Authority shall, within six months after the end of each financial year, cause to be made and transmit to the Minister a report dealing generally with the activities of the Authority during the preceding financial year, and containing such information relating to the proceedings and policy of the Authority as can be made public without detriment to the interests of the Authority. Annual report.

(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 of the Senate.

13.—(1) Subject to the provisions of this Act, the Minister may make regulations generally in respect of public Regulations.



health facilities, and such regulations may relate generally to all public health facilities or to any particular health facility.

(2) Without prejudice to the generality of subsection (1), regulations made under this section may provide for—

- (a) the admission into, the treatment at, and the discharge from, any public health facility of any person or class of persons;
- (b) fixing the dues to be paid in respect of persons obtaining medicines or surgical appliances at, or receiving attention or treatment, in any public health facility;
- (c) the establishment of Codes of Discipline for regional health authorities;
- (d) the regulation and constitution of Hospital Management Committees, Parish Committees or any other Committee appointed pursuant to this Act;
- (e) any other matter that is relevant to the delivery of public health services.

Liability for expenses, etc., of seaman.

14. Every Master and every consignee of a vessel from which any seaman (not being a deserter from his vessel) has been received into any public health facility, shall be liable for the expenses and fees arising therefrom and, in case of death, for the funeral expenses of such seaman.

Expenses of paupers in public health facilities.

15. All expenses arising from—

- (a) the provision of public health services in respect of a pauper sent from any parish by the Parish Council of that parish (or other public entity responsible for his care) for treatment in any public health facility and the cost of returning him to his parish when discharged; or

(b) his funeral in the case of death,  
shall be defrayed from the funds of the parish from which he was so sent.

16. Any fees arising from the provision of public health services and any funeral expenses incurred in connection with the burial of any person who has died in a public health facility may be recovered without limit of amount, as a civil debt in the Resident Magistrate's Court in the parish in which the public health facility which provided the service is situated.

Recovery  
of fees.

17.—(1) Subject to the provisions of this section, on the appointed day—

Transfer of  
officers to  
Authority.

(a) an Authority may accept the services of any person who, immediately before that day was the holder of a post constituted under the Civil Service Establishment Act in a public hospital as defined in this section or in a Health Department, as the case may be; and

(b) any such person (in this section referred to as an "officer") shall be deemed to be seconded from the service of the Government to the service of the Authority.

(2) The Governor-General may at any time determine the secondment of an officer.

(3) The Authority may, within twelve months from the appointed day give to any officer in its employment by virtue of subsection (1) notice in writing—

(a) offering the officer employment on such terms as the Authority shall specify; or

(b) of the intention of the Authority to request the Governor-General to determine the officer's secondment.

## NATIONAL HEALTH SERVICES

(4) The Authority shall not offer employment to any officer except on terms and conditions not less favourable than those enjoyed by the officer in his substantive post at the date of that offer.

(5) During the period of secondment an officer may elect by notice in writing to the Chief Personnel Officer to apply for a post in a Regional Authority.

(6) When an officer accepts an offer of employment made pursuant to this section, his service with the relevant Authority shall be deemed to have commenced and his service with the Government, subject to section 4 (3), to have ceased at the date on which he accepts the offer.

(7) For the purposes of this section and section 20 "public hospital" means—

- (a) any clinic, dispensary or institution (other than Bellevue Hospital or the Hansen Home) for the reception or treatment of persons suffering from illness or requiring medical care; or
- (b) any maternity home, convalescent home or rehabilitation centre,

maintained by the Government.

Savings.

18. Where in any written law there is a reference to a Management Scheme under the Hospitals (Public) Act (now repealed), or to any employee thereunder, the reference shall be construed as a reference to a Scheme under this Act or an employee under that Scheme.

Vesting of assets and transfer of liabilities.

19. Upon a day to be appointed by the Minister by notice published in the *Gazette* (hereinafter referred to as "the vesting day") there shall be transferred to and vested in the Authority named in the notice by virtue of this

section and without further assurance, all such assets and liabilities as may be specified in the notice being—

- (a) property of the Government vested in the Commissioner of Lands or the Accountant-General, as the case may be, and occupied, utilized or enjoyed by a public hospital named in that notice;
- (b) debts owing to the Government by virtue of the operations of the public hospital referred to in paragraph (a);
- (c) any liabilities of any such public hospital.

FIRST SCHEDULE

(Section 2)

PUBLIC HEALTH FACILITIES

- Clinics
- Convalescent Homes
- Dispensaries
- Drug Windows
- Health Centres
- Health Departments
- Laboratories
- Maternity Homes
- Medical Rehabilitation Centres
- Pharmacies
- Public Hospitals
- Public Psychiatric Facilities

SECOND SCHEDULE

(Section 2 (1))

REGIONAL HOSPITALS

- Herbert W. Eldemire Regional Hospital
- Kingston Public Hospital
- Mandeville Hospital
- St. Ann's Bay Hospital

L.N.  
186A/2011.