

ANTIGUA AND BARBUDA



THE MOUNT ST. JOHN'S MEDICAL CENTRE (AMENDMENT) BILL, 2018

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ARRANGEMENT OF CLAUSES

Clauses

1. Short title
2. Interpretation
3. Amendment of section 29

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THE MOUNT ST. JOHN'S MEDICAL CENTRE (AMENDMENT) BILL 2018

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An ACT to amend the Mount St. John's Medical Centre Act 2009, No. 2 of 2009, to conclude the period of secondment of public officers seconded to the service of the Board and for connected and incidental purposes.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Mount St. John's Medical Centre (Amendment) Act, 2017

2. Interpretation

In this Act—

“principal Act” means the Mount St. John's Medical Centre Act 2009, No. 2 of 2009.

3. Amendment of section 29 – Transitional Provisions

Section 29 of the principal Act is amended by repealing subsections (7), (8), (9), (10) and (11) and replacing these with the following new subsections as follows:

“(7) Notwithstanding subsections (1) through (6), the secondment of all public officers to the service of the Board pursuant to subsection (1) shall come to an end on the ***31st day of May, 2018.***

(8) Every public officer currently seconded to the service of the Board shall have the option to apply to the Board for employment.

(9) A person who exercises the option of applying to be employed by the Board shall cease to be a public officer from the date on which he becomes employed by the Board and any pension rights or retiring award to which he may be entitled shall be placed on hold from the date on which he ceases to be a Government employee until he attains the age of retirement under the Pensions Act (Cap. 311) or the Pensions (Non-Established Government Employees) Act (Cap. 310) as the case may be.

(10) The duty allowance paid at the time of the passing of this Act by the Mount St. John's Medical Centre to public officers seconded to the service of the Board shall be converted to a pensionable benefit for the purpose of calculating the pension entitlement of the seconded public officers pursuant to the applicable Pension law.”

Passed by the House of Representatives
on the day of 2018.

Passed by the Senate on the
day of 2018.

Speaker

President

Clerk to the House of Representative

Clerk to the Senate

EXPLANATORY MEMORANDUM

The purpose of this Amendment to the Mount St. John's medical Centre Act 2009, No. 2 of 2009 is to bring to an end the secondment of public officers to the employment of the Board and to complete the transitioning of the Mount St. John's Medical Centre to a state of the Art Public hospital under the management of the Board.

Section 29 of the principal Act contained the transition provisions. However, this section did not provide for the ending of the secondment nor for the status of public officers after the secondment would have ended. This is of vital importance because the Mount St. John's Medical Centre is the only public hospital on the island and the skill set of most of the public officers cannot be reintegrated into any other area of the public service. In essence, when the secondment is ended, public officers who are not absorbed by the Board, or who chooses not to be so absorbed, will face redundancy.

The amendment repeals the original subsections (7) through to (11) of section 29 which provided—

(7) The Minister may by regulations made under this section provide for such further transitional, consequential and saving provisions to have effect in connection with the coming into operation of any provision of this Act as are necessary or expedient.

(8) Regulations made under subsection (7) may be given retrospective operation to a day not earlier than the day this Act comes into force.

(9) Subsections (7) and (8) shall expire one year after they come into force.

(10) Regulations made under subsections (7) and (8) may make modifications to this Act or to any other enactment.

(11) Regulations made under subsections (7) and (8) shall be subject to affirmative resolution of the legislature.

Based on the original subsection (9), subsections (7) and (8) expired 1 year after the Act came into force; further, in so far as the remaining original subsections speak specifically to these expired subsections, it means that these subsections are also of no effect.

NO. OF 2018

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Hence, the approach taken was to repeal subsections (7) through to (11) and to replace these with new subsections that speak to the ending of the secondment and the conclusion of the transition process as it relates to the Mount St. John's Medical Centre.

Hon. Molwyn Joseph

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Minister of Health