

CHAPTER 44**HEALTH SERVICES****ARRANGEMENT OF SECTIONS**

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CHAPTER 44

HEALTH SERVICES

An Act relating to the promotion and preservation of the health of the inhabitants of Barbados.

1969-38.
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1998-44.
1999-18.

[1st September, 1969]

Commencement.

1. This Act may be cited as the *Health Services Act*.

Short title.

2. For the purposes of this Act

Interpretation.

"area" means one of the areas into which Barbados is divided by the Minister under section 3;

"Board" means a Board established and appointed by the Minister under section 8;

"Committee" means a Committee established and appointed by the Minister under section 8;

"district" means a health or sanitation district established by the Minister within an area under section 3;

"health services institutions" includes general hospitals, hospitals and other health service units for special purposes, health centres, outpatients' clinics, maternity hospitals, district hospitals including infirmaries, dispensaries, or a combination of all or any of the foregoing;

1974-52.

"Minister" means the Minister responsible for Health;

"National Assistance Board" means the National Assistance Board established under section 3 of the *National Assistance Act*.

Cap. 48.

Minister to be responsible for health of inhabitants of Barbados and may divide Barbados into areas and districts.

3. The Minister shall generally be responsible for the promotion and preservation of the health of the inhabitants of Barbados, and for this purpose may divide Barbados into such areas as he may determine, establish such health or sanitation districts within any such area and assign duties to such officers in relation thereto as he thinks necessary.

Functions of Minister.

4. (1) The Minister shall be responsible for the administration of this Act, and, without limiting the generality of the foregoing, his functions shall include

- (a) the prevention, treatment, limitation and suppression of disease, including the conduct of investigations and enquiries in respect thereof;
- (b) the publishing of reports, information and advice concerning public health, including advice to the Government and the education of the public in the preservation of health;
- (c) the abatement of nuisances and the removal or correction of any condition that may be injurious to the public health;
- (d) the control of food and drugs in the interest of the public health and the seizure and destruction of food and drugs that do not comply with this Act or any regulations, and the protection of the public from fraud or deception in connection with food or drugs;
- (e) the acceptance and administration of gifts of money or property from individuals or organisations donated for any unit of the health services administered under this Act.

(2) The Minister may

- (a) delegate to the National Assistance Board or to any other Board or Committee such of his functions under subsection (1) as he thinks fit; and

(b) give directions to any Board or Committee mentioned in paragraph (a) as to the exercise and performance of any functions delegated to it under that paragraph, and that Board or Committee shall give effect to such directions.

(3) A Board or Committee to which the Minister delegates any of his functions under subsection (2) shall invite the appropriate Medical Officer of Health to attend every meeting thereof which is concerned with any matter relating to those functions and the Chief Medical Officer may attend any such meeting.

5. (1) The Minister may establish health services institutions at suitable places in any area.

Minister may establish health services institutions. 1974-52.

(2) The expenses of establishing health services institutions under subsection (1) and of maintaining such institutions shall be defrayed out of moneys voted for the purpose by Parliament.

(3) All existing health services institutions established and maintained by the Government prior to the 9th January, 1975,¹ shall be deemed to have been established by the Minister under subsection (1).

6. (1) The Minister may

Minister may construct sewers.

(a) construct, repair and maintain sewers; and

(b) make provision by means of sewerage disposal works or otherwise for effectively dealing with the contents of such sewers.

(2) A sewer referred to in subsection (1) may be constructed

(a) in, under or over any street or under any cellar or vault below any street;

(b) subject to section 6A, on any land not forming part of a street after giving not less than 14 days notice in writing to every owner and occupier of that land.

(3) Any such sewerage disposal works may be constructed on land acquired by the Minister responsible for Lands.

¹ Commencement date of the Health Services (Amendment) Act, 1974.

Power to enter premises. 1995-4.

6A. (1) Subject to subsection (2), the Minister or any person authorised by him may, at all reasonable times enter upon premises for the purpose

- (a) of laying pipes and connections thereto for attachment to a sewer; or
- (b) performing any function incidental to the construction, maintenance or repair of a sewer.

(2) Subject to subsection (3), a person referred to in subsection (1) shall not be entitled to enter upon premises unless

- (a) he has given to the owner or occupier of the premises at least 14 days notice in writing of the proposed entry and the purpose for such entry; and
- (b) he identifies himself as a person who is authorised to enter upon the premises.

(3) Where the Minister or any person authorised by him is satisfied that an emergency has arisen in respect of any work that has been or is to be carried out pursuant to this section, notice must be given as soon as possible after

- (a) the necessity for the action has arisen; or
- (b) the action has begun.

Compensation.

6B. (1) The Minister shall pay reasonable compensation to the owner of premises for any loss or damage occasioned in the performance of his functions under this section.

(2) Where any question arises touching the title of any person to the premises that may be entered for the purposes of section 6A, or any estate or interest therein, the person in possession of the premises shall, for the purposes of this section, be deemed to be the owner of the same until the contrary is proved.

(3) Compensation payable under this section shall, where the parties fail to agree, be determined by a Judge.

(4) No claim for compensation under this section shall be admitted or entertained unless it is made in writing to the Minister within 2 years of the completion of the work carried out under section 6 or 6A.

7. (1) For the purpose of constructing, repairing, maintaining or in any way altering a sewer, the Minister may
- (a) open and break up the surface, soil and pavements of any street or bridge;
- (b) open and break up any sewer, drain or tunnel in or over such street or bridge;
- (c) remove and use all earth and material in and under any such street or bridge; and
- (d) do all other acts which he considers necessary,

Minister may open and break up highways; etc.

doing as little damage as possible in the exercise of the powers granted by this section.

(2) Before the Minister opens or breaks up any street, bridge, sewer, drain or tunnel under the control of the Minister responsible for Highways, he shall give to that Minister notice in writing, signed by him or by any public officer authorised by him in that behalf, of his intention so to do not less than 3 clear days before beginning such work.

(3) In any case of emergency arising from a defect in any sewer, notice under subsection (2) may be given as soon as possible after the beginning of the work or the necessity for the work has arisen.

7A. (1) The Minister may designate and assign Public Health Inspectors, on a full time basis, to certain private businesses if

Minister may assign public health officers to certain businesses. 1985-20.

- (a) he is satisfied that it is in the interest of the public health of Barbados so to do; or
- (b) he is in receipt of a written request from a private business for such an assignment.

(2) A Public Health Inspector assigned under subsection (1) shall perform such duties as may be prescribed for the purposes of this section.

(3) The Minister may, by instrument in writing, delegate the designation and assignment for the purposes of subsection (1) to the Chief Medical Officer or such other public officer as he determines.

Restoration
of premises.
1995-4.

7B. The Minister shall

- (a) cause premises or the surface of any street, pavement or bridge disturbed for the purposes of this Act to be restored to their original condition without unnecessary delay;
- (b) cause a fence to be placed around that portion of the premises or surface of the street, pavement or bridge that is broken up; and
- (c) provide adequate warning devices of the fact of disrepair.

Minister
may appoint
Boards and
Committees.

8. (1) The Minister may establish such Boards and Committees as he may think fit for the purposes of this Act, consisting of members to be appointed by him and may if he thinks it expedient revoke the appointment of any such member.

(2) The constitution of every such Board or Committee shall be settled by the Minister.

(3) The functions of every such Board or Committee shall be

- (a) to advise the Minister on such matters relating to his functions under this Act as he may refer to it for such advice; and
- (b) to discharge any functions delegated to it by the Minister under subsection (2) of section 4.

(4) No remuneration shall be payable to the members of such Boards or Committees except with the approval of the Cabinet.

Chief
Medical
Officer to
discharge
functions of
Minister.

9. (1) Except as the Minister may otherwise direct, the Chief Medical Officer shall discharge the functions conferred on the Minister under this Act, and every Medical Officer of Health, Public Health Nurse, Public Health Inspector or other public health officer shall discharge functions under this Act as directed by the Minister or the Chief Medical Officer, and in so doing shall be deemed to be acting under the authority of this Act.

(2) Subject to subsection (1), such officers may take such steps as are necessary for the execution and administration of this Act, of regulations and of any orders or directives given by the Minister or the Chief Medical Officer and may call upon any member of the Police Force to lend such assistance as may be required in the execution and administration thereof.

(3) Notwithstanding any other provision of the Act or the regulations, where an offence punishable on conviction is created by this Act or the regulations, the Chief Public Health Officer, a Chief Public Health Inspector, the Manager, Sanita- 1978-2.

tion Service Authority or any other person authorised in writing by the Minister may, in respect of that offence, institute proceedings in a court.

10. (1) The Minister may, subject to negative resolution, make Regulations. regulations for the proper carrying into effect of this Act, and in particular may make regulations

- (a) prescribing the forms to be used for the purposes of this Act;
- (b) for the prevention, treatment, limitation and suppression of disease;
- (c) for the prevention of the overcrowding of premises;
- (d) for the maintenance of the proper sanitary condition of premises;
- (e) providing for the institution of measures for ensuring the purity of the water supply;
- (f) for the prevention, abatement or removal of nuisances and insanitary conditions on premises;
- (g) with respect to sewers and sewage disposal works;
- (h) providing for the collection, removal and sanitary disposal of rubbish, night-soil and other offensive matter;
- (i) providing for the licensing of persons, places and institutions for the carrying on of prescribed businesses;
- (j) prescribing the method of carrying on any offensive trade or business;
- (k) regulating the slaughtering of animals for use as food for human consumption;
- (l) regulating the keeping of domestic animals;
- (m) providing for the disposal of dead animals;
- (n) for the control and destruction of mosquitoes, termites, and other insects, rodents and other vermin;
- (o) with respect to the production, importation and sale of food 1999-18. for human consumption;

s.10

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- 1972-23. (p) for controlling the offering for sale of food, drugs, cosmetics and devices, and the importation of any drug, and prescribing standards of identity, composition and quality of such products;
- (q) providing for the inspection of hotels, boarding-houses and other places of accommodation;
- (r) providing for the inspection of the places of business of barbers, hairdressers and beauticians;
- (s) providing for the inspection and sanitary conditions of beaches and swimming pools in the interest of the public health;
- (t) providing for the medical and dental examination and treatment of school children, the removing of children from school and closing of schools in the interest of the public health;
- (u) respecting
- 1984-6. (i) the interment of the dead;
- (ii) the entry of dead bodies into Barbados;
- (iii) the use of dead bodies for the teaching of anatomy to medical students and the final disposal of those bodies; and
- (iv) the inspection of undertaking establishments, morgues, crematoria and other places used in connection with the preparation, transportation and disposal of dead bodies;
- (v) for the control and use of public baths, washrooms and sanitary conveniences;
- 1998-44. (w) providing for the licensing, management, operation, control and inspection of private hospitals, nursing homes, senior citizen's homes and maternity homes;
- 1972-10. (x) providing for the notification of the births of children and the form and manner of such notification;
- 1978-2. (y) annexing to the contravention of, or failure to comply with, any regulation made under this section a punishment by way of a fine of \$5 000 or imprisonment for a term of 12 months or

both such fine and imprisonment, and in the case of a continuing offence, to a further fine of \$200 for each day or part thereof during which the offence continues after conviction is first obtained;

(z) providing for the proper management and administration of any health services institutions established or deemed to have been established under section 5 and prescribing the fees to be paid for the services provided at such institutions and the terms and conditions (if any) on which such fees are to be paid. 1974-52.

(2) The Minister may, with the approval of the Minister responsible for Establishments, make regulations 1985-20.

(a) prescribing the duties to be performed by and the hours of work of Public Health Inspectors who are assigned to private businesses under section 7A;

(b) prescribing the fees and other expenses to be paid by businesses and undertakings to Public Health Inspectors assigned under section 7A and the manner in which such payments must be made.

(3) Regulations made under subsection (2) are subject to negative resolution.

(4) For the purposes of this section and of section 11, the expression

"premises" means land, whether open or enclosed, built on or not, public or private, and whether or not maintained under any enactment, and includes any aircraft, ship, vessel, boat, hulk, barge, tent, vehicle, shed, warehouse or any other structure designed and used for the carriage or storage of food or any other item; 1999-18.

"works" or "work" includes the structural alteration of a building, the repair of a road, whether public or private, and the removal or abatement of a nuisance.

(5) The Minister may, by instrument in writing, delegate to the Chief Medical Officer any function conferred on the Minister by regulations made under the Act. 1985-2.

10A. (1) Notwithstanding anything contained in the *Crown Proceedings Act*, proceedings for the recovery of any fees remaining unpaid under the *Hospital (Fees) Regulations, 1970* may be brought by and in the name of the Hospital Director, and such proceedings shall not be invalidated or lapse by reason of any change as to the holder of the office of Hospital Director.

Recovery of fees.
Cap. 197.
1974—52.
S.I. 1970
No. 175.

(2) No proceedings for the recovery of fees under the *Hospital (Fees) Regulations, 1970* shall be dismissed by reason only of the failure of the Hospital Director to appear in person or by an attorney-at-law, if he is represented by some person authorised by him in that behalf for the time being present in court.

(3) Nothing in this section shall be construed so as to

(a) prejudice or affect the right of the Attorney-General to institute civil proceedings on behalf of the Crown under section 14 of the *Crown Proceedings Act*;

(b) prejudice or interfere with the rights, duties or liabilities of the Crown under the provisions of the *Crown Proceedings Act*.

(4) Proceedings instituted by the Hospital Director under section (1) may be brought before a magistrate for District A notwithstanding that the amount recoverable in such proceedings exceeds the normal monetary limit on the jurisdiction of the magistrate's court.

(5) Fees due under the former *Barbados General Hospital Act, 1947*¹ may be recovered under and in accordance with this section.

(6) Nothing contained in this Act shall affect the validity of any proceedings for the recovery of fees which were begun under the former *Barbados General Hospital Act, 1947*,¹ by or in the name of the Hospital Director prior to the 9th January, 1975.

11. (1) Where it appears to the Minister that for the protection or in the interest of the public health any works in or on any premises are necessary, the Minister may serve or cause to be served on the owner or occupier of such premises a notice in writing signed by the Minister or by any person authorised by the

Minister may compel the execution of works in interest of public health.

¹ Repealed by Act 1974—53.

Minister in that behalf requiring him to execute such work as the Minister considers necessary.

1983—46.

(1a) Where personal service of notice under subsection(1) cannot be effected, whether by reason of the absence of the owner or occupier from Barbados or otherwise, the Minister may, on an affidavit that the owner or occupier cannot be found, direct that the notice be served

- (a) by affixing a copy thereof to any prominent part of the premises; and
- (b) by advertising in a daily newspaper that is printed and published in Barbados.

1972—10.

(2) A notice under subsection (1) shall indicate the nature of the works to be executed and specify a period of time after the expiration of which the Minister may cause the works to be carried out if they have not previously been executed.

(3) A person served with a notice under subsection (1) or any other person having an estate or interest in the premises to which the notice relates may, at any time before the expiration of the period of time specified in the notice pursuant to subsection (2) and in accordance with any rules of court for the time being in force, appeal to a Judge in chambers against the notice on any of the following grounds, namely

- (a) that the notice or requirement is not justified for the protection or in the interest of the public health;
- (b) that there is some informality, defect or error in or in connection with the notice;
- (c) that the Minister has refused unreasonably to approve the execution of alternative works;
- (d) that works required by the notice to be executed are unreasonable in character or extent or are unnecessary;
- (e) that the time within which the works are required by the notice to be executed is not reasonably sufficient for the purpose;
- (f) that the notice might lawfully have been served on the occupier of the premises to which it relates instead of on the owner or on the owner instead of on the occupier, and it would have been equitable for it to have been so served;

(g) where the work is work for the common benefit of the premises to which the notice relates and other premises, that some other person, being the owner or occupier of the other premises to be benefitted, ought to contribute towards the expenses of executing any works required.

(4) Where an appeal under subsection (3) is based on the ground specified in paragraph (b) thereof, the Judge shall dismiss the appeal if he is satisfied that the informality, defect or error was not a material one.

(5) Where the grounds upon which an appeal is brought under subsection (3) include a ground specified in paragraph (f) or (g) of that subsection, the appellant shall serve a copy of his notice of appeal on each other person referred to therein and may serve a copy thereof on any other person having an estate or interest in the premises to which the notice under subsection (1) relates, and on the hearing of the appeal the Judge may make such order as he thinks fit in respect of the person by whom any work is required to be executed and the contribution to be made by any other person towards the cost of the work or as to the proportions in which any expenses which may become recoverable by the Minister under subsection (11) are to be borne by the appellant and such other person.

(6) In exercising his powers under subsection (5), the Judge shall have regard

- (a) as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of the tenancy and to the nature of the works required; and
- (b) in any case, to the degree of benefit to be derived by the different persons concerned.

(7) Where an appeal is brought under subsection (3), the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.

(8) On the determination of an appeal under subsection (3), the Judge shall give directions for giving effect to his decision, including, where appropriate, directions for quashing the notice to which the appeal relates or for varying the terms of such notice in favour of the appellant.

(9) Where the notice to which the appeal relates is varied or the appeal is dismissed, the Judge may, if he thinks fit, direct that the notice shall not come into force until such date (not being later than twenty-eight days from the determination of the appeal) as he thinks fit.

(10) The determination of an appeal under subsection (3) by a Judge in chambers shall be final.

(11) Where at the expiration of the period specified in a notice under subsection (1) or directed by a Judge on the determination of an appeal under subsection (3), the work specified in the notice or in the notice as varied by a Judge as aforesaid has not been executed, the Minister may cause such work to be carried out, and on completion thereof may recover the reasonable costs of carrying out the same as a debt due to the Crown in civil proceedings before a magistrate for District A notwithstanding that the amount of such costs exceeds the normal monetary limit of the jurisdiction of a magistrate.

(12) In any proceedings under subsection (11) the validity of the notice to which the proceedings relate shall not be questioned on any ground specified in subsection (3).

11A. (1) Subject to this section and section 11B, where property is in a dangerous state or is injurious to the health of human beings, animals or plants the Minister may take possession of such property and execute any work that is reasonably necessary, and after the expiration of 42 days or such period as the High Court after hearing an appeal under section 11B orders, the Minister may direct that the property be sold by public auction for the recovery of the debts due to the Crown in respect of any work so executed.

(2) Where property is taken possession of under subsection (1), the Minister shall,

- (a) if necessary, in writing, inform the owner or occupier thereof and shall cause a notice, setting out the powers of the Minister to sell the property under subsection (1), to be affixed to any prominent part of the property and advertised in a daily newspaper that is printed and published in Barbados; and

1972—10.

Minister
may execute
work on pro-
perty in a
dangerous
state.
1983—46.

(b) where work is executed in accordance with subsection (1), demand repayment of the costs incurred.

(3) Any costs incurred in the execution of work on property shall be a charge on that property.

11B. The owner or occupier of any property upon which work is executed by the Minister may within 42 days after receipt of the demand for repayment of costs incurred in the execution of work under section 11A, appeal to a Judge in chambers against the costs of any such work.

Appeal.
1983—46.

11C. (1) Where any property is liable to be sold under section 11A, the Minister may, at any time after the power of sale becomes exercisable, by warrant, in an approved form, under his hand address to any person named therein order the sale of such property on such day and at such place as is named and appointed in the warrant.

Sale of
property for
the recovery
of costs in-
curred in the
execution of
work.
1983—46.

(2) Upon completion of a sale under subsection (1) the person authorised to sell the property shall, in writing, report to the Minister the amount of the highest bid received together with the name and the address of that person and the Minister may, on the basis of that report, declare that person to be the purchaser of the property and direct that upon payment of the purchase money the property be conveyed to the purchaser.

(3) Upon the execution of a deed of conveyance to the purchaser in accordance with subsection (2) the property described in the deed shall become vested in the purchaser freed and discharged from all estates, charges and incumbrances but subject to any other charges thereon in respect of debts due to the Crown.

(4) The purchase money from any sale under subsection (1) shall be applied in the following order:

(a) in payment of the costs incurred in the execution of work on any property;

(b) in the payment of any costs incidental to the sale, and the surplus, if any, shall be paid to the person who owned or occupied the property prior to the sale; but where that person cannot be found the Minister shall, in accordance with the

Cap. 93. *Unclaimed and Undistributed Moneys Act*, cause the surplus to be paid to the Accountant-General to be dealt with under that Act.

Closure of
business or
undertaking.
1978—2.

11D. (1) Where

- (a) a person operates a business or other undertaking without having a licence prescribed by the regulations; or
- (b) a person on whom a notice is served under subsection (1) of section 11 fails to comply with the requirements of the notice under that subsection or the notice as varied by a Judge on the determination of an appeal under subsection (3) thereof,

then, without prejudice to any liability to a penalty under the regulations or to the provisions of section 11, as the case may be, the Chief Medical Officer, a Medical Officer of Health or any person authorised in writing by either of them may apply to the High Court for an order under this section.

(2) Notwithstanding the provisions of subsection (1), where it appears to the Chief Medical Officer that, with respect to the insanitary conditions existing in any business or undertaking, the impairment of the public health is imminent, he may, notwithstanding the requirements as to the service of a notice under subsection (1) of section 11, make an application to the High Court for an order under this section.

(3) An application under subsection (1)

- (a) shall, in the case of an application under paragraph (a) or (b) thereof, contain the facts on which the applicant relies; and
- (b) in addition, in the case of an application under paragraph (b) thereof shall
 - (i) be accompanied by a copy of the notice issued under subsection (1) of section 11 and, if applicable, a copy of the order of the judge varying the notice

on the determination of an appeal under subsection (3) thereof, and

- (ii) contain the fact that the requirements of the notice or the notice as varied by the judge, as the case may be, have not been met.

(4) An application under subsection (2) shall contain the particulars in which it is alleged that the insanitary conditions are likely to impair the public health.

(5) Where the court is satisfied as to the facts of any application under this section, it may *ex parte* make an interim order for the closure of the business or undertaking for such period as may be specified in the order.

(6) The court may, on the determination of an application under this section

- (a) make an order revoking the interim order;
- (b) make a final order for closure;
- (c) make such other order as it thinks fit.

(7) A decision of the Court of Appeal relating to an appeal by a person aggrieved by the decision of the High Court under this section is final.

12. (1) The Chief Medical Officer, a Medical Officer of Health or any person authorised in writing by either of them or by the Minister in that behalf may at all reasonable times enter, if necessary using such force as may reasonably be required, any premises for the purpose of

Powers of entry.

- (a) ascertaining whether there is or has been on or in connection with the premises any contravention of this Act or any regulations;
- (b) ascertaining whether or not circumstances exist which would authorise or require the Minister to take any action or execute any work under this Act or any regulations;

- (c) taking any action or executing any work authorised or required to be taken or executed under this Act or any regulations;
- (d) performing any function conferred on the Minister or on any such officer or authorised person under this Act or any regulations; or
- (e) generally examining and inspecting the premises.

(2) Any officer or person authorised to enter any premises under subsection (1), on leaving any unoccupied premises which he has entered pursuant to that subsection, shall leave such premises as effectually secured against trespassers as he found them.

Exercise of
power of
entry by
person
authorised.

13. (1) Where any power of entry conferred under section 12 is to be exercised by a person authorised by the Minister, the Chief Medical Officer or a Medical Officer of Health, the person claiming the right to enter shall produce the document authorising him in that behalf.

(2) A document purporting to have been signed by the Minister, the Chief Medical Officer or a Medical Officer of Health shall be deemed, until the contrary is proved, to have been signed by that person.

Offences.

14. Any person who

- (a) assaults, resists, obstructs or intimidates; or
- (b) uses indecent, abusive or insulting language to; or
- (c) interferes with or hinders; or
- (d) by any gratuity, bribe, promise or other inducement prevents or attempts to prevent the due execution of his duty by,

1995-4.

any officer or other person acting under the authority of this Act or of any regulations shall be guilty of an offence and shall be liable on summary conviction to a fine of \$1 000 or to imprisonment for 1 year or to both such fine and imprisonment.

Exemption
from
liability.

15. Nothing done by the Minister, the Chief Medical Officer, a Medical Officer of Health, or any person acting under the authority of any of them shall, if such thing was done *bona fide* for the purpose of

executing any of the provisions of this Act, subject such persons to any action, liability, claim or demand whatsoever.

15A. The Governor-General may, by order published in the *Official Gazette* give effect to any agreement between Barbados and the government of any other Commonwealth country, or the government of any foreign country, providing for reciprocity in matters relating to the provision of health services at health services institution. Reciprocal agreements. 1992-19.

16. Any expenses incurred in the administration of this Act shall be defrayed out of moneys voted for the purpose by Parliament. Expenses.

17. (1) The provisions of this section shall apply notwithstanding any enactment to the contrary relating to pensions. Transitional pensions of officers.

(2) The pension, gratuity or other allowance which may be granted to or in respect of an officer who—

(a) immediately before the appointed day¹ was employed by the Interim Commissioner in any office which—

(i) is specified in Part I of the First Schedule to the Local Government (Pensions) Regulations, 1961, and

L.N.86 of 1961.

(ii) is pensionable in accordance with those regulations; and

(b) pursuant to this Act is transferred to or becomes employed in the public service on a part-time basis to undertake work relating to the functions previously discharged by him in any office mentioned in paragraph (a),

shall be determined in accordance with the law relating to pensions applicable to him immediately before he is transferred or becomes so employed.

(3) The pension, gratuity or other allowance which may be granted to or in respect of an officer who—

(a) immediately before the appointed day was employed by the Interim Commissioner in any office which is specified in Part II of the First Schedule to the Local Government (Pensions) Regulations, 1961;

(b) for the purposes of this Act is transferred to or becomes employed in the public service; and

(c) on the date on which he is so transferred or becomes so employed—

(i) has attained the age of sixty years, or

(ii) has not attained the age of sixty years and, within twelve months after the appointed day or within such further period as the Governor-General in his Accountant-General, discretion allows, by notice in writing to the elects not to come under the Pensions Act, or the Public Employees Pensions Act, as the case may be,

1975-49.

Cap. 25.
Cap. 30.

shall be determined in accordance with the law relating to pensions applicable to him immediately before he is so transferred or becomes so employed.

18. This Act shall bind the Crown.

Crown.
1978-2.

¹ 1st September, 1969.