



16/2/07

ROYAL VICTORIA TEACHING HOSPITAL ACT, 2006

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Dr. M. ANANDY CHAN

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ISSN 0796 - 0298

Supplement "C" to The Gambia Gazette No. 13 of 19th May, 2006

Royal Victoria Teaching Hospital Act, 2006



THE GAMBIA

NO. 3 OF 2006.

Assented to by The President,

this 16th day of May, 2006

YAHYA A. J. J. JAMMEH

President

AN ACT to provide for the establishment of the Royal Victoria Teaching Hospital, its Management Board and matters connected therewith.

[See section 1]

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

Short title and commencement

1. This Act may be cited as the Royal Victoria Teaching Hospital Act, **2006** and is deemed to have come into force on 4th November 2002.

Interpretation

2. In this Act, unless the context otherwise requires-

"Board" means the Royal Victoria Teaching Hospital Management Board established under section 5;

"Chairperson" means the person appointed under section 5 as the Chairperson of the Board;

"Chief Medical Director" means the Chief Medical Director appointed for the Hospital under section 11;

"Deputy Chief Medical Director" means the Deputy Chief Medical Director appointed for the Hospital under section 12;

"Department of State" means the Department of State for Health and Social Welfare;

"financial year" means the financial year of the Hospital;

"functions" includes powers and duties;

"Hospital" means the Royal Victoria Teaching Hospital established under section 3;

"relevant date" means the date this Act came into force;

"Secretary of State" means the Secretary of State for Health and Social Welfare;

"University" means the University of The Gambia;

"Vice-Chairperson" means the person appointed as Vice-Chairperson of the Board under section 5.

PART II - ESTABLISHMENT OF THE ROYAL VICTORIA TEACHING HOSPITAL AND ITS MANAGEMENT BOARD

Establishment
of the Royal
Victoria Teach-
ing Hospital

3. (1) There is hereby established a hospital to be known as the Royal Victoria Teaching Hospital.

(2) The Hospital is a body corporate with perpetual succession and a common seal.

(3) The Hospital may –

(a) enter into contracts;

(b) hold, purchase, or otherwise acquire and dispose of any property, real or personal, for the purposes of, or in the course of carrying out its functions;

(c) sue and be sued in its corporate name;

(d) perform and do all other acts and things that a body corporate may perform and do; and

(e) exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

Seal of the
Hospital

4. (1) The application of the common seal of the Hospital shall be authenticated by the signature of the Chairperson or any other person authorised by the Hospital to sign on its behalf.

(2) A document bearing the imprint of the seal of the Hospital is deemed to be properly sealed unless the contrary is proved.

Establishment
and composition
of the Royal
Victoria Teach-
ing Hospital
Management
Board

5. (1) There is hereby established for the Hospital a governing board to be known as the Royal Victoria Teaching Hospital Management Board which shall, subject to this Act, carry out the functions, and manage the affairs, of the Hospital,

(2) The Board shall consist of –

- (a) a Chairperson;
- (b) a Vice-Chairperson;
- (c) the Chief Medical Director of the Hospital;
- (d) the Dean of the Faculty of Medicine and Allied Health Sciences of the University;
- (e) a legal practitioner nominated by the Attorney General;
- (f) a medical practitioner nominated by The Gambia Medical and Dental Council;
- (g) a nursing practitioner nominated by The Gambia Nurses' and Midwives' Council;
- (h) the Director of Health Services in the Department of State; and
- (i) not more than two other persons from the community, at least one of whom shall be a woman.

(3) The members of the Board, other than *ex-officio* members, shall be appointed by The President after consultation with the Public Service Commission.

(4) The Board shall appoint a Vice-Chairperson from among its members.

(5) A member, other than an *ex-officio* member of the Board, shall hold office for a term of four years commencing on the date of appointment and is eligible for re-appointment at the end of the term.

(6) A member who is not an *ex-officio* member may resign his or her office by giving notice in writing to the President.

(7) The appointment of a member who is not an *ex-officio* member may be terminated if he or she -

(a) has been absent from four consecutive meetings of the Board without the permission of the Secretary of State;

(b) has been declared bankrupt;

(c) is incapacitated by physical or mental illness;

(d) is otherwise unable or unfit to discharge the functions of a member of the Board;
or

(e) is convicted of a felony or of an offence involving moral turpitude.

(8) A member shall not receive a salary in respect of his or her membership of the Board, but shall be paid such reasonable allowances as may be approved by the Secretary of State.

(9) A person co-opted as a member of the Board shall also be paid such reasonable allowances as may be approved by the Secretary of State.

Meetings of the Board

6. (1) The Board shall meet at least once every two months at such times and places as the Chairperson may determine.

(2) The quorum for a meeting of the Board is five.

(3) The Chairperson or, in his or her absence, the Vice-Chairperson, may convene a meeting of the Board on giving to the members at least three working days notice in writing of the meeting.

(4) The Chairperson may, at any time, if six other members request in writing, convene an emergency meeting of the Board, provided that not less than forty-eight hours notice is given to members for the meeting.

(5) At a meeting of the Board –

(a) the Chairperson, and in his or her absence, the Vice-Chairperson, shall preside and, in the absence of both of them, the members present at the meeting shall appoint one of their number to preside;

- (b) each member has one vote on each matter for deliberation, but if there is an equality of votes, the Chairperson, Vice-Chairperson or member presiding, as the case may be, has a casting vote; and
 - (c) a decision of the Board shall be by a simple majority of the votes of those present.
- (6) The minutes of the Board shall be recorded by the Secretary and signed by the Chairperson or the person who presided at the meeting, after confirmation by the Board.
- (7) The Board may co-opt any person to act as adviser at any meeting of the Board, but a person so co-opted shall not vote at the meeting.
- (8) The validity of a proceeding of the Board shall not be affected-
- (a) by a vacancy in the membership;
 - (b) by any defect in the appointment or qualification of a member; or
 - (c) reason that a person not entitled to do so, took part in proceeding of the Board.
- (9) Subject to the provisions of this section, the Board and any of its committees may regulate their own procedure.

Disclosure of
interest by
members

7. (1) A member who has a direct or indirect personal interest in the outcome of the deliberations of a meeting of the Board in relation to a matter shall disclose the nature of the interest at that meeting.

(2) The disclosure of the interest shall be recorded in the minutes of the meeting.

(3) The member shall withdraw from the deliberations of the Board in respect of that matter and shall not vote on the matter.

(4) A member who contravenes the provisions of section (1) may be removed from office.

Transaction of
business
without Board
meeting

8. A resolution of the Board is valid, even though it is not passed at a meeting of the Board, if –

(a) the notice in writing of the proposed resolution was given to each member; and

(b) the resolution is signed or assented to by a majority of members of the Board.

PART III – FUNCTIONS OF THE HOSPITAL AND THE BOARD

Functions of the
Hospital

9. The functions of the Hospital are to-

(a) provide and manage healthcare services;

(b) without prejudice to the generality of paragraph (a), provide-

- (i) tertiary referral services to support the health services provided by other healthcare institutions in The Gambia,
 - (ii) mental health services and isolation hospital services,
 - (iii) primary healthcare services to the residents of Banjul, and
 - (iv) clinical laboratory, blood bank and transfusion services related to or connected with the services provided under this paragraph;
- (c) serve as training ground for undergraduate and postgraduate training in the medical and allied health professions;
 - (d) manage, operate, and employ staff for the clinical laboratory services for the health-care system of The Gambia;
 - (e) provide facilities for the training of undergraduate and postgraduate in the medical and allied health professions;
 - (f) provide training for persons employed or likely to be employed by the Hospital or otherwise in the provision of healthcare services;
 - (g) co-operate fully with other health care institutions in The Gambia;

- (h) co-operate fully with the University of The Gambia in the provision of facilities for the training of graduates and undergraduates; and
- (i) undertake research into health issues for the purposes of improving the health of the people of The Gambia.

Functions of the Board

10. Without prejudice to section 9, the Board shall-

- (a) manage, equip, maintain, provide and secure the provision of services from the Hospital and all associated facilities;
- (b) implement the objectives of the Hospital;
- (c) determine the policies of the Hospital within the framework of the general policies of the Department of State on healthcare matters;
- (d) monitor and improve the quality of care at the Hospital;
- (e) ensure the implementation of the policies, plans and programmes by the appropriate units at the Hospital;
- (f) effectively, efficiently and economically carry out the functions conferred on the Hospital under this Act;
- (g) enter into contracts or other transactions for the provision of-

- (i) services by the Hospital under which amounts are payable to the Hospital, and
 - (ii) services to the Hospital under which amounts are payable by the Hospital;
- (h) charge and collect fees in respect of consultations, prescriptions, treatment and other medical services provided at the Hospital;
- (i) borrow money on terms which it deems appropriate and provide collateral and other appropriate security for the borrowings;
- (j) invest in any manner it thinks fit any funds not immediately required for the discharge of its functions;
- (k) make bye-laws and establish procedures and policies for the efficient running of the Hospital; and
- (l) do such other things as are necessary for the performance of its functions under this Act.

PART IV – MANAGEMENT AND STAFF OF THE HOSPITAL

Chief Medical
Director

11. (1) There shall be for the Hospital a Chief Medical Director who shall be appointed by the President after consultation with Board and the Public Service Commission.

(2) A person shall not be appointed as a Chief Medical Director unless he or she-

- (a) is a registered medical practitioner of not less than eight years standing;
- (b) holds a post-graduate medical qualification obtained not less than five years before his or her appointment as Chief Medical Director; and
- (c) has considerable administrative and senior managerial experience in healthcare matters.

(3) The Chief Medical Director shall -

- (a) be the Chief Executive of the Hospital;
- (b) be responsible for the execution and implementation of the policies of the Hospital and the transaction of the day-to-day administration of the Hospital;
- (c) exercise supervision and control over all employees of the Hospital; and
- (d) be answerable to the Board.

(4) The Chief Medical Director shall hold office on such terms and conditions as are specified in writing in his or her letter of appointment.

(5) The Board may assign to the Chief Medical Director such of its functions as are necessary to enable him or her to execute efficiently the day-to-day administration of the Hospital and, for that purpose, the Board may, from time to time, issue written instructions.

(6) The Chief Medical Director may, subject to the provisions of this Act, delegate to any senior employee of the Hospital any of his or her functions under this Act, but shall not be relieved of ultimate responsibility for the performance of those functions.

Deputy Chief
Medical Director

12. (1) The Board shall appoint for the Hospital a Deputy Chief Medical Director.

(2) A person shall not be appointed as a Deputy Chief Medical Director unless he or she-

- (a) is a registered medical practitioner of not less than eight years standing;
- (b) holds a post-graduate medical qualification obtained not less than five years before his or her appointment as Deputy Chief Medical Director; and
- (c) has some experience relevant to the functions of his or her office.

(3) The Deputy Chief Medical Director shall-

- (a) deputise for the Chief Medical Director on all matters in the absence of the Chief Medical Director;

- (b) be responsible to the Chief Medical Director for all the clinical and training activities of the Hospital; and
- (c) perform such other functions as the Chief Medical Director shall, from time to time, assign to him or her.

(4) The Deputy Chief Medical Director shall hold office on such terms and conditions as are specified in writing in his or her letter of appointment.

Secretary

13. (1) The Board shall designate an officer from amongst the staff of the Hospital to be the Secretary to the Board.

(2) The Secretary shall -

- (a) keep the books and records and conduct the correspondences of the Board;
- (b) prepare the agenda and record the minutes of meetings of the Board; and
- (c) perform such other functions as may be assigned to him or her by the Board or the Chief Medical Director.

Other staff

14. (1) The Board shall appoint for the Hospital such employees as it may think necessary for the proper and efficient discharge of the functions set out in this Act.

(2) Without prejudice to the generality of subsection (1), the Board shall appoint Heads of all

the Departments of the Hospital who shall be responsible solely to the Chief Medical Director for the performance of their duties.

(3) The employees of the Hospital shall be appointed on such terms as to remuneration or otherwise as the Board may determine.

(4) The Board shall be responsible for the discipline and removal of employees of the Hospital and may make regulations setting out the necessary procedure.

(5) The Board shall adopt suitable policies in respect of conditions of service of staff in accordance with approved Government policy.

(6) The Board shall, with the approval of the Secretary of State, make regulations establishing schemes for pensions, gratuities and other retirement benefits in respect of employees of the Hospital.

(7) The Hospital shall, for the purpose of achieving maximum efficiency in the discharge of the functions set out in this Act, institute schemes for the training of its employees in hospital administration, managerial and in other relevant capacities with a view to securing the benefit of their knowledge, experience and expertise in the conduct of the affairs of the Hospital.

PART V - COMMITTEES

Committees

15. (1) The Board may appoint such committees as it may determine to assist in the discharge of its functions and may delegate to any committee any of its functions as it may see fit.

(2) Without prejudice to subsection (1), the Board shall, for the discharge of its functions, appoint the following committees-

- (a) a Management Committee; and
- (b) a Medical Advisory Committee.

(3) The Board shall determine the procedure to be adopted at the meetings of a committee.

Management
Committee

13 members

16. (1) The Management Committee shall comprise-

- (a) the Chief Medical Director, as chairperson;
- (b) the Deputy Chief Medical Director, as vice-chairperson;
- (c) the chairperson of the Medical Advisory Committee;
- (d) the Hospital Administrator;
- (e) the Head of the Nursing Department;
- (f) the Head of the Accounts Department;
- (g) the Public Relations Officer;
- (h) the Head of the Pharmacy Department;
- (i) the Estate Manager;
- (j) the Quality Manager; and

- (k) three other employees of the Hospital, appointed by the Chief Medical Director, who by their experience can contribute to the work of the Management Committee.

(2) The Management Committee shall assist the Chief Medical Director in the discharge of his or her functions under this Act.

Medical
Advisory
Committee

17. (1) The Medical Advisory Committee shall comprise-

- (a) the Deputy Chief Medical Director;
- (b) the Head of each clinical Department of the Hospital, including the Head of the Pharmacy Department and the Head of the Medical Records Department; and
- (c) a representative each from the Medical School, resident doctors and medical doctors

(2) The members of the Medical Advisory Committee shall appoint one of their number as the chairperson of the Committee.

(3) The Medical Advisory Committee shall advise the Chief Medical Director on clinical and related matters.

PART VI – FINANCIAL PROVISIONS

Funds of the
Hospital

18. (1) The funds of the Hospital shall consist of-

- (a) such monies as may be paid to the Hospital as subvention from the Government;

- (b) any other monies which may be paid to the Hospital by or on behalf of Government;
- (c) monies derived from fees payable to the Hospital;
- (d) grants, donations and gifts, whether of money, land or any other property whatsoever, from any source, provided that the terms and conditions attached to a grant, donation or gift are not inconsistent with the functions of the Hospital or the Board;
- (e) monies derived from investments; and
- (f) any other monies which may vest in or accrue to the Hospital.

(2) There shall be paid from the funds of the Hospital all amounts necessary for the discharge of all functions under this Act, including the payment of-

- (a) the salaries and allowances of the employees of the Hospital; and
- (b) such reasonable travelling, transport and subsistence allowances for members of the Board and any committee of the Board when engaged in the business of the Hospital or the Board, as the Board may determine.

Estimates,
accounts and
audit

19. (1) The Board shall, within three months before the end of each financial year, make and submit to the Secretary of State for approval, estimates of the income and expenditure of the Hospital for the ensuing year.

(2) The Board shall-

- (a) keep proper records and accounts of the incomes and expenditures of the Hospital;
- (b) prepare a statement of accounts of the Hospital in respect of each financial year; and
- (c) ensure that the bank accounts of the Hospital are held with reputable banks.

(3) The Board shall, within three months of the end of each financial year, submit to the Auditor General for auditing, the statement of accounts of the Hospital for the preceding year.

(4) The audited accounts of the Hospital and the Auditor General's report on those accounts shall form part of the Auditor General's overall annual report to the National Assembly.

Annual report

20. (1) The Board shall, not later than three months after the end of each financial year, submit to the Secretary of State in respect of the financial year an annual report on the activities of the Hospital.

(2) The report under subsection (1) shall include -

- (a) information with regard to the activities of the Hospital;

- (b) a copy of the audited accounts of the Hospital in respect of that year together with the Auditor General's report on the accounts; and
 - (c) such other information as the Secretary of State may request in writing.
- (3) The Secretary of State shall, as soon as possible after receiving the annual report, cause to be laid before the National Assembly.
- (4) The Chief Medical Director shall also, from time to time, provide the Secretary of State with such information relating to the affairs of the Hospital as the Secretary of State may request in writing.

PART VII – LEGAL PROCEEDINGS

Notice of
action

21. (1) No action shall be brought against the Hospital unless at least one month's written notice of the intention to bring the action has been served on the Hospital by the intending plaintiff or his or her representative.

(2) The notice shall state the cause of action, the name and place of abode of the intending plaintiff and the relief, which he or she claims.

Service

22. The notice referred to in section 21 and any summons, notice or other document required or authorized to be served on the Hospital in connection with a suit by or against the Hospital may be served by delivering it to or sending it by registered post addressed to the Chief Medical Director.

Execution of judgment

23. In an action or a suit against the Hospital, no -

- (a) execution or attachment or process in the nature thereof shall be issued against the Hospital; or
- (b) sums of money which may by judgment of the court be awarded against the Hospital shall be paid by the Hospital from its funds,

before the expiration of at least three months from the date of the judgment of the court.

Representation

24. In a suit pending before the court, the Hospital may be represented in court at any stage of the proceedings by an officer or any other employee of the Hospital duly authorized in writing by the Hospital in that behalf.

Indemnity of officers

25. No officer or other employee of the Hospital or any person acting on the direction of an officer or employee of the Hospital is liable in respect of any matter or thing done by him or her in good faith for the purposes of this Act.

PART VIII – MISCELLANEOUS

Bye-laws

26. Without prejudice to any other power conferred on the Board by this Act, the Board may make bye-laws as it thinks fit in relation to the efficient running of the Hospital, including-

- (a) access of members of the public generally or of a particular class on premises under the control of the Hospital and as to the orderly conduct of members of the public on those premises;

- (b) for safeguarding any property belonging to or controlled by the Hospital from damage by any person;
- (c) for the efficient management of the financial resources of the Hospital; and
- (d) the conduct, behaviour and activities of employees of the Hospital.

Regulations

27. The Board may, with the approval of the Secretary of State, make regulations for the proper carrying into effect of the provisions of this Act.

Restriction on application of Medical Services Act Cap. 39

28. (1) For the avoidance of doubt, with effect from the relevant date, the Medical Services Act shall cease to apply to-

- (a) the Hospital;
- (b) the Board established under this Act; or
- (c) a person employed by the Hospital.

(2) The provisions of this Act supersede those of the Medical Services Act in relation to the matters set out in subsection (1) and if there is a conflict between the provisions of the Medical Services Act and those of this Act in relation to those matters, the provisions of this Act shall prevail.

Dissolution of the Royal Victoria Hospital Management Board

29. (1) The Royal Victoria Hospital Management Board is hereby dissolved.

(2) There shall be vested in the Board, with effect from the relevant date, all properties, assets and liabilities, which immediately before the relevant date were vested in the Royal Victoria Hospital Management Board.

(3) There shall be transferred to the Hospital with effect from the relevant date, all employees who, immediately before that date, were employed by-

- (a) the Royal Victoria Hospital Management Board;
- (b) the Department of State, had their principal place of employment at the Royal Victoria Hospital and are required for the discharge of the functions of the Hospital; or
- (c) the Public Service Commission or the Personnel Management Office and had their assignment at the Royal Victoria Hospital.

PASSED in the National Assembly this Sixth day of April
in the year of Our Lord Two Thousand and Six.

D. C. M. Kebbeh
Clerk of the National Assembly.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill
which has passed in the National Assembly, and found by me to be a true and correct
copy of the said Bill.

D. C. M. Kebbeh
Clerk of the National Assembly.