

ACT

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THE HOSPITAL BOARDS ACT, 2003

ARRANGEMENT OF SECTIONS

PART I—PRELIMINARY

Section

1. Interpretation.

PART II—ESTABLISHMENT OF HOSPITAL BOARDS

2. Establishment of Hospital Boards.
3. Common seal.
4. Composition of Western Area Hospital Board.
5. Tenure of members of Board.
6. Meetings of Board.
7. Disclosure of interest in Board contracts, etc.
8. Immunity of members of Board.
9. Composition of District Hospital Boards.
10. Boards to appoint Committees.
11. Standing Orders.

PART III—FUNCTIONS OF HOSPITAL BOARDS

12. Objects of Hospital Boards.
13. Functions of Western Area Board.
14. Functions of District Boards.
15. Meetings of District Boards.
16. Management Committees of Western Area Hospitals.
17. Management Committees of District Hospitals.

PART IV—EMPLOYEES OF HOSPITAL BOARDS

18. Hospital Secretaries.
19. Other staff of Boards.

PART V—FINANCIAL PROVISIONS

Section

20. Funds of Hospital Boards.
21. Investment of funds.
22. Borrowing powers of Boards.
23. Government to guarantee loans to Boards.
24. Financial year of Boards.
25. Accounts and audit of Boards.
26. Annual report of Boards.
27. Transfer of assets and subsisting contracts, etc
28. Transfer of certain employees to Boards.
29. Regulations.

SCHEDULES

SIGNED this 30th day of October, 2003

ALHAJI AHMAD TEJAN KABBAH,
President.

LS

No. 6



Sierra Leone

2003

The Hospital Boards Act, 2003

Short title.

Being an Act to establish Hospital Boards for the better management of specified hospitals and the provision of efficient medical care in the Western Area and all districts of Sierra Leone and to provide for other related matters.

[6th November, 2003]

Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I—PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires—

“Board” means a Hospital Board established by section 2;

Cap. 60.

“district” has the same meaning as in the Provinces Act;

“Management Committee” means a management committee appointed for a hospital specified in the First and Second Schedules;

“Minister” means the Minister responsible for health;

“Secretary” means the person appointed to be Hospital Secretary for a hospital referred to in the First and Second Schedules.

PART II—ESTABLISHMENT OF HOSPITAL BOARDS

Establishment
of Hospital
Boards.

2. (1) A Hospital Board is hereby established for the group of hospitals in the Western Area specified in the First Schedule and for each of the district hospitals specified in the Second Schedule.

(2) Every Board shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

Common seal.

3. (1) A Board shall have a common seal, the affixing of which shall be authenticated by the signatures of—

- (a) the Chairman or other member of the Board generally or specifically authorised by the Board for that purpose; and

- (b) the Secretary or other officer of the Board authorised by the Board for that purpose.

(2) Every document purporting to be an instrument executed or issued by or on behalf of the Board and to be sealed with the common seal of the Board authenticated in the manner stated in subsection (1) shall be deemed to be so executed or issued without further proof unless the contrary is proved.

(3) In appropriate cases the seal may be affixed to documents outside Sierra Leone.

4. (1) The Western Area Hospital Board shall consist of—

Composition
of Western
Area Hospital
Board.

- (a) a Chairman not being a public officer, nominated by the community and appointed on the recommendation of the Minister, for his integrity and proven administrative ability;
- (b) the Principal of the College of Medicine and Allied Health Sciences who shall be Vice-Chairman; and
- (c) the following members:—
- (i) Director of Hospital and Laboratory Services;
 - (ii) a representative of the Medical and dental Association of Sierra Leone;
 - (iii) a representative of the Pharmaceutical Society of Sierra Leone;
 - (iv) a representative of the Nurses and Midwives Association of Sierra Leone;
 - (v) a representative of the Freetown City Council; and

- (vi) one person designated by the Minister of Health;
- (vii) a representative of the Attorney-General and Minister of Justice;
- (viii) a representative of such civil society groups as the Minister shall determine;
- (ix) a representative of the Staff Welfare Committee of the hospital concerned:

Provided that representatives referred to in subparagraphs (ii), (iii), (iv), (viii) and (ix) shall be elected by the bodies concerned.

(2) The Chairman and the members specified in subparagraphs (ii), (iii), (iv), (viii) and (ix) of paragraph (c) of subsection (1) of section 4, shall be appointed by the President.

Tenure of
members of
Board.

5. (1) The Chairman and the members of the Board specified in subsection (2) of section 4 shall hold office for a period of three years and shall be eligible for re-appointment.

(2) A person shall cease to be a member of the Board on any of the following grounds:—

- (a) for his inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted of a criminal offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Board without reasonable cause;
- (f) if he resigns his office by written notice to the Minister.

6. (1) The Board shall meet for the dispatch of its business at such time and place as the Chairman may determine.

Meetings of Board.

(2) The Chairman shall preside at every meeting of the Board, if present, and in his absence and absence of the Vice-Chairman, the members present shall appoint a member from among themselves to preside at that meeting.

(3) A majority of the members of the Board may, by notice in writing signed by them or by resolution, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The quorum at any meeting of the Board shall be five.

(5) Any question which falls to be determined by the Board at any of its meetings shall be decided by a majority of the votes of the members present and voting.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board.

(8) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for decision by the Board.

(9) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Board shall regulate its own procedure.

Disclosure of
interest in
Board
contracts, etc.

7. (1) A member of the Board who has any interest, whether direct or indirect in any matter being considered or to be considered by the Board, shall disclose the nature of his interest to the Board and such disclosure shall be recorded in the minutes of the Board and such member shall not take part in any deliberation or decision of the Board relating to that matter.

(2) A member who contravenes subsection (1) shall be guilty of misconduct and removed from the Board.

Immunity of
members of
Board.

8. (1) No action or other proceedings shall lie or be instituted against any member of the Board or member of a management committee or other committee or in respect of any act or thing done or omitted to be done in good faith by such member in the exercise or purported exercise of his functions under this Act.

(2) No member of the Board shall be personally liable for any debt or obligation of the Board.

Composition
of District
Hospital
Boards.

9. A District Board shall consist of

- (a) a Chairman; appointed on the recommendation of the Minister for his integrity and proven administrative ability;
- (b) a representative of the Provincial Secretary;
- (c) the District Medical Officer;
- (d) a representative of the appropriate District Council;
- (e) one Paramount Chief within the district nominated by the Minister responsible for local government,
- (f) a representative of the Nurses and Midwives Association of Sierra Leone resident in the district;
- (g) a representative of the Attorney-General and Minister of Justice;
- (h) a representative of the district branch of the Pharmaceutical Society of Sierra Leone.
- (i) a representative of such civil society organisation as may be determined by the Minister.

10. (1) A Board may appoint committees consisting of such persons and to perform such functions as it may determine.

Boards to
appoint
Committees.

(2) Without prejudice to subsection (1), every Board shall appoint a Disciplinary Committee and a Staff Welfare Committee.

(3) The Disciplinary Committee shall—

- (a) deliberate on all disciplinary matters referred to it by the Board and make recommendations to the Board; and
- (b) advise the Board on measures to create and maintain at the hospitals such conditions as are conducive to the attainment of a high level of discipline by the staff.

(4) The Staff Welfare Committee shall advise the Board on measures to motivate staff and promote efficiency.

11. Subject to this Act, the Board may make standing orders prescribing—

Standing
Orders.

- (a) the holding of meetings, the notices to be given for meetings and the conduct of proceedings at meetings;
- (b) the keeping of minutes of meetings and the custody, production and inspection of such minutes;
- (c) the custody and use of the common seal;
- (d) the manner in which cheques shall be issued on behalf of the Board,
- (e) codes of conduct and any other matter pertaining to the internal operations or management of the Board.

PART III—FUNCTIONS OF HOSPITAL BOARDS

Object of
Hospital
Boards.

12. The object for which Hospital Boards are established is to maintain the highest standards of medical care, training, management and administration of the hospitals specified in the First and Second Schedules.

Functions of
Western Area
Board.

13. (1) Without prejudice to the generality of section 12, it shall be the responsibility of the Board established for the group of hospitals in the Western Area specified in the First Schedule to—

- (a) provide for the hospitals such facilities, including adequate accommodation and equipment as appear to the Board to be necessary for clinical work, teaching and research;
- (b) construct, equip, maintain and operate such clinics, outpatients departments, laboratories, research or experimental stations as it considers necessary for the efficient functioning of the hospitals;
- (c) construct, equip and maintain such training facilities or institutions as the Board considers necessary;
- (d) appoint staff for the hospitals both professional and otherwise and determine the remuneration and other conditions of service of the staff;
- (e) ensure the implementation of the policies and programmes of the Board by the appropriate units at the hospitals;
- (f) recommend to the Minister the fees to be charged for the services rendered by the hospitals;

- (g) serve as the authority for the promotion and disciplining of the staff of the hospitals;
- (h) undertake periodic assessment of the manpower, physical and financial resources of the hospitals; and
- (i) perform such other functions as are conducive to the attainment of the object stated in section 12.

(2) The Board shall, in performing its functions under subsection (1), ensure that the standards of teaching provided at all the training schools and the standards of treatment and care provided for patients in the hospitals are not below those of other similar hospitals of international repute.

14. A District Hospital Board shall, in relation to the hospital for which it is established have the responsibility to—

Functions of
district
Boards.

- (a) construct, equip and maintain such structures and equipment as are necessary for the proper functioning of the hospital;
- (b) construct, equip, maintain and operate such clinics, outpatient departments and laboratories as it considers necessary for the promotion of diagnostic, curative, preventive and rehabilitative medical services in the district;
- (c) recommend to the Minister the fees to be charged for the services rendered by the district hospital;
- (d) appoint staff for the hospital both professional and otherwise and determine the remuneration and other conditions of service of the staff.
- (e) ensure that the standard of medical care given to patients in the hospital, clinic and laboratories are not below those provided by similar hospitals, clinic or laboratories of international repute;

- (f) advise the Minister on programmes required to be undertaken to promote preventive health in the district; and
- (g) perform such other functions as are conducive to the attainment of the object stated in section 12.

Meetings of district Boards.

Management Committees of Western Area hospitals.

15. Sections 6 and 7 shall, *mutatis mutandis*, apply to the meetings of a district Board.

16. (1) Every hospital in the Western Area specified in the First Schedule shall have a Management Committee consisting of—

- (a) the Hospital Care Manager, who shall be chairman; and
- (b) all heads of departments of the hospital.

(2) It shall be the responsibility of the Management Committee in relation to any hospital referred to in subsection (1), to—

- (a) supervise the implementation of decisions of the Board concerning the hospital,
- (b) ensure that the hospital is provided with such equipment, medicine and other materials needed to run the hospital efficiently,
- (c) ensure effective management and proper financial performance of the hospital;
- (d) ensure the proper maintenance of facilities in the hospital;
- (e) ensure good working relationship among all grades of staff at the hospital;
- (f) perform such other functions relating to the proper functioning of the hospital as it may determine or as the Board may assign to it.

(3) A Management Committee shall meet, at least once a month and shall have power to regulate the procedure at its meetings.

Management Committees of district hospitals.

17. (1) Every district hospital specified in the Second Schedule shall have a Management Committee consisting of:—

- (a) the District Medical Officer-in-charge who shall be the chairman; and
- (b) all the Heads of Departments of the district hospital.

(2) A district hospital Management Committee shall be responsible for the proper and efficient running of the district hospital and other clinics and public health centres in the district, along the lines of the responsibility of a Western Area Management Committee.

(3) A district hospital Management Committee shall meet, at least, once a month and shall have power to regulate the procedure at its meetings.

PART IV—EMPLOYEES OF HOSPITAL BOARDS

18. (1) Every Board shall have a Secretary who shall be appointed by the Board on such terms and conditions as the Board may determine.

Hospital Secretaries.

(2) The Secretary to the Board shall be a person of proven administrative ability and shall have such professional qualification as the Board shall determine.

(3) The Secretary shall be responsible to the Board for—

- (a) the day-to-day administration of the affairs of the Board;
- (b) the supervision and disciplining of the staff of the Board;
- (c) the recording and keeping of minutes of meetings of the Board in a book kept for that purpose,
- (d) overseeing the implementation of the decisions of the Board; and
- (e) the performance of such other functions at the Board may determine.

19. A Board may appoint such staff as it considers necessary for the efficient performance of its functions; and the staff shall be appointed on such terms and conditions as the Board may determine.

Other staff of Boards.

PART V—FINANCIAL PROVISIONS

20. The activities of a hospital Board shall be financed by a fund consisting of—

Funds of Hospital Boards.

- (a) moneys appropriated by Parliament for the purposes of the Board;
- (b) fees charged for the services rendered by the hospitals in relation to which the Board is established;
- (c) gifts or donations from any person or organization, whether local or external;

- (d) income from any moneys invested by the Board; and
- (e) any moneys otherwise accruing to the Board in the course of its activities.

Investment of funds.

21. Any funds of the Board not immediately required for meeting any obligation or the discharge of any function of the Board, may be invested to the best advantage of the Board.

Borrowing powers of Boards.

22. (1) For the purpose of performing its functions and meeting its obligations under this Act, a Board may borrow money or raise capital in any currency and from any source.

(2) A Board may charge its assets, undertakings and income with the repayment of any money borrowed together with interest thereon, and may issue bonds or other securities in order to secure repayment of any money so borrowed.

Government to guarantee loans to Boards.

23. The Government may guarantee in such manner and upon such terms as it may think fit, the payment of the interest and principal, or either of them on any loan proposed to be raised by the Board.

Financial year of Boards.

24. The financial year of a Board shall be the same as the financial year of the Government.

Accounts and audit.

25. (1) Every Board shall keep proper books of accounts and proper records in relation to the accounts and shall prepare within a period of three months after the end of the financial year, a statement of its accounts in such form as the Auditor-General may direct.

(2) The books and accounts of every Board shall each year be audited by the Auditor-General or an auditor appointed by him and a report on the audit shall be submitted to the Board.

Audit report.

26. (1) The Minister shall table before Parliament within six months after the end of each financial year a report on the activities and operations of the Boards during the preceding year.

(2) The report of the Boards referred to in subsection (1), shall include a copy of the audited accounts of such Boards together with the Auditor-General's report on the audited accounts.

PART VI—MISCELLANEOUS PROVISIONS

Transfer of assets and subsisting contracts, etc.

27. (1) There is hereby transferred to the Boards concerned, without more, the property and other assets of, or allocated by the Government for the purposes of the hospitals in relation to which the Boards concerned were established.

(2) Except as is provided in subsection (1) in relation to property, all contracts, debts, obligations and liabilities of the Government on account of the hospitals concerned immediately before the commencement of this Act shall remain vested in the Government and may be enforced by or against the Government.

(3) All legal proceedings and claims which immediately before the commencement of this Act were pending in respect of any of the hospitals shall be continued or enforced by or against the appropriate hospital in the same manner as they would have been continued or enforced if this Act had not been enacted.

28. (1) With effect from the commencement of this Act, such employees of the hospitals under this Act as shall be specified by the Minister in writing are hereby transferred to the appropriate Boards without prejudice to any entitlement to pension, gratuity or other vested or accrued rights from their previous employment; and subject to the same terms and conditions of service as were applicable to them in the previous employment.

Transfer of certain employees to Boards.

(1) (2) Any person transferred to a Board under subsection

- (a) shall be subject to the disciplinary control of the appropriate Board and shall be governed by any code of conduct or discipline made by the Board under section 11; and the Board shall have the power to terminate the appointment of any person so transferred who is not able to perform assigned functions to the satisfaction of the Board;
- (b) may accept to continue in the employment of the Board, subject to such other terms and conditions of service as may be determined by the Board.

29. The Minister may, by statutory instrument, make regulations to give effect to this Act. Regulations.

FIRST SCHEDULE

(Section 2 (1))

1. Connaught Hospital
2. P. C. M. Hospital.
3. Children's Hospital.
4. Kissy Mental Hospital.
5. Lakka Hospital.
6. All Satellite Hospitals.

SECOND SCHEDULE

(Section 2(1))

District Hospitals in the Provinces are as follows:—

1. SOUTHERN PROVINCE

- (a) Bo Hospital
- (b) Pujehun Hospital
- (c) Moyamba Hospital
- (d) Bonthe Hospital

2. EASTERN PROVINCE

- (a) Kenema Hospital
- (b) Kono Hospital
- (c) Kailahun Hospital

3. NORTHERN PROVINCE

- (a) Makeni Hospital
- (b) Magburaka Hospital
- (c) Port Loko Hospital
- (d) Kambia Hospital
- (e) Kabala Hospital

Passed in Parliament this 23rd day of *September*, in the year of our Lord two thousand and three.

J. A. CARPENTER,
Clerk of Parliament.

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

J. A. CARPENTER,
Clerk of Parliament.