

CHAPTER 270

THE MEDICAL AND HOLBERTON INSTITUTION ACT

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 MEDICAL AND HOLBERTON INSTITUTION

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I. PRELIMINARY

1. This Act may be cited as the Medical and Holberton Institution Act. Short title.

2. In this Act— Interpretation.

"destitute person" means a person who is not possessed of, and by reason of infancy, old age, permanent bodily injury or incurable disease is unable to earn, means sufficient for his maintenance;

"District Medical Officer" means a Medical Officer appointed under section 14;

"Holberton Institution" or "the institution" means the Holberton Institution as constituted by section 3;

"hospital" means the Holberton Hospital;

"labourer" means and includes handicraftsman, agricultural labourer, menial servant, boatman and porter;

"medical district" or "district" means a district constituted by or under section 13;

"Medical Superintendent" or "Superintendent" means the medical superintendent appointed under section 4;

“proprietor” used with reference to any estate, includes attorney, agent, manager and other person acting under the authority of the proprietor or having charge of the estate;

“rules” means rules in force under section 8;

“visitor” means visitor appointed under section 6.

II. THE HOLBERTON INSTITUTION

**Establishment of
Holberton
Institution.**

3. (1) The Holberton Hospital and the Fiennes Institute shall, together with the soup kitchen and workhouse, for the establishment of which this Act provides, form the Holberton Institution.

(2) The said public institutions together with all lands and appurtenances thereto belonging, shall be vested in Her Majesty for the use of the Holberton Institution.

**Medical
Superintendent
of the
Institution.**

4. (1) It shall be lawful for the Public Service Commission to appoint some duly qualified medical practitioner to be Medical Superintendent of the Holberton Institution.

(2) The Medical Superintendent shall receive such salary as may from time to time be provided by Parliament:

Provided that should the Medical Superintendent be allowed by the Governor-General to enjoy the right of private practice on his own account the salary to be received by him shall not exceed such sum as may from time to time be fixed by the Governor-General. The Governor-General shall decide whether any Medical Superintendent appointed under this Act shall be allowed to enjoy private practice, and it shall be in his power to withhold or withdraw such right at any time if he shall think fit.

(3) The Medical Superintendent shall reside in the grounds of the institution and, subject to the provisions of this Act, and of the rules and to the directions of the Governor-General, shall have the entire control of the Institution and be responsible for the proper lodging, clothing, care, maintenance and relief of the sick and poor inmates thereof.

5. There shall be such other officers and such attendants and servants as are necessary for the management and service of the institution, who shall receive such emoluments as Parliament may determine.

Other officers of the institution.

6. (1) It shall be lawful for the Minister to appoint such persons as he may think fit to be visitors of the Holberton Institution.

Visitors of the institution.

(2) The visitors shall hold office during the Minister's pleasure.

(3) Such visitor as the Minister shall nominate shall be Chairman of the visitors.

(4) The visitors shall meet at such place as the Chairman may from time to time appoint at least once in every three months for the despatch of business.

(5) Three visitors shall form a quorum.

(6) It shall be the duty of the visitors to report to the Minister from time to time on the condition and management of the Institution and on all matters which they consider it proper to bring to his notice.

7. The books and accounts of the Institution shall be audited by the Director of Audit.

Audit of books and accounts of the Institution.

8. (1) Subject to the provisions of this Act the Cabinet may make rules with regard to all or any of the following matters, that is to say—

Rules for the government of the Institution.

(a) The powers and duties of the officers and servants of the Institution;

(b) The functions of visitors;

(c) The powers and duties of Guardians;

(d) Admissions to and discharges from the Institution;

(e) The lodging, clothing, care, maintenance and relief of the sick and poor inmates of the Institution;

(f) The fees and charges to be paid by persons able to pay for their treatment in the hospital;

(g) The distribution of food at the soup kitchen and workhouse;

(h) The employment of such of the inmates of the Institution as, in the opinion of the Superintendent, are able to work without detriment to their health;

(i) The general good order and government of the Institution and every part thereof;

(j) The application of any sums which may be provided from time to time by the Legislature for outdoor relief of destitute persons;

(k) The training of persons desiring to qualify as dispensers, nurses or midwives;

and may attach a penalty which shall not exceed two hundred and fifty dollars to any breach of any such rule.

(2) All rules made under this section shall be laid before Parliament after the making thereof.

Object of the hospital.

9. The object of the hospital shall be to provide accommodation and medical and surgical aid for sick persons under the provisions of such rules as may from time to time be made by Cabinet.

Admission to the hospital.

10. (1) Every District Medical Officer shall have authority in each year to give so many recommendations as may from time to time be fixed by the Cabinet and every duly qualified medical practitioner shall have authority at any time to give a recommendation for admission to the hospital to any person suffering from any disease, sickness or injury, which, in the opinion of such Medical Officer or medical practitioner, cannot be properly treated elsewhere:

Provided that no District Medical Officer or medical practitioner shall give any such recommendation without having first personally visited or seen such person and satisfied himself that such person is a proper subject for admission to the Hospital:

Provided also that labourers resident on an estate shall, except in cases of emergency, only be admitted to the hospital on the certificate of the medical attendant of the estate:

Provided nevertheless that any District Medical Officer having in any year exhausted the number of recommendations by this section authorized to be given by him in such year may in special cases and on special grounds and subject to the other provisions in this section contained give additional recommendations, such special grounds and the nature of the case to be stated in the recommendations, and to be subject to the approval of the Medical Superintendent.

(2) Every recommendation shall be, as nearly as circumstances admit, in the form given in Schedule A or as may be prescribed by the rules to be made under section 8 and shall comprise such particulars as the Medical Superintendent may require. Schedule A.

(3) Upon receipt of such a recommendation signed by a District Medical Officer or duly qualified medical practitioner, the Medical Superintendent shall carefully examine the person who is the subject of the recommendation, and, if he shall be of opinion that the case is a proper one for admission to the hospital, either provisionally or otherwise, he shall admit such person accordingly.

(4) The Superintendent shall have authority to admit to the hospital, upon such terms as to payment and other matters as the Cabinet shall determine, any person suffering from any disease, sickness or injury, who is not entitled to gratuitous relief under this Act.

11. Attached to the Institution there may be, if deemed necessary by the Minister, a soup kitchen and workhouse, where soup and other food shall be distributed to destitute persons, and such inmates of the Institution as are able to work without detriment to their health shall be employed in accordance with the rules. Soup kitchen and workhouse.

12. The Fiennes Institute shall be maintained for the reception and relief of destitute persons. Fiennes Institute.

III. DISTRICT MEDICAL RELIEF

Medical districts.

13. It shall be lawful for the Cabinet to divide Antigua and Barbuda into medical districts and to abolish and reconstitute such districts and to alter the boundaries thereof:

Provided that there shall not be more than six such districts.

Appointment of District Medical Officers.

14. It shall be lawful for the Public Service Commission to appoint any number not exceeding six duly qualified medical practitioners, to be District Medical Officers.

Residence of District Medical Officers.

15. Every District Medical Officer shall be liable to be assigned to or transferred to or from any district or districts and shall reside at such place as the Minister may from time to time approve.

Duties of District Medical Officers.

16. (1) The duties of every district Medical Officer shall be as follows—

(a) To afford, when requisite, gratuitous medical and surgical aid and to furnish, without charge, all necessary medicines to all children of labourers under ten years of age and to all labourers above sixty years of age within his district;

(b) To give such notices, perform such vaccinations, make such inspections, deliver such certificates, and, generally, do such acts and things as the laws relating to vaccination may require of him;

(c) To afford within his district, when requisite, gratuitous medical and surgical aid and to furnish, without charge, all necessary medicines to every destitute person and to every destitute woman who may be in travail;

(d) To afford to labourers not entitled to gratuitous services under this Act medical and surgical aid and medicines at the rates set forth in the tariff of fees framed by the Cabinet as hereinafter provided;

(e) In all cases of sudden illness within his district to attend and afford and furnish all necessary medical and surgical aid and medicines without in any such case demanding prepayment for the same:

Provided that nothing herein contained shall be construed as debarring any medical practitioner from subsequently demanding and recovering reasonable compensation for such attendance, aid and medicines;

(f) Gratuitously to afford medical and surgical relief and supply medicines to such Inspectors of the Police Force as were appointed before the passing of this Act, to the non-commissioned officers and to the privates of the Force stationed within his district, and, at the request of the officer in charge of any police station within his district, to afford such relief as aforesaid and supply medicines to persons confined therein;

(g) To attend all inquests held within his district when required so to do by the coroner, to make all necessary examinations and reports in connection therewith and to give evidence thereat;

(h) To inspect at least once in every quarter every village and hamlet within his district and for that purpose to enter any house, building or premises within the district; and to inquire into and report upon the sanitary condition of his district and every part thereof in accordance with such instructions as he may from time to time receive from the Minister;

(i) To enter into and inspect any place where articles of human food or spirituous or fermented liquors are sold or kept for sale and examine the same, and, if it shall appear to him that such articles or liquors are intended to be used as food or drink for man and to be unfit for such use, to cause the same to be seized and carried before a Magistrate, who may order the same to be destroyed or otherwise disposed of, and the person to whom the same may belong, or in whose possession they may be found, on summary conviction, to pay a penalty not exceeding two hundred and fifty dollars:

Provided that, if, in the opinion of the District Medical Officer, any article is putrid, or in a state of decomposition, or so manifestly unsound as to be a nuisance, he may forthwith order the same to be seized and destroyed by any police or other constable;

(j) To keep a dispensary in such part of his district as the Governor-General may appoint;

(k) To furnish the Chief Medical Officer for the Minister's information with a monthly return of the cases coming under medical or surgical treatment in his district, which return shall be in the form set forth in Schedule B; and

Schedule B.

(l) In general to do such acts and things as may be required of him by any law.

(2) Where in a case of sudden illness, or in a case of an illness becoming suddenly and seriously aggravated, the District Medical Officer for the district wherein any such case occurs is by reason of absence or illness unable to attend to such case, it shall be the duty of any other District Medical Officer, upon request made, and notwithstanding that such case does not occur within his district, to attend and afford and furnish all necessary medical and surgical aid and medicines without in any such case demanding prepayment for the same.

(3) Nothing in this section shall be deemed to debar any medical practitioner from subsequently demanding and recovering reasonable compensation for such attendance, aid and medicines.

Emoluments of District Medical Officers.

17. District Medical Officers shall receive such salary as may from time to time be provided by Parliament.

Regulations and tariff of fees.

18. (1) The Cabinet may make such regulations, consistent with the provisions of this Act, as may be necessary for the direction and guidance of the District Medical Officers and frame a tariff of fees which shall be payable in respect of professional services rendered and medicines supplied by them to labourers not entitled to their gratuitous services under this Act.

(2) All regulations and tariffs under the authority of this section shall be laid before Parliament after the making thereof.

IV. MISCELLANEOUS

19. (1) It shall be the duty of every proprietor of any estate having not less than fifty acres in cultivation to retain the services of a duly qualified medical practitioner to afford medical and surgical aid and medicines free of charge to—

Medical aid,
&c., to
residential
labourers, etc.

- (i) residential labourers;
- (ii) the children of any such residential labourers, who are under the age of twelve years and are resident on the estate; and
- (iii) aged and infirm persons who are resident and who have previously been employed on such estate.

(2) The proprietor of any such estate who shall fail to retain the services of a duly qualified medical practitioner for such purpose shall be guilty of an offence, and shall on summary conviction thereof be liable to a fine not exceeding two hundred and fifty dollars for every month during which he shall so fail.

(3) It shall be the duty of every Magistrate to make a return for the information of the Minister once in every six months of all such estates within his district with the name of the medical attendant retained by the proprietor of each estate.

(4) In this section "residential labourer" means any person who, with the consent of the proprietor of an estate, enters into the sole or joint occupation of a house or part of a house on and belonging to such estate for the purpose of serving as a labourer on the estate.

20. It shall be the duty of the proprietor or the person in charge of any estate, having not less than fifty acres in cultivation, to remove to the hospital at his own expense any labourer resident on such estate whose removal from his place of residence may be ordered by the medical attendant of the estate. For such removal, use may be made, at a rate or charge to be fixed by the Minister, of the government ambulance, when available, and any proprietor or person in charge of such estate, who shall refuse or neglect to convey or cause to be conveyed to the hospital any such

Removal to
hospital of
labourers.

labourer within a reasonable time of the order for removal being made, shall be liable on summary conviction to a penalty not exceeding two hundred and fifty dollars.

Payment by proprietor, &c., for labourers in Hospital.

21. The proprietor or person in charge of any estate, having not less than fifty acres in cultivation, shall pay to the Superintendent the sum of fifteen cents per diem for the maintenance and treatment in hospital of any labourer resident on such estate who may be removed to the hospital as provided in the preceding subsection, or who may be admitted to the hospital by the Superintendent under any of the provisions of this Act, and such amount shall be deemed to be a debt due from the proprietor or person in charge of the estate and his executors to the Superintendent or his deputy for the time being, and shall be recoverable by civil proceedings under the provisions of the Magistrate's Code of Procedure Act:

Cap. 255.

Provided that the liability of a proprietor or person in charge of an estate for such maintenance and treatment at hospital shall not continue for a longer period than thirty days after the admission to hospital of such labourer.

Recovery of penalties.

22. All fines and penalties imposed by this Act or the rules shall be recoverable summarily on the complaint of the Medical Superintendent of the Holberton Institution under the provisions of the Magistrate's Code of Procedure Act.

Recovery of fees and charges.

23. All hospital fees and charges and all monies due to the Institution respectively under this Act, or the rules, are hereby declared to be a civil debt recoverable summarily in accordance with the Magistrate's Code of Procedure Act by the Medical Superintendent in his official name or by the House Steward in his official name.

Finance.

24. The expenses of the upkeep of the Holberton Institution and of the maintenance and support of the inmates thereof, and the salaries, allowances and wages of all officers and servants appointed under this Act shall be defrayed from the general revenue of Antigua and Barbuda.

SCHEDULE A (S. 10(2))

FORM OF RECOMMENDATION FOR ADMISSION TO THE HOSPITAL

I, _____ the undersigned duly qualified practitioner,* hereby certify that on the _____ day of _____ I personally examined (*name*) of (*address*) (*condition †*); that I then found the said _____ to be suffering from _____; that, in my opinion, such _____ cannot be properly treated elsewhere than in the hospital, and the said _____ is a proper subject for gratuitous admission to the hospital; and that the subjoined particulars are to the best of my knowledge and belief true and correct; and I hereby recommend that the said _____ be admitted to the hospital.

Dated at _____ this _____ day of _____

(*Signature and qualification*)

PARTICULARS

*If the person proposed for admission is an estate labourer, add "and medical attendant of [_____] estate".

† If the person proposed for admission is an estate labourer, give the name of the estate.

SCHEDULE B

(S. 16(1)(k))

Return of the cases attended by the Medical Officer of District during the month of

Date of attendance	Names of parents of children	Names of persons attended	Age	Residence	Disease, or cause of treatment	If sent to hospital or not	Result	Remarks