



BERMUDA

GOVERNMENT EMPLOYEES (HEALTH INSURANCE) ACT 1986

1986 : 5

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SCHEDULE

[preamble and words of enactment omitted]

[NB references to "standard hospital benefit" or "standard hospital benefits" substituted by "standard health benefit" by 2015 : 26 s. 9 effective 29 June 2015. These amendments are not individually noted.]

PART I
GENERAL PROVISIONS

Short title

1 This Act may be cited as the Government Employees (Health Insurance) Act 1986.

[Section 19 of 2004:22 and paragraph 1(1) of the Schedule to that Act retitled the "Hospital Insurance Act 1970" as the "Health Insurance Act 1970" effective 1 January 2006. These amendments are not individually noted.]

Interpretation

2 (1) In this Act, unless the context otherwise requires—

“child” means—

- (a) a person under the age of eighteen years who is the child, step-child, or adopted child of a government employee or of a retired government employee and includes the child of a male government employee or retired male government employee if such male employee or retired male employee is the registered father of the child or has been adjudged by a court to be the father of the child;

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- (b) a person who is over 18 but not over the age of 26 who, apart from the age mentioned in paragraph (a), is a child as defined in that paragraph and who is a full-time student at an educational institution;

“the Committee” means the Government Employees Health Insurance Management Committee appointed under section 7;

“dental benefits” means the benefits payable in respect of dental services pursuant to an order made by the Minister under section 12;

“dependant” means—

- (a) the non-employed spouse of a government employee or of a retired government employee;
- (b) the unmarried child of a government employee or of a retired government employee;
- (c) any person who is proved to the satisfaction of the Minister to be in the care and protection of a government employee or of a retired government employee and is maintained by such employee or retired government employee;

“enrolled” means enrolled for insurance under the Scheme;

“the Fund” means the Government Employees Health Insurance Fund established under section 4;

“the general hospital” means the King Edward VII Memorial Hospital;

“government employee” means—

- (a) any person employed for remuneration in a Government Department or at Government House, whether in full-time or regular part-time employment;
or
- (b) any person employed for remuneration in a school in Bermuda, other than a private school as defined in section 1(1) of the Education Act 1954,
and includes such other persons as may be prescribed by the Minister under subsection (1A);

“insured person” means any government employee or retired government employee enrolled under the Scheme in accordance with this Act;

“Minister” means the Minister of Finance;

“non-employed spouse” in relation to a government employee means the lawfully married spouse of that employee, being a spouse who is not employed and who is not—

- (i) living apart from the other spouse under a deed of separation or by order of a court;

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- (ii) liable to pay a contribution as a self-employed person under section 4 of the Contributory Pensions Act 1970; or
- (iii) an employee within the meaning of section 17 of the Health Insurance Act 1970;

“non-hospital benefits” means the benefits payable pursuant to an order made by the Minister under section 12 over and above the standard health benefit;

“the Scheme” means the health insurance scheme for government employees and retired government employees established under section 3;

“school” has the meaning given in section 1(1) of the Education Act 1954 and includes the Bermuda College;

“school-leaving age” means the upper limit of compulsory school age in accordance with section 26 of the Education Act 1954;

“standard health benefit” has the meaning assigned to that expression in the Health Insurance Act 1970;

“the Tribunal” means the Government Employees (Health Insurance) Tribunal appointed under section 9.

(1A) The Minister may by notice in the Gazette prescribe persons who are employed by a Government Board specified in the notice, or by the Bermuda Hospitals Board, as government employees for the purposes of this Act.

(1B) A notice under subsection (1A) shall be subject to the negative resolution procedure.

(2) For the purposes of this Act “retired government employee” means a person retired from Government service on or after 1st October 1960 who is ordinarily resident in Bermuda or deemed by consent of the Minister upon application therefor to be ordinarily resident in Bermuda and who—

- (a) has been granted—
 - (i) a pension under the Public Service Superannuation Act 1981 or any Act repealed thereby (the repealed Acts); or
 - (ii) a special allowance under an Act repealed by any of the repealed Acts; or
- (b) was a government employee for a period of not less than eight years in the aggregate and who retired from service as a government employee on or after reaching minimum retiring age.

(3) An application for consent referred to in subsection (2) shall be in such form and accompanied by such documents as the Minister may determine and the Minister may, in his discretion, grant or not grant his consent.

(4) In determining whether he may or may not grant his consent the Minister shall take into full consideration medical evidence of the applicant’s health; however, the Minister

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may only grant his consent if he is satisfied that the medical evidence adduced establishes that the applicant's illness causes a progressive deterioration of the applicant's health to such an extent as to shorten the applicant's life expectancy and that the applicant is obliged not to be ordinarily resident in Bermuda in order to arrest the deterioration.

[Section 2 "dental benefits" inserted, "doctor" repealed by 2000:34 s.2 effective 1 September 2000; amended by 2001:20 effective 1 November 2001; "child" amended by 2006:11 s.2 effective 6 June 2006; "government employee" amended and subsections (1A) and (1B) inserted by 2008:42 s.2 effective 23 December 2008]

Application to members of the Senate and the House of Assembly

2A (1) This Act applies to members of the Senate and the House of Assembly as if—

- (a) such members were government employees; and
- (b) the Government were their employer,

except that in relation to such members and their non-employed spouses and dependants enrolment under the Scheme shall be voluntary.

(2) Members may enrol at any time within three months after their election or appointment but any enrolment of the member, the member's non-employed spouse or the member's dependants made thereafter shall not take effect until the expiry of—

- (a) six months after the date of that enrolment; or
- (b) such shorter period as the Committee may decide.

[Section 2A inserted by 1999:43 s.2 effective 1 March 2000; subsection (2) inserted by 2006:11 s.3 effective 6 June 2006]

Establishment of health insurance scheme

3 There shall continue to be maintained a health insurance scheme for the benefit of insured persons who shall make contributions and be eligible to receive benefits in accordance with this Act in respect of any injury, illness or condition which requires medical, dental (including preventative dental care) or hospital care for such persons or their enrolled dependants.

[Section 3 amended by 2000:34 s.3 effective 1 September 2000]

Establishment of Fund

4 (1) There shall continue to be maintained a Government Employees Health Insurance Fund, which shall be used for the payment of expenses incurred by insured persons and their enrolled dependants for medical attention and treatment, including treatment and maintenance in hospital, and for dental attention and treatment, in accordance with this Act, and for the payment of such clerical and incidental expenses connected with the management of the Scheme as may be approved by the Minister.

(2) Without prejudice to subsection (1), the Minister may pay out of the Fund the cost of premiums in respect of reinsurance of expenses payable from the Fund.

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(3) Without prejudice to subsection (1), the Minister may contract out to a private insurer the provision of dental benefits, including all matters relating to the processing of claims and their administration, and may pay out of the Fund the cost of premiums in respect of coverage for dental benefits.

[Section 4 subsection (2) inserted by 1999:3 s.2 deemed effective 1 July 1998; subsection (1) amended, and (3) inserted, by 2000:34 s.4 effective 1 September 2000]

Contributions to Fund

5 (1) Every insured person shall make contributions to the Fund in accordance with this Act, and such contributions shall be made at the appropriate rate specified in an order made by the Minister under section 12.

(2) The Accountant General shall, in respect of every contribution made under subsection (1), pay into the Fund out of the Consolidated Fund an amount equivalent to each contribution.

(3) Where a contribution has paid under this section and it is subsequently discovered that the person in respect of whom the contribution was paid is not eligible to be covered by insurance under this Act, such person shall be deemed to have been insured under this Act during the period in respect of which such contribution was paid and any such contribution shall not be refunded.

Management of Fund

6 (1) The moneys paid into the Fund in accordance with section 5 shall be invested, managed and controlled by the Minister in accordance with the Public Funds Act 1954 [*title 15 item 1*]; so, however, that the Minister shall pay into the Consolidated Fund for the credit of the Fund any interest or dividends received from time to time in respect of the investment of the Fund.

(2) The Minister shall cause the annual accounts of the revenue and expenditure of the Fund during the year ending the 31st day of March, together with a statement of assets and liabilities of the Fund, after being audited and certified by the Auditor, to be laid before each House of the Legislature.

Committee of Management

7 (1) There shall continue to be a body called The Government Employees Health Insurance Management Committee which shall, subject to any general directions of the Minister have the power conferred and discharge the duties imposed upon it by or under this Act.

(2) The Schedule shall have effect with respect to the constitution and operation of the Committee and otherwise in relation to it.

(3) The Committee shall—

- (a) receive claims submitted by or on behalf of insured persons in respect of payments to be made out of the Fund;
- (b) investigate and adjudicate on such claims;

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- (c) authorize the Accountant General to pay claims which have been approved by the Committee;
- (d) keep under constant review the state of the Fund;
- (e) make recommendations to the Minister in relation to benefits to be paid out of the Fund or in respect of any other matter concerning the Fund; and
- (f) perform such other functions as may be assigned to it by or under this Act or by the Minister.

(4) The Committee shall make to the Minister an annual report containing such information as the Minister may require.

Minister may consult Committee

8 In the exercise of his functions under this Act the Minister may consult the Committee on any matter but, notwithstanding that the Minister has consulted the Committee on any matter, he may act in his discretion in that matter.

Appeals

9 (1) The Minister shall appoint a tribunal to be called the Government Employees (Health Insurance) Tribunal and consisting of three medical practitioners whose function will be to adjudicate upon appeals made to the tribunal under subsection (2).

(2) An insured person who is aggrieved by any decision of the Committee made under section 7(3) may, within thirty days of the receipt of such decision or such longer period as the Tribunal may allow, appeal to the Tribunal against the decision.

(3) The Tribunal shall have power to allow any appeal made under subsection (2) either in full or in part, or reject it, and in either case the decision of the Tribunal shall be final and the Committee shall act upon such decision accordingly.

Benefits

10 (1) Subject to sections 7 and 9 and this section, an insured person shall be eligible to receive out of the Fund, in respect of himself and any enrolled dependants any or all of the benefits specified in an order made by the Minister under section 12 in respect of the expenses set out in such order, wherever such expenses may have been incurred.

(2) Where expenses are incurred by an insured person or his enrolled dependants by reason of or arising from pregnancy, the insured person shall be entitled to the benefits under the order as may be appropriate to the case.

(3) An insured person shall not be eligible to receive payment out of the Fund for standard health benefit in respect of an enrolled dependant who is entitled to a subsidy under section 2 of the Health Insurance Act 1970.

(4) The Committee may direct the Accountant General to pay benefits out of the Fund to the person to whom the insured person or his enrolled dependant is indebted instead of to the insured person.

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Submission of claims

11 The Committee may refuse to entertain any claim made under this Act unless such claim is submitted by the insured person within four months of the date on which the treatment is received or the date of discharge from hospital, as the case may be.

Minister to specify rates of contribution and benefits

- 12 (1) The Minister shall make an order under this section specifying—
- (a) the rates of contribution to be paid by or in respect of insured persons; or
 - (b) the benefits to be enjoyed by each insured person in respect of any injury, illness or condition which requires medical, dental (including preventative dental) or hospital care; or
 - (c) both such rates and benefits,

and may amend any such order from time to time as the circumstances warrant.

(2) Section 6 of the Statutory Instruments Act 1977 shall not apply to an order made under this section.

[Section 12 subsection (1)(b) substituted by 2006:11 s.4 effective 6 June 2006]

Recovery of benefits paid in certain circumstances

13 (1) Where an enrolled person is at the same time otherwise compulsorily insured under the Health Insurance Act 1970 [*title 18 item 9*], any sums payable under the policy of compulsory insurance shall be deducted from any sums falling to be paid under this Act.

(2) Where an enrolled person is injured as a result of the negligence or default of a third party—

- (a) any benefit payable under this Act shall abate to the extent that compensation is recovered from the third party in respect of the expenses of hospital, surgical and medical treatment;
- (b) if he recovers from the third party the expenses of his hospital, surgical and medical treatment subsequent to the receipt by him of benefit under this Act in respect of the same treatment, the Minister may recover from him summarily as a civil debt the amount of benefit paid under this Act; and
- (c) the Minister may bring proceedings against the third party for the recovery of any expenses paid out of the Fund in respect of hospital, surgical and medical treatment and in any such proceedings the Minister shall be subrogated to the rights of the enrolled person.

PART II
GOVERNMENT EMPLOYEES

Compulsory insurance

14 (1) Subject to subsections (1A), (2) and (3), every government employee in respect of whom the Government is liable to pay an employer's contribution under section 4 of the Contributory Pensions Act 1970 [*title 18 item 7*] and the non-employed spouse of every such employee shall be compulsorily enrolled under the Scheme:

Provided that a Government employee in temporary employment, and his non-employed spouse, need not be enrolled under the Scheme if he is otherwise insured pursuant to the Health Insurance Act 1970 [*title 18, item 9*], unless he elects to do so, and for the purpose of this proviso "temporary employment" means employment for any period of time not exceeding three months.

(1A) A person who has retired pursuant to section 20 or 21 of the National Pensions Scheme (Occupational Pensions) Act 1998, and who is insured pursuant to the Health Insurance Act 1970 at the date he commences his employment as a government employee, shall be enrolled under subsection (1) unless he elects to continue in force the existing insurance.

(1B) An election under subsection (1A) shall be exercised by written notice to the Accountant General within a month after the date the person is employed as a government employee, or such longer period as the Committee may in special circumstances allow.

(1C) A person who wishes to enrol in the Scheme after exercising his election to continue in force his insurance under subsection (1A) may at any time complete and forward to the Committee an enrolment form but such enrolment of the person or the person's dependants shall not take effect until the expiry of—

- (a) six months after the date the completed enrolment form is received by the Committee; or
- (b) such shorter period as the Committee may decide.

(2) The following categories of persons shall not be eligible for enrolment—

- (a) any person, whether a government employee or the non-employed spouse of a government employee, where such person is not ordinarily resident in Bermuda;
- (b) any person to whom Part III of the Health Insurance Act 1970 [*title 18 item 9*] does not apply by virtue of any regulations made under that Act.

(3) The following categories of persons shall be eligible for enrolment for non-hospital benefits only, namely—

- (a) a government employee who is under school-leaving age;
- (b) a government employee who by virtue of war service is entitled to exemption from hospital fees in pursuance of the Pensions and Gratuities (War Service) Act 1947 [*title 9, item 39*].

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(4) Subject to subsection (5), every government employee shall be required to complete an enrolment form, giving such particulars as may be required by the Minister, in which he shall nominate such of his dependants as he may wish to enrol for insurance under the Scheme.

(5) Where a husband and wife are both government employees, each shall be required to complete an enrolment form under subsection (4).

[Section 14 amended by 2008:42 s.3 effective 23 December 2008]

Voluntary enrolment

15 (1) Subject to this section, a government employee may voluntarily enrol any of his dependants under the Scheme.

(2) Without prejudice to section 14, a government employee may enrol any dependant, other than a non-employed spouse, for non-hospital benefits only.

(3) Where a government employee dies while in Government service, his dependants may continue to be enrolled under the Scheme on the same terms and conditions as are laid down the Part III in respect of the dependants of a deceased retired government employee.

Additional enrolments

16 (1) Subject to this section, a government employee who has completed an enrolment form shall not be permitted to make an addition thereto in respect of his dependants unless he has—

- (a) in the case of a child who was previously enrolled under the Scheme, given at least one month's notice in writing of his intention to make such addition; or
- (b) in any other case, given at least six months' notice in writing of his intention to make such addition.

(2) Subsection (1) shall not apply to an addition if it has been occasioned by—

- (a) birth, and the addition is made within one month of the birth; or
- (b) adoption, marriage, or the arrival in Bermuda of the dependant concerned for the purpose of taking up ordinary residence therein, and the addition is made within three months of the occurrence giving rise thereto.

(3) Subsection (1) shall not apply to the addition of a government employee's—

- (a) spouse who becomes a non-employed spouse; or
- (b) child who was covered by the health insurance of the government employee's spouse, but has ceased to be covered upon the spouse becoming—
 - (i) a non-employed spouse; or
 - (ii) self-employed.

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(4) Where a government employee is paying a contribution in respect of a child or children, he shall be deemed to have enrolled under, the Scheme, as from the date of birth or adoption, as the case may be, any child dependant born or adopted after the completion by him of his enrolment form.

[section 16 subsections (1)-(3) substituted by 2007:4 s.2 effective 26 March 2007]

Commencement of contributions

17 (1) A government employee who has completed or who has made an alteration in an enrolment form in accordance with this Part shall make contributions—

- (a) in respect of himself, as from the appropriate date in accordance with section 18(3);
- (b) in respect of a non-employed spouse, as from any of the following dates—
 - (i) the date on which the government employee is liable to make contributions in accordance with section 18(3);
 - (ii) the date of the marriage;
 - (iii) the date of the arrival of the spouse in Bermuda for the purpose of taking up ordinary residence therein; or
 - (iv) the first day of the month next following the date on which the spouse became a non-employed spouse; and
- (c) in respect of any other enrolled dependant, as from the first day of the month next following the completion or alteration of the enrolment form.

(2) Subject to section 16, a person shall be enrolled under the Scheme as from the date on which contributions are payable in respect of him under subsection (1).

Payment of contributions

18 (1) In the case of a government employee who is paid by the month, the Accountant General shall deduct from his salary in advance the monthly contribution payable by such employee.

(2) In the case of a government employee who is paid by the week, the Accountant General shall deduct weekly in advance from his salary or wages the weekly contribution payable by such employee.

(3) Where a government employee takes up employment in the course of a month, he shall be liable to make contributions at the appropriate rate as from the first day of employment in respect of each week or part of a week in which he is employed during that month:

Provided that, where a government employee is already compulsorily insured by his previous employer for the month in which the employment begins, he shall be liable to make contributions at the appropriate rate as from the first day of the month next following the first day of employment.

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(4) Where a husband and his wife are both government employees, each shall be required to make contributions in accordance with this section as if they had not been married to each other,

(5) Where a government employee is granted leave without pay or is on strike, it shall be his responsibility to pay to the Accountant General monthly in advance his contributions at the appropriate rate for the period of such leave or strike, and where a government employee fails to comply with this subsection neither he nor his enrolled dependants shall be eligible for benefits under this Act in respect of any expenses incurred during any period in respect of which contributions have not been paid by him.

(6) When a person ceases to be a government employee, he shall not be entitled to the refund of any part of any contributions paid by him under this section in respect of the month in which he ceased to be a government employee.

Abatement of benefits

19 (1) Nothing in this Act derogates from or abridges any provision of the Government Employees (Disability etc. Benefits) Act 1953 [*title 9 item 15*] or of the Workmen's Compensation Act 1965 [*title 18 item 3*]; so, however, that any sum of money paid to or on behalf of a government employee under section 5 of the Government Employees (Disability etc. Benefits) Act 1953 or section 34 of the Workmen's Compensation Act 1965, as the case may be, shall be deducted from any sum falling to be paid under this Act.

(2) Any sum payable for hospital treatment in respect of war veterans and their dependants under the Pensions and Gratuities (War Service) Act 1947 [*title 9 item 39*] shall be deducted from any sum falling to be paid under this Act.

Termination of eligibility for benefits

20 (1) Where a person has ceased to be a government employee, he shall be eligible to receive benefits under this Act in respect of any injury or illness occurring or commencing before the date when he ceased to be a government employee:

Provided that he shall not be eligible to receive benefits as aforesaid in respect of any expenses incurred by him after six months from the date when he ceased to be a government employee.

(2) Without prejudice to subsection (1), where a person ceases to be a government employee in the course of a month, he and his enrolled dependants shall continue to be insured for the duration of that month.

(3) A government employee whose dependant has ceased to be enrolled shall be entitled to receive all benefits in respect of any injury or illness occurring to such dependant before the date when he ceased to be so enrolled; and the proviso to subsection (1) shall apply to such dependant as it does to the government employee himself.

(4) For the purposes of subsection (1), a government employee shall be deemed to have ceased to be a government employee if he has been granted unpaid leave and has made no contribution to the Fund in respect of such period of unpaid leave.

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(5) For the purposes of subsection (1) it shall be the duty of the Head of the Department to certify to the Accountant General that an employee was injured or became ill prior to the date when he ceased to be employed.

Contribution by Government in certain cases

21 (1) There shall be paid monthly out of the Consolidated Fund and into the Fund in respect of each pensionable officer or his dependant a sum equivalent to the amount payable by a government employee for in-patient treatment received at the general hospital which sum entitles the government employee to the use of a semi-private ward instead of the public ward.

(2) For the purposes of this section “pensionable officer” means a person who immediately before 1 April 1971 was a pensionable officer for purposes of the Pensions Act 1970 or was a pensionable teacher for the purposes of the School Teachers’ Superannuation Act 1934 (both repealed by the Public Service Superannuation Act 1981 [*title 9 item 31*]), and “dependant” means a dependant who was enrolled at that date and has remained so enrolled.

PART III

RETIRED GOVERNMENT EMPLOYEES

Eligibility for enrolment

22 (1) A retired government employee shall be eligible to be enrolled under the Scheme.

(2) The dependants of a deceased retired government employee shall be eligible to be enrolled or to continue to be enrolled under the Scheme on the same terms and conditions as the deceased retired government employee, as if such retired government employee had been alive, subject only to the adjustment of the rate of contributions.

(3) For greater certainty, a deceased retired government employee’s non-employed spouse who remarries shall be eligible to continue to be enrolled under the Scheme on the same terms and conditions as the deceased retired government employee, as if such deceased retired government employee had been alive and they were still married, subject only to the adjustment in the rate of contributions.

[Section 22 amended by 2008:42 s.4 effective 23 December 2008]

Retired members of the Senate and House of Assembly

22A For the purposes of this Part, a person who—

- (a) is a member of the Senate or the House of Assembly;
- (b) ceases to be a member after this section comes into operation; and
- (c) is in receipt of a pension under the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975,

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shall be deemed to be a retired Government employee and references in this Part to a pension include a pension under the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975.

[Section 22A inserted by 1999:43 s.3 effective 1 March 2000]

Enrolment of retired government employees

23 (1) Enrolment of retired government employees shall be on a voluntary basis.

(2) A retired government employee who is in employment by virtue of which he is insured for standard health benefit under Part III of the Health Insurance Act 1970 shall be eligible for enrolment for non-hospital benefits only.

(3) A retired government employee who, in pursuance of subsection (2), is enrolled for non-hospital benefits only may, on the termination or prospective termination of his employment, by giving one months' notice in writing to the Committee of his intention to do so, amend his enrolment form to include the full benefits of an order made in respect of hospital expenses as specified in the order and the rate of contributions shall be adjusted accordingly.

(4) A retired government employee who ceases to be a government employee after the first day of April, 1971, may, within one month of the date of his retirement, give notice to the Committee that he wishes to continue his enrolment and that of his dependants and such enrolment shall be continued from the first day of the month next succeeding the receipt by the Committee of such notice,

(5) A retired government employee, may at any time complete and forward to the Committee an enrolment form in respect of himself and any of his dependants and his enrolment and that of his dependants shall take effect from the first day of the sixth month (or such shorter time as the Committee may decide) following the month in which the enrolment form is received by the Committee:

Provided that a retired government employee shall not be entitled under this subsection to enrol any dependant who was eligible to be enrolled but was not so enrolled on the date on which he ceased to be a government employee.

(6) A retired government employee may, subject to approval of the Committee, enrol any eligible dependant for non-hospital benefits only.

Payment of contributions by retired government employees

24 (1) In the case of a retired government employee who is in receipt of a pension or special allowance or an ex-gratia payment under the Ex-Gratia Payments Act 1983 [*title 14 item 5*] or any Act repealed by that Act the Accountant General shall deduct monthly in advance from any such pension, special allowance or ex-gratia payment contributions at the appropriate rate in respect of such retired government employee.

(2) Where a retired government employee is not in receipt of a pension, special allowance or ex-gratia payment, he shall be responsible for the payment to the Accountant General of any contributions due by him and such contributions shall be paid by him monthly in advance.

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(3) If a retired government employee who is not in receipt of a pension, special allowance or ex-gratia payment is in arrears in the payment of contributions and has been notified in writing to that effect by the Accountant General his enrolment shall, on the expiration of sixty days from the date on which he last paid a contribution, be deemed to have lapsed.

(4) If, for any period, a retired government employee who is not in receipt of a pension, special allowance or ex-gratia payment is in arrears in the payment of contributions, he shall not be eligible for any benefits under this Act in respect of any injury, illness or disability occurring later than sixty days after payment of the last contribution.

Payment of contributions by dependants

25 Section 24 shall apply mutatis mutandis to the payments of contributions by the dependants of a deceased retired government employee with the following modifications—

- (i) if the deceased retired government employee is survived by a spouse and a child or children, the spouse shall be liable to make contributions in respect of all such dependants; and
- (ii) if the deceased retired government employee is survived by a child or children and no spouse, then the guardian of such child or children shall be liable for the payment of contributions.

Cancellation of enrolment

26 (1) Any person enrolled under this Part may at any time, by notice in writing to the Committee, cancel his enrolment under the Scheme.

(2) Subject to subsection (3), where a person cancels his enrolment under subsection (1) such cancellation shall have effect from the first day of the month next following the date on which notice of cancellation is received by the Committee.

(3) Section 20(1) shall have effect in relation to the cancellation of an enrolment under this section as it has effect in relation to the termination of employment of a government employee.

PART IV GENERAL

Amendment

27 *[omitted]*

Repeal and savings

28 *[omitted]*

Commencement

29 *[omitted]*

SCHEDULE

(Section 7(2))

CONSTITUTION AND OTHER PROVISIONS RELATING TO THE COMMITTEE

- 1 The Committee shall consist of—
 - (a) not less than five nor more than eight persons appointed by the Minister who shall appoint one such person chairman and another vice-chairman of the Committee; and
 - (b) the Accountant General who shall be ex officio a member.
- 2 Subject to this Schedule a member of the Committee, other than the Accountant General, shall hold office at the Minister's pleasure and, unless his appointment is sooner terminated, it shall terminate one year from the date on which it took effect, but he shall be eligible for re-appointment upon the expiration of his term of office.
- 3 In the case of absence or inability of any member to act the Minister may appoint a person to act temporarily in his place.
- 4 (1) Any member other than the chairman may at any time resign his office by instrument in writing addressed and transmitted through the chairman to the Minister and from the date of receipt by the Minister of the instrument that member shall cease to be a member.

(2) The chairman may at any time resign his office by instrument in writing addressed and transmitted to the Minister and from the date of receipt by the Minister of the instrument he shall cease to be a member.
- 5 The Minister may at any time revoke the appointment of any member if he considers it expedient to do so.
- 6 Subject to this Schedule the Committee shall be deemed to be properly constituted notwithstanding that there is a vacancy in the office of chairman or any other member.
- 7 At any meeting of the Committee four members shall constitute a quorum.
- 8 The Committee shall have power to co-opt a person or persons for the purpose of any particular meeting if such person or persons is or are considered by it to be competent to assist in any special area of the Committee's deliberations. Any such person or persons shall not be entitled to vote at the meeting.
- 9 (1) The Committee shall meet at such times and on such days as may be necessary or expedient for the transaction of its business.

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(2) Minutes of each meeting of the Committee shall be kept in proper form.

(3) The chairman may at any time call a meeting of the Committee and shall call a meeting to be held within five days of a written request for that purpose addressed to him by any four members.

(4) Every member shall have one vote. The chairman shall have an original vote and in the event of an equality of votes he shall have a second or casting vote.

(5) Subject to sub-paragraph (4) the decisions of the Committee shall be by a majority vote.

(6) Subject to this Schedule the Committee may regulate its own proceedings.

(7) The validity of any proceedings of the Committee shall not be affected by any defect in the appointment of a member.

10 Notwithstanding anything to the contrary no act done or proceeding taken under this Act by the Committee shall be questioned on the ground of any omission, defect, or irregularity not affecting the merits of the case.

11 No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Committee in respect of any act done bona fide in pursuance or execution or intended execution of this Act.

12 The office of chairman or member of the Committee shall not, by virtue of this Act alone, be a public office.

[Assent Date: 21 March 1986]

[This Act was brought into operation on 19 May 1986 by BR 31/1986]

[Amended by:

1991 : 3
BR 19 / 1995
1999 : 3
1999 : 43
2000 : 34
BR 8 / 2000
2001 : 20
2006 : 11
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2008 : 42
2015 : 26]