BELIZE

KARL HEUSNER MEMORIAL HOSPITAL AUTHORITY ACT
CHAPTER 38

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws-

ARRANGEMENT OF SECTIONS

KARL HEUSNER MEMORIAL HOSPITAL AUTHORITY ACT 6
Amendments in force as at 31st December, 2000.
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KARL HEUSNER MEMORIAL HOSPITAL AUTHORITY

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CHAPTER 38

KARL HEUSNER MEMORIAL HOSPITAL AUTHORITY

[21st June, 2000]

PART I

Preliminary

1. This Act may be cited as the Karl Heusner Memorial Hospital Authority Act.

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

   “Authority” means the Karl Heusner Memorial Hospital Authority established under section 3 of this Act;

   “Board” means the Board of Governors of the Authority established under section 10 of this Act;

   “Chairman” means the Chairman of the Board appointed under section 11(2) of this Act;

   “Chief Executive Officer” means the Chief Executive Officer of the Hospital appointed under section 8(1) of this Act;

   “Governor” means a member of the Board of Governors of the Authority as provided in section 11 of this Act;

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1 This Act had not yet come into force as of 1st July, 2000.
“Hospital” means the Karl Heusner Memorial Hospital;

“Minister” means the Minister for the time being to whom the subject of Health is assigned by the Governor-General pursuant to section 41 of the Belize Constitution;

“secondary care” in relation to service provided to patients of the Hospital, means in-patient and out-patient services offered by specialists and other health providers and includes general surgery, internal medicine, pediatrics, obstetrics and gynecology;

“tertiary care” in relation to patients of the Hospital, includes all sub-specialties and fine specialties of the secondary care specialties.

PART II

Establishment and Objectives of the Authority

3.- (1) There shall be and is hereby established a body to be known as the Karl Heusner Memorial Hospital Authority (hereinafter referred to as “the Authority”) which shall be an autonomous institution governed by the provisions of this Act.

(2) The Authority may exercise any of the functions entrusted to it by or in accordance with the provisions of this Act or any Regulations made thereunder and may execute any other duties incidental or ancillary to, or consequential upon, the performance of its functions.

4.- (1) The Authority shall be a body corporate having perpetual succession and a common seal and subject to the provisions of this Act, shall have power to acquire, hold and, subject to the approval of the Minister, dispose of movable and immovable property of whatever kind and to enter into contracts and
do all things necessary for the attainment of its objectives.

(2) The Authority may sue or be sued in its corporate name and shall for all purposes be described by that name.

(3) The seal of the Authority shall be authenticated by the signatures of the Chairman and one other Governor authorised by the Board to act for that purpose, and shall not be affixed except by the authority of a resolution of the Board, and the seal thus authenticated shall be judicially and officially noticed.

(4) All documents made by the Authority other than those required by law to be made under seal shall be signified under the hand of the Chairman and one other Governor.

(5) The Authority shall have its principal office at such place in Belize as the Board may decide, and may establish foreign offices and other offices within Belize as it considers necessary.

5. The functions of the Authority include the following:

(a) ensuring that the Hospital provides National Health Care Services through –

(i) entering into contractual arrangements with the Ministry responsible for Health, the National Health Insurance Fund and other organisations and entities enabling it to receive and treat medical and surgical emergencies and referrals from all the districts on a global-budget basis or on a procedure or diagnosis – related reimbursement basis as may be determined from time to time by the Board;
(ii) providing health services to the whole of Belize or any portion thereof in the event of the occurrence of national or other disaster;

(iii) ensuring and facilitating the provision of training and practical opportunities for students studying medical, nursing or other health sciences, and for students studying hospital or health administration;

\[(b)\text{ ensuring that the Hospital provides tertiary care to address specialized health needs at both the national and international levels through-}
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(i) the provision of tertiary level care in accordance with national accreditation standards;

(ii) coordinating referrals to and from district and other hospitals and physicians to the Hospital and abroad;

(iii) ensuring that the Hospital be adequately staffed by suitably competent and appropriately trained health staff;

(iv) establishing and maintaining linkages with, and becoming a member of, both local and international health authorities and facilities;

(v) acquiring and maintaining, in accordance with the general policy guidelines set by the Ministry of Health, necessary technology appropriate for the delivery of the required standards of health care for patients treated in the Hospital or referred to or from local or foreign medical institutions;
ensuring that the Hospital act as a secondary care provider for the Belize District and the rest of Belize as the need arises from time to time by making sure that-

(i) the Hospital be at all times adequately equipped with sufficient bed capacity to serve the Belize District;

(ii) there be an efficient referral system between health and medical providers in the Belize District and the Hospital;

(iii) there are efficient and effective communication channels between primary care and public health providers in the Belize District and elsewhere in Belize and the Hospital;

providing care and support to both the public and private sectors designed to ensure continuous and quality patient care and management through:-

(i) establishing and maintaining adequate infrastructure to facilitate the efficient and timely public and private patient care delivery;

(ii) developing a mutual professional relationship based on integrity with health insurance providers, including without limitation health insurance companies, the Belize Social Security Board and other similar public and private organisations;

(iii) developing and actively participating in and advocating for the development of appropriate and adequate mechanisms at all social levels designed to address social issues related to health and development;
(iv) establishing a public relations unit and a patient redress unit;

(v) ensuring patient privacy, subject to any general or specific approval of the Board, through the provision of private and semi-private patient rooms at the Hospital;

(vi) facilitating the private use of the Hospital, subject to any general or specific approval of the Board, by entering into contracts with persons interested in such private use;

(e) doing all such other things as may be necessary or expedient from time to time for the proper performance of its functions.

6.- (1) The Authority shall have all the powers that are reasonably necessary or expedient to enable it to carry out its functions under this Act.

(2) In particular, but without limiting the generality of its powers under subsection (1) above, the Authority may do all or any of the following things:

(a) acquire by purchase, lease, exchange, bailment, gift, or otherwise any interest in land or any other form of property;

(b) engage any person or body to undertake the management, alteration, development, improvement, repair or maintenance of any of its property;

(c) enter into agreements with any government agency or private sector organisation in order to carry out its functions;
(d) enter into technical cooperation agreements with other regional or international organisations with similar objectives;

(e) publish reports, recommendations and other information relating to any functions of the Authority or the health or medical sector;

(f) appoint officers and other persons to carry out its duties under this Act.

Policy directions.

7.- (1) The Minister may, after consultation with the Chairman, give to the Board directions of a general character as to the policy to be followed in the performance of any of its functions, and the Board shall give effect to such directions.

PART III

Appointment of Staff, etc., of the Authority and the Hospital.

8.- (1) The Board may, after consultation with the Minister, appoint and employ, at such remuneration and subject to such terms and conditions as it thinks fit, a suitably qualified person to be the Chief Executive Officer of the Hospital, and the person so appointed shall, subject to section 9 below, be responsible for the day to day management of the affairs of the Hospital and the Authority.

(2) The Chief Executive Officer may, with the approval of the Board, appoint and employ, at such remuneration and subject to such terms and conditions as the Board thinks fit, suitably qualified persons as Medical Chief of Staff and the Director of Nursing at the Hospital, and such persons shall be subordinate to the Chief Executive Officer of the Hospital, but shall be executive officers of the Authority at the Hospital and in that capacity shall be re-
sponsible for assisting the Chief Executive Officer in the management of the Hospital, especially in the supervision of medical, clinical and clinical support units in and within the Hospital.

(3) The Chief Executive Officer may appoint and employ, with the approval of the Board, at such remuneration and subject to such terms and conditions as the Board thinks fit, such other professional officers, employees and agents as may be necessary for the proper performance of the functions of the Authority under this Act.

(4) The posts of Chief Executive Officer, Medical Chief of Staff, Director of Nursing and other posts of the professional, technical, administrative, clerical and secretarial staff shall be pensionable under the Pensions Act, notwithstanding anything to the contrary in that Act or any other enactment, and, without prejudice to the foregoing, persons holding ancillary posts of the semi-skilled or unskilled category shall be entitled to retirement benefits under the Government (Open Vote) (Workers) Regulations.

(5) Where an officer in the public service is transferred to an office under the Authority and he retires or resigns on pension from, or dies while in service of, the Authority, his service in the public service shall rank as qualifying service, as the case may be, for purposes of determining eligibility for pension under the Pensions Act.

(6) Notwithstanding any contrary provision in the Pensions Act or any other enactment amending or replacing that Act, where a person employed in a pensionable office by the Authority is transferred to a pensionable office in the public service, his service under the Authority shall rank as qualifying service or pensionable service, as the case may be, for purposes of determining his eligibility for a gratuity or pension under the Pensions Act.

(7) When making payment for a pension or gratuity in respect of officers referred to in subsections (5) and (6) above, the Government shall pay the
whole pension or gratuity, but the Authority shall contribute to the Government for the portion representing the number of years of pensionable service rendered by the officer in the employment of the Authority.

(8) The Authority may provide for the establishment and maintenance for the benefit of its officers and employees of a Pension Scheme, Social Security Scheme, or Provident Fund Scheme and without prejudice to the generality of the foregoing, such Schemes may enable the Authority to:-

(a) contribute to the Government the monies referred to in subsection (7) above;

(b) grant gratuities, pensions or superannuation allowances to, or to the widows, families or dependents of, its employees and officers;

(c) establish contributory and superannuation schemes and establish and contribute to superannuation funds for the benefit of its employees and officers;

(d) enter into and carry into effect agreements for securing to any such employees or officers, widows, families or dependents such gratuities, pensions or allowances as are by this section allowed to be granted.

9.- (1) The Chief Executive Officer shall, subject to the policy directions of the Board, be responsible for the management of the Authority, including the organization of staff in accordance with the general terms and conditions of service established by the Board.

(2) The Chief Executive Officer shall have authority:-

(a) to sign jointly with any Governor authorised by the Board for that purpose, any reports, balance sheets and other financial statements;
(b) to delegate his powers provided for in paragraph (a) of this subsection to the Medical Chief of Staff or other staff of the Authority.

PART IV

Administration

10. There shall be a Board of Governors of the Authority, appointed by the Minister, which shall be constituted as provided in section 11 below, and the Board of Governors shall be the principal policy making organ of the Authority.

11.-(1) The Board of Governors shall consist of the following persons:-

(a) a representative from the Ministry responsible for Health, who shall be an ex officio member;

(b) a representative from the Ministry responsible for Finance, who shall be an ex officio member;

(c) five persons appointed by the Minister from the private sector with knowledge, qualifications and/or experience in areas of business administration or management;

(d) the Chief Executive Officer, ex officio, without the right to vote;

(e) the Director of Health Services, ex officio, without the right to vote.

(2) The Minister shall appoint one of the Governors referred to in paragraph (c) of subsection (1) above to be the Chairman of the Board and the members of the Board shall elect from among their number a Deputy Chairman.
(3) The Chief Executive Officer shall act as Secretary to the Board and in that capacity shall ensure that proper minutes be kept and maintained of the Board’s acts and decisions.

(4) The Chairman and the other Governors referred to in subsection (1) above shall, subject to section 14 below, be appointed for a period of three years; save and except that three of the Governors appointed under subsection (1) (c) above shall hold office for a period of four and a half years in the first instance:

Provided that the Chairman and any Governor retiring at the expiration of his term of office shall, subject to section 14 as aforesaid, be eligible for re-appointment.

12.- (1) The Board shall be the principal policy making organ of the Authority, and in that capacity shall be responsible for the overall administration, management, maintenance and development of the Hospital, and for ensuring that the quality and standards of services provided by the Hospital be efficient, timely, appropriate and cost-effective to the beneficiary patient, the Hospital and the Authority.

(2) Without prejudice to the generality of subsection (1) above, the general functions of the Board shall include but shall not be limited to:-

(a) taking steps for the efficient management, maintenance and development of the Hospital;

(b) establishing policies, strategies, action plans and guidelines designed to fulfill the functions of the Authority as provided in section 5 above;

(c) planning, developing and implementing criteria and standards for quality care;
(d) encouraging physicians and other medical staff at the Hospital to maintain continuing education to keep abreast of the latest medical technologies and developments;

(e) ensuring the provision and facilitation of the necessary opportunities for the training of students in health and medical fields, including without limitation the training of medical students, residents, nurses, allied health students and students in hospital or health administration;

(f) approving the annual budget of the Hospital for submission to the Minister responsible for Finance through the Minister;

(g) managing, for and on behalf of the Hospital, or on its own behalf, endowments, donations, contributions and trust properties;

(h) negotiating and borrowing, as well as accessing, loans, grants or other bequests, under such terms and conditions as may be specified by the Minister responsible for Finance, and manage or expend the monies obtained therefrom for and on behalf of the Hospital, or on its own;

(i) subject to the approval of the Minister responsible for Finance, issuing and selling bonds and other instrumentalities for the purposes of the development of the Hospital;

(j) erecting, constructing, equipping and maintaining a building or buildings suitable for extensions of the Hospital;

(k) supervising and overseeing the recruitment, appointment and employment of members of staff of the Authority;

(l) doing all or any other things incidental to, or consequential upon, the attainment of the above functions.
Meetings of the Board.

13. -(1) The Board of Governors shall meet as often as the business of the Board requires but not less frequently than once every two months in the year, at such times and places as the Board may determine from time to time.

(2) On the commencement of this Act, the Chief Executive Officer shall appoint a day for the first meeting of the Board, but thereafter the Chairman of the Board shall if present and able to do so, appoint days on which the Board may meet and preside at all meetings of the Board.

(3) A quorum for any meeting of the Board shall be five Governors, one of whom shall be the Chief Executive Officer.

(4) The Chairman, or in his absence, the Deputy Chairman, shall summon a special meeting of the Board within five days of a requisition for that purpose addressed to him in writing by not less than five Governors.

(5) Subject to subsection (4) above, the Chairman shall cause to be given to each Governor notice of every ordinary meeting of the Board at least seven days prior to the meeting, and shall in the said notice state clearly the agenda of the meeting.

(6) Decisions of the Board shall be by majority of the votes cast; provided always that in any case in which the voting is equal, the person presiding at the meeting shall have a second or casting vote.

(7) Where for any reason the Chairman is unable to preside at any meeting of the Board:-

(a) the Deputy Chairman shall preside if he is present and able; and

(b) if the Deputy Chairman is absent or is unable to preside, then the Governors present shall elect one of their number to preside.
(8) Minutes of the proceedings of each meeting of the Board shall be recorded and maintained as provided in this Act and shall be confirmed by the Board and signed by the Chairman or other person who presided at that meeting at the next practicable meeting.

(9) Subject to the provisions of this Act, the Board may regulate its own procedure.

(10) It shall be lawful for any notice or requisition referred to in subsections (4) and (5) above to be given by facsimile or some other form of electronic mail, excluding the telephone.

(11) To effectively discharge its functions and duties under this Act, it shall be lawful for the Board to constitute itself into Committees or to appoint Committees made up of suitably qualified persons to investigate, evaluate, analyse, comment, and report to the Board on any matter which the Board feels should be submitted to a Committee.

(12) On appointing a Committee under subsection (11) above, the Board shall:

(a) appoint a Governor of the Board, or some other suitably qualified person, to be Chairman of the Committee;

(b) state clearly in writing the names of all the Committee Members, the terms of reference of the Committee, and the period for which it is appointed;

(c) state clearly in writing that the meetings of the Committee shall be governed by the same rules as those governing the meetings of the Board, subject to any special rules that may be made by the Board in that behalf;
14.- (1) No person shall be appointed or remain a Governor who is a member of the National Assembly.

(2) The Minister may terminate the appointment of a Governor appointed under section 11 (1) (c) or (f), only if the Governor, as the case may be:

(a) by writing under his hand addressed to the Minister resigns his office;

(b) becomes subject to the disqualification specified in subsection (1) above;

(c) becomes bankrupt or insolvent, compounds with his creditors or benefits under the law for the relief of a bankrupt or makes any assignment in whole or in part of his income for the benefit of such creditors;

(d) is convicted of an offence involving dishonesty, or of any other offence (other than a traffic offence) punishable with not less than one year imprisonment (whether or not the convicted person is awarded such sentence);

(e) becomes totally or permanently incapable of performing his duties;

(f) is guilty of gross misconduct; or

(g) enjoys or holds a place of gift or profit at the disposal of the Authority or the Hospital, or any right or benefit under any contract made by or on behalf of the Board or the Hospital, or has any financial or other interest likely to prejudice the proper discharge by him of his functions as Governor.
(3) The Minister may, on the recommendations of the Board, terminate the appointment of a Governor who absents himself from three consecutive meetings of the Board without leave from the Board.

(4) Where the membership of a person is terminated by the Minister under subsection (3) above, the organisation which nominated such person’s appointment to the Board shall nominate another person to replace him, and the person so nominated shall on his appointment, unless he earlier retires or is terminated, remain in office for the unexpired term of office of the person he is replacing.

(5) The Minister may appoint a temporary Governor in the place of a substantive Governor who is unable to perform his functions due to illness or absence from Belize, or from any other causes, and such temporary Governor shall hold office until the disability which necessitated his appointment has ceased to exist.

15. The Board shall be entitled to the same protection under the Public Authorities Protection Act as if it were included in the definition of “Public Authority” given in section 2 of that Act, and the place at which the Board shall hold its meetings shall be deemed to be the “abode” of the Board within the meaning of that Act.

16.- (1) The Board may from time to time, in respect of any particular matter or class of matters, and in writing, delegate to any Governor or to the Chief Executive Officer or any other member of staff of the Authority, any of its functions under this Act except this power of delegation and the following functions:

(a) approving annual budgets or programmes of activities;

(b) making Regulations;

Board to be protected by Public Authorities Protection Act.

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Delegation of powers.
(c) carrying out activities which require off-budget expenditures.

(2) Subject to any general directions given to him by the Board, the person to whom any powers are so delegated may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this Act and not by delegation.

(3) Every person purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(4) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Board.

17.- (1) No Governor shall be personally liable for any act or omission of the authority, or of the Board, or of any other Governor, or officer of the Authority, if the act or omission is made in good faith in the course of the operations of the Authority, or of the Board.

(2) The Chief Executive Officer, the Medical Chief of Staff, the Director of Nursing or any other officer, employee or agent of the Authority shall not be personally liable for any acts or omission of the Authority, or of the Board, or of any Governor, or officer, employee or other agent of the Authority, if the act or omission is made in good faith in the course of the operations of the Authority, or the Board, or during the course of his normal employment under the Authority.

(3) The Authority shall have power to indemnify and hold harmless any of the persons referred to in subsection (1) or (2) above who is a party to any action, suit or proceeding by whatever name called, be it civil, criminal, administrative or investigative, brought by reason of the fact that such person occupies a position within the Authority as provided in subsection (1) or (2), against any expenses (including attorneys’ fees), judgments, fines and any sums
paid in settlement actually and reasonably incurred by him in connection with
the aforesaid action, suit or proceeding.

18.- (1) The Board may from time to time make Rules of the Authority not
inconsistent with this Act, for all or any of the following purposes:-

(a) regulating the proceedings of the Board;

(b) providing for the custody of the property of the Authority, and the
custody and use of the common seal of the Authority;

(c) regulating the terms and conditions of employment of persons appointed
and employed under section 7;

(d) preparing semi-annual or quarterly audits of the Authority;

(e) determining the fees and charges to be charged by the Hospital for
health services rendered to patients;

(f) regulating the appointment, discipline, dismissal, salaries and allowances
of officers and employees appointed and employed under section 7,
and the manner in which, and persons to whom, such officers and em-
ployees may appeal in cases of discipline or dismissal;

(g) providing the departments of, and services offered by, the Hospital;

(h) arranging for the preparation of quarterly, semi-annually or annual
performance and other reviews of the Hospital;

(i) providing for such other matters as may be necessary or expedient for
the better carrying out of the functions of the Authority.
(2) Notice in writing of every proposed Resolution to make Rules under this section or for the amendment or revocation of any Rule so made, (including a copy of the proposed Rules, amendment, or revocation) shall be given to every Governor not less than seven days before the meeting at which the proposal is to be moved, but an inadvertent failure to comply with this subsection shall not invalidate the making, amendment, or revocation of any Rule at that meeting.

(3) Any Rule made under subsection (1) above which affect the revenue or expenditure of the Authority shall be subject to the approval of the Minister before they come into force.

PART V

Financial Provisions, Accounts And Reports

19. The revenues of the Authority shall consist of the following:

(a) revenues allocated from the Consolidated Revenue Fund;

(b) fees and charges imposed by the Hospital for health services rendered to patients;

(c) any other money lawfully contributed, donated, or bequeathed to the Authority or received by the Authority from any other source; and

(d) proceeds from the issuance and sale of bonds and other instrumentalities.

20. The expenses of the Authority, including the remuneration of members and staff thereof, shall be paid out of the funds and resources of the Authority.
21.- (1) Subject to the provisions of subsection (2), the Authority may borrow money required by it for meeting any of its obligations or discharging any of its functions.

(2) The power of the Authority to borrow in excess of such limits as the Minister responsible for Finance may fix from time to time shall be exercisable only with the approval of the Minister responsible for Finance as to the amount, source of borrowing and the terms on which the borrowing may be effected, and an approval given for the purposes of this subsection may be general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

(3) The Government of Belize may guarantee, in such manner and on such conditions as it thinks fit, the repayment of the principal and the payment of interest on any authorised borrowings of the Authority.

22.- (1) The Authority shall, on or before the 30th November in each year, prepare and submit to the Minister responsible for Finance, through the Minister, estimates of the income receivable and the expenditure to be incurred during the financial year commencing on 1st April then next following.

(2) The Authority shall submit the estimates in the form required by the Minister responsible for Finance.

(3) All new or special expenditure shall receive the approval of the Minister before being included in the estimates.

(4) Except with the approval of the Minister responsible for Finance, given after consultation with the Minister, no further sum shall be expended during any financial year other than as provided in the estimates relating to such financial year.
23.- (1) The Authority shall keep proper accounts and other records in relation to its business and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which shall conform to the best commercial and accounting standards.

(2) The accounts of the Authority shall be audited annually by an independent auditor appointed in each year by the Board with the approval of the Minister.

24. Within six months after the end of each financial year, the Authority shall cause to be made and shall submit to the Minister:

(a) a statement of its accounts audited in accordance with section 23 (2); and

(b) a report dealing generally with the proceedings and policies of the Authority during that financial year.

25.- (1) The Minister responsible for Finance may, by Order, transfer by lease or otherwise to the Authority under such terms and conditions as he may deem fit any property (including without limitation any lands, buildings, equipment, rights and all other forms of property) vested in and belonging to the Government of Belize at the Karl Heusner Memorial Hospital.

(2) An Order under subsection (1) above:

(a) may contain such incidental, consequential or supplemental provisions as the said Minister thinks necessary or expedient for the purpose of the Order;

(b) shall be subject to negative resolution by the House of Representatives.
PART VI

Legal and General

26. Any summons, notice or other document required or authorized to be served on the Authority under any Act may, unless in any case there is express provision to the contrary, be served by delivering the same to the Chairman or the Chief Executive Officer in his capacity as Secretary to the Board or by sending it by registered post addressed to the Chairman or the Chief Executive Officer as aforesaid at the principal office of the Authority.

27. The Authority may charge fees when requested to perform any service by a specific person.

28.- (1) The Authority shall be exempt from income tax, business tax, property tax and all other duties and imposts levied by the Government or any local authority.

(2) All instruments executed by or on behalf of the Authority shall be exempt from stamp duty.

29. This Act shall come into force on a day to be appointed by the Minister by Order published in the Gazette.