

**THIRD SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 4,366 of 18th May, 2017**

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**B. 12/17**

**BILL**

**FOR**

**AN ACT** to amend the Medical (Gibraltar Health Authority) Act, 1987 and the Care Agency Act 2009, and to make consequential amendments to the Medical and Health Act, 1997, the Mental Health Act 2016 and other subsidiary legislation.

**ENACTED** by the Legislature of Gibraltar.

**Title.**

1. This Act may be cited as the Medical (Gibraltar Health Authority) (Amendment) Act 2017.

**Commencement.**

2. This Act comes into operation on the day of publication.

**Amendment of the Medical (Gibraltar Health Authority) Act, 1987.**

3.(1) The Medical (Gibraltar Health Authority) Act, 1987 is amended in accordance with the provisions of this section.

(2) In section 2–

- (a) delete the definition of “Chief Executive”;
- (b) after the definition of “Medical Advisory Committee”–
  - (i) delete the word “and”;
  - (ii) insert–

““Medical Director” and “Deputy Medical Director” means the Medical Director and Deputy Medical Director of the Authority appointed under section 10A; and”.

- (3) In section 3(1)–
  - (a) in paragraph (c) for “Chief Executive” substitute “Medical Director”;
  - (b) in paragraph (d) for “two” substitute “three”.
- (4) In section 4(2) for “Chief Executive” substitute “Medical Director”.
- (5) In section 5(4) for “Chief Executive” substitute “Minister”.
- (6) In section 6(2)–
  - (a) after paragraph (a) insert–

“(aa) to provide residential services for the elderly;”;
  - (b) in paragraph (b) –
    - (i) in subparagraph (iii) for “Personnel Officer” substitute “Human Resources Manager”;
    - (ii) in subparagraph (iv) after “;” insert “and”;
    - (iii) in subparagraph (v)–
      - (A) after “Hospital” insert “Operations”;
      - (B) delete the word “and”;
    - (iv) delete subparagraph (vi).
- (7) Delete section 10.
- (8) After section 10 insert–

**“Appointment of Medical Director and Deputy Medical Director.**

10A.(1) The Authority shall appoint a person to be the Medical Director of the Authority who shall–

- (a) hold office for such period and upon such terms as may be specified in the instrument appointing him;
  - (b) be the executive officer of the Authority; and
  - (c) perform such other functions, and exercise such other powers, as are from time to time conferred upon him by this or any other Act or are delegated to him by the Authority.
- (2) The Authority shall appoint a person to be the Deputy Medical Director of the Authority who shall perform the functions and exercise the powers of the Medical Director in the event of the absence, ill health or suspension of the Medical Director.
- (3) In the event of the death or retirement of the Medical Director, the Deputy Medical Director shall perform the functions and exercise the powers of the Medical Director until the Authority appoints a new Medical Director.
- (4) Nothing in this Act shall prevent the Medical Director from delegating to such persons such powers and duties as are conferred on him by this Act for such times and under such conditions he shall see fit.”.

(9) In section 11–

- (a) in subsection (1)–
  - (i) in paragraph (a) for “Chief Executive” substitute “Medical Director”;
  - (ii) in paragraph (c) for “Personnel Officer” substitute “Human Resources Manager”;
  - (iii) in paragraph (e) after “Hospital” insert “Operations”;

- (iv) delete paragraph (f);
  - (v) after paragraph (i) insert–
    - “(j) the Deputy Medical Director.”;
  - (b) in subsection (2)–
    - (i) for “Chief Executive” substitute “Authority”;
    - (ii) for “his” substitute “its”.
- (10) In section 12(2) for “Chief Executive” substitute “Minister”.
- (11) In section 14(2) for “Chief Executive” substitute “Medical Director”.
- (12) After section 25 insert–

**“Power to make regulations.**

- 26.(1) The Minister may by regulations–
- (a) amend this Act–
    - (i) in order to remove, replace or rename any post listed under sections 3(1), 6(2)(b) or 11(1), or add a new post under any of those sections;
    - (ii) generally in order to make such consequential amendments as required as a result of such removal, replacement, renaming or addition, including amendments with regard to the functions and duties of the relevant post; and
  - (b) where necessary and consequential to the exercise of the power contained in paragraph (a), amend, repeal or revoke any provision made by or under an Act to reflect such removal, replacement, renaming or addition.”.

**Amendment of the Care Agency Act 2009.**

4.(1) The Care Agency Act 2009 is amended in accordance with the provisions of this section.

(2) For section 6(2)(b) substitute–

“(b) to provide a comprehensive service of care for the elderly (excluding residential services);”.

*Consequential amendments*

**Amendment of the Medical and Health Act, 1997.**

5.(1) The Medical and Health Act, 1997 is amended in accordance with the provisions of this section.

(2) In section 2(1)–

(a) delete the definition of “Chief Executive”;

(b) after the definition of “Medical Directive” insert–

““Medical Director” means the person appointed as such under section 10A of the Medical (Gibraltar Health Authority) Act, 1987;”.

(3) In section 66(k) for “Chief Executive” substitute “Medical Director”.

**Amendment of the Mental Health Act 2016.**

6.(1) The Mental Health Act 2016 is amended in accordance with the provisions of this section.

(2) In section 1(3)–

(a) delete the definition of “Chief Executive”;

(b) after the definition of “interim hospital order” insert–

““Medical Director” means the person appointed as such under section 10A of the Medical (Gibraltar Health Authority) Act, 1987;”.

(3) In section 61(5) for “Chief Executive” substitute “Medical Director”.

(4) In paragraph 1(b) of schedule 2 for “Chief Executive” substitute “Medical Director”.

**Amendment of the Hospital Rules 2006.**

7.(1) The Hospital Rules 2006 are amended in accordance with the provisions of this section.

(2) In rule 2–

(a) delete the definition of “Chief Executive”;

(b) after the definition of “in-patient” insert–

““Medical Director” means the person appointed as such under section 10A of the Medical (Gibraltar Health Authority) Act, 1987;”.

(3) In rule 3 for “Chief Executive” substitute “Medical Director” in each place that it appears.

(4) In rule 6 for “Chief Executive” substitute “Medical Director” in each place that it appears.

(5) In rule 8 for “Chief Executive” substitute “Medical Director” in each place that it appears.

(6) In rule 9 for “Chief Executive” substitute “Medical Director”.

(7) In rule 10 for “Chief Executive” substitute “Medical Director”.

(8) In rule 11 for “Chief Executive” substitute “Medical Director”.

**Amendment of the Medicines (Prescription Only) Regulations, 1987.**

8.(1) The Medicines (Prescription Only) Regulations, 1987 are amended in accordance with the provisions of this section.

(2) In regulation 2–

- (a) in the definition of “approved course” for “Chief Executive Officer” substitute “Medical Director”;
- (b) after the definition of “nurse practitioner” insert–

““Medical Director” means the person appointed as such under section 10A of the Medical (Gibraltar Health Authority) Act, 1987;”.

(3) In regulation 7(2) for “Chief Executive” substitute “Medical Director”.

**Amendment of the Medical (Group Practice Scheme) (Pharmaceutical Services) Regulations 2008.**

9.(1) The Medical (Group Practice Scheme) (Pharmaceutical Services) Regulations 2008 are amended in accordance with the provisions of this section.

(2) In regulation 8–

- (a) delete the definition of “Chief Executive”;
- (b) after the definition of “item” insert–

““Medical Director” means the person appointed as such under section 10A of the Medical (Gibraltar Health Authority) Act, 1987;”.

- (c) in the definition of “normal hours” for “Chief Executive” substitute “Medical Director”.

(3) In regulation 9(3) for “Chief Executive” substitute “Medical Director”.

(4) In regulation 20 for “Chief Executive” substitute “Medical Director”.

**Amendment of the Income Tax (Allowances, Deductions and Exemptions) Rules, 1992.**

10.(1) The Income Tax (Allowances, Deductions and Exemptions) Rules, 1992 are amended in accordance with the provisions of this section.

(2) In rule 7A(4) for “Chief Executive” substitute “Medical Director”.

(3) In rule 14(2) for “Chief Executive” substitute “Medical Director”.

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**EXPLANATORY MEMORANDUM**

This Act amends the Medical (Gibraltar Health Authority) Act, 1987 by replacing the position of Chief Executive of the Authority with a new position, the Medical Director. A new position of Deputy Medical Director is introduced and other positions are also renamed or removed. Several consequential amendments are made to primary and secondary legislation to ensure that all newly named positions are referred to correctly. This Act also removes duties regarding elderly residential services from the remit of the Care Agency, said duties now come under the remit of the Gibraltar Health Authority.

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