

A BILL

entitled

CHIEF MEDICAL OFFICER (TRANSFER OF FUNCTIONS AND VALIDATION)
ACT 2018

WHEREAS it is expedient to amend various legislation to transfer certain of the Chief Medical Officer's statutory functions to the Chief Environmental Health Officer, the Director of the Department of Health and the Bermuda Health Council and to validate any function the Minister of Health or the Chief Medical Officer purportedly delegated to a public officer or public authority;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Chief Medical Officer (Transfer of Functions and Validation) Act 2018.

Transfer of functions

2 The amendments in the Schedule shall have effect to transfer certain statutory functions of the Chief Medical Officer to the Chief Environmental Health Officer, the Director of the Department of Health and the Bermuda Health Council, and to make consequential amendments.

Validation

3 Where, before the commencement of this Act, the Minister of Health or the Chief Medical Officer purportedly delegated any statutory function to a public officer or public authority, any power or duty carried out by such public officer or public authority shall be deemed to have been carried out by the Chief Medical Officer.

Commencement

4 (1) This Act shall come into operation on such day as the Minister may appoint by notice published in the Gazette.

(2) Paragraph 3 and paragraphs 4(d)(iii), 4(l)(i),(ii) 4(m) and 4(o) of the Schedule to the Act shall come into operation on 1 June 2019.

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SCHEDULE

(Section 2)

1 The enactments set out in Column 1 are amended in the provisions set out in Column 2 by deleting “Chief Medical Officer” and substituting “Chief Environmental Health Officer”—

Column 1	Column 2
(a) Fumigation (Control) Act 1945—	section 3(1) section 4(2)(g) section 5(2)(b), 5(5)
(b) Hotels (Licensing and Control) Act 1969—	section 7 section 16(2)
(c) Liquor Licence Act 1974—	section 18(1)
(d) Timesharing (Licensing and Control) Act 1981—	section 9 section 28(2)
(e) Hotels (Licensing and Control) Regulations 1976—	regulation 19A regulation 19D (1)(a), (b) and (c) regulation 19E (1)(a) and (d) regulation 22(2) regulation 23(1) regulation 26(4), (7) and (8) regulation 27(2)(iii) and (5) regulation 40(1)
(f) Plumbing and Drainage Regulations 1965—	regulation 4(i) and (ii) regulation 5(2) regulation 11(1) regulation 12(a) regulation 19(1) and (2)
(g) Public Health (Automatic External Defibrillators) Regulations 2006—	regulation 3(1), (2) and (3) regulation 4(1), (2), (3), (4), (4)(b), (5) and (6) regulation 6(1), (2) and (3) regulation 7 regulation 10(1)(b) regulation 12(1) and (2)

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- (h) Public Health (Body Piercing, Electrolysis and Tattooing) Regulations 2001—
regulation 5
regulation 6
regulation 7(1)
regulation 8
regulation 11(2), (3) and (4)
regulation 14(g) and (j)
regulation 16(5)
regulation 18(1)(a), (3) and (3)(a)
regulation 19(1)(d)
- (i) Public Health (Fly Control) Regulations 1930—
regulation 1(2)
- (j) Public Health (Food) Regulations 1950—
regulation 3(3), (3)(b) and (5)
regulation 5(2), (3), (4) and (5)
regulation 6(1)(a), 2 and (2)(a)
regulation 7(1), (3) and (3)(b)
regulation 10(a), (f), (i), (k)(i), (l)(i), (iv), (v), (o)(i), (u)
regulation 11(f), (g)
regulation 13(e)(i)
regulation 14(e)(vi), (f), (g), (j)
regulation 15(d), (g), (h), (s)
regulation 16(1)(b), (3) and (4)
regulation 17
regulation 18(1)(c)
regulation 18A(1), (2) and (2)(e)
regulation 19(9)(a), 10(d) and (e)
regulation 20(a)
First Schedule, Form B, Regulation 5
First Schedule, Form C, Regulation 7
Third Schedule, paragraph 2(e)
- (k) Public Health (Hairdressing Establishments) Regulations 1955—
regulation 4(2), (3) and (4)
regulation 5(1)(a), (2) and (2)(a)
regulation 9(1)(d), (e), (k) and (l)
Schedule, Form B
- (l) Public Health (House and Trade Refuse) Regulations 1930—
regulation 10

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- (m) Public Health (Milk and Dairyfarm) Regulations 1952— regulation 3(2), (3), (5), (6) and (7)
regulation 4(1)(b)(i), (2), (3) and 3(a)
regulation 5(1), (2) and (2)(b)
regulation 7
regulation 10
regulation 11(4) and (4)(a)
regulation 14(3), (4)(a), (6), (9)(iii)(b) and (9)(iv)
regulation 15(2)(b)
regulation 16(1), (2) and (2)(e)
regulation 17(5)(c)
regulation 18(1)
regulation 20(d) and (e)
First Schedule, Form B
Second Schedule, paragraph 4, 5(2), 25, 27(2) and 42
Third Schedule, paragraph 6(b)
Fourth Schedule, item on STERILIZED MILK
- (n) Public Health (Offensive Trades: Storage, Treatment and Distribution of Animal Excreta and Faecal Matter) Regulations 1966— regulation 5 headnote, (1) and (2)
regulation 9(1)
- (o) Public Health (Privies and Cesspits) (Cleansing) Regulations 1930— regulation 2(3)
regulation 7 headnote, (1) and (2)
- (p) Public Health (Slaughter of Animals) Regulations 1945— regulation 4(1), (2) and (3)
regulation 5
regulation 6
regulation 8(1) and (4)
regulation 11
Schedule, paragraph 4(1) and 7(1)
- (q) Timesharing (Licensing and Control) Regulation 1982— regulation 3(b)
regulation 26(2)
regulation 27(1)
regulation 30(4), (7) and (8)
regulation 31(2)(iii) and (5)
regulation 59(1)

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regulation 64

2 The enactments set out in column 1 are amended by deleting “Chief Medical Officer” in the provisions set out in Column 2 and substituting “Director of the Department of Health”.

Column 1	Column 2
(a) Children Act 1998—	section 67 section 68(3), (4), (5), (6) and (7) section 69(1) and (2) section 70(1), (2) and (2)(b) section 71 section 74 headnote and (1) section 75(2) section 76(1), (3), (4), (5), (6), (6A),(6C) and (7) section 76B(1) section 78(1)
(b) Day Care Centre Regulations 1999—	regulation 3(2) and (3) regulation 4(1) regulation 5 regulation 9(1), (2) and (4) regulation 10(1), (2), (6), (8) and (10) regulation 11(1)(j), (l), (n), (4) and (5) regulation 16(3) and (6)(a) regulation 17(3) regulation 18(1)(a), (b) and (d) regulation 19(2), (3) and (3)(e) Schedule, Form 1
(c) Prison Rules 1980—	rule 92(1)
(d) Senior Training School Rules 1951—	rule 87(1)

3 The enactments set out in column 1 are amended by deleting “Chief Medical Officer” in the provisions set out in Column 2 and substituting “Bermuda Health Council”—

Column 1	Column 2
(a) Public Health (Clinical Laboratories) Regulations 2002—	regulation 3(1), (3) and (4) regulation 4(1) regulation 5(1), (2), (3), (4), (4)(b), (5) and (6)

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| | regulation 6(1), (2), (3), (4) and (4)(b) |
| | regulation 7(1) and (2) |
| | regulation 9(1), (2) and (3) |
| | regulation 10 |
| | regulation 11(1) and (2) |
| (b) Public Health (Diagnostic Facilities)(Mammography) Regulations 2000— | regulation 3(1), (3) and (4) |
| | regulation 4(1) |
| | regulation 5(1), (2), (3), (4), (4)(b), (5) and (6) |
| | regulation 6(1), (2), (3), (4) and (4)(b) |
| | regulation 7(1) and (2) |
| | regulation 9(1), (2) and (3) |
| | regulation 10 |
| | regulation 11(1) and (2) |
| (c) Public Health (Hospitals) Regulations 2002— | regulation 3(1), (3) and (4) |
| | regulation 4(1) |
| | regulation 5(1), (2), (3), (4), (4)(b), (5) and (6) |
| | regulation 6(1), (2), (3), (4) and (4)(b) |
| | regulation 7(1) and (2) |
| | regulation 8(1) |
| | regulation 9(1), (2) and (3) |
| | regulation 10 |
| | regulation 11(1) and (2) |
- 4 The enactments set out in Column 1 are amended as set out in Column 2 thereof.
- | Column 1 | Column 2 |
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| (a) Children Act 1998— | (i) in section 65 by deleting “Chief Medical Officer and inserting the following in the proper alphabetic place—
“ “Chief Environmental Health Officer” means the holder of the public office of Chief Environmental Health Officer and includes a person appointed to act in such office;.”
(ii) in section 65 in the definitions of “day care provider” and “licence” by deleting “Chief Medical Officer” and substituting “Chief Environmental Health Officer”. |
| (b) Parliamentary Election Act 1978— | in section 41(2) by deleting “the Chief Medical Officer” where it appears and substituting “a registered medical practitioner”. |
| (c) Pharmacy and Poisons Act 1979— | in section 4(1)(aa) and (b) by deleting “after consulting with the Chief Medical Officer”. |

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- (d) Public Health Act 1949—
- (i) in section 2(1) in the definition of “Chief Medical Officer” by deleting “Department” and substituting “Ministry”.
 - (ii) in section 2(1) by inserting the following in it proper alphabetic place—
“ “Chief Environmental Health Officer” means the holder of the public office of Chief Environmental Health Officer and includes a person appointed to act in such office;”.
 - (iii) by deleting section 163(1) and substituting—
“(1) The Bermuda Health Council shall cause to be kept and maintained—
 - (a) a register of maternity homes;
 - (b) a register of diagnostic facilities; and
 - (c) a register of hospitals,in such form as may be determined.”.
 - (iv) by inserting the following after section 163(1)—
“(1A) The Chief Environmental Health Officer shall cause to be kept and maintained a register of automatic external defibrillators, in such form as may be determined.”.
- (e) Referendum Act 2012— in section 17(2) by deleting “the Chief Medical Officer” and substituting “a registered medical practitioner”.
- (f) Timesharing (Licensing and Control) Act 1981—
- (i) in section 2 by deleting the definition of “Chief Medical Officer”.
 - (ii) in section 2 by inserting the following in it proper alphabetic place—
“ “Chief Environmental Health Officer” has the meaning given in section 2(1) of the Public Health Act 1949;”.
 - (iii) in section 28(2) by deleting “Chief Medical Officer” and substituting “Chief Environmental Health Officer”.
- (g) Workers’ Compensation Act 1965—
- (i) in section 2(1) in the definition of “medical aid” by deleting “the Chief Medical Officer after consultation with the medical practitioner” and substituting “a registered medical practitioner appointed by the Minister after consultation with the Bermuda Medical Doctors Association”.
 - (ii) in section 28(1)(f) by deleting “the Chief Medical Officer” and substituting “a medical practitioner appointed by the Minister”.
 - (iii) in section 28(1)(f) by deleting “Bermuda Branch of the British Medical Association” and substituting “Bermuda Medical Doctors Association”.

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- (h) Financial Assistance Regulations 2004— in regulation 9(2) by deleting “the Chief Medical Officer” and substituting “a registered medical practitioner”.
- (i) Misuse of Drugs Regulations 1973— in regulation 8(1) by deleting “the Chief Medical Officer” and substituting “a registered medical practitioner”.
- (j) Public Health (Automatic External Defibrillators) Regulations 2006— in regulation 2 in the definition of “approved course” by deleting “Chief Medical Officer” and substituting “Chief Environmental Health Officer”.
- (k) Public Health (Body Piercing, Electrolysis and Tattooing) Regulations 2001— in regulation 2 in the definitions of “disinfect” and “sterilize” by deleting “Chief Medical Officer” and substituting “Chief Environmental Health Officer”.
- (l) Public Health (Clinical Laboratories) Regulations 2002—
- (i) in regulation 2 in the definition of “register” by deleting “Chief Medical Officer” and substituting “Bermuda Health Council”.
- (ii) in regulation 3 by deleting paragraph (1) “The Chief Medical Officer shall establish and maintain at his office in such manner as he considers appropriate a register of clinical laboratories” and substituting “The Bermuda Health Council shall establish and maintain at its office, in an appropriate manner, a register of clinical laboratories”.
- (m) Public Health (Diagnostic Facilities) (Mammography) Regulations 2000— in regulation 2 by deleting the definition of “Chief Medical Officer” and inserting in the proper alphabetic place— “ “Bermuda Health Council” means the Bermuda Health Council established under section 3 of the Bermuda Health Council Act 2004;”.
- (n) Public Health (Food) Regulations 1950—
- (i) in regulation 2(1) by deleting “Chief Medical Officer” and “Chief Environmental Health Officer” and inserting in the proper alphabetic place— “ “Chief Environmental Health Officer” has the meaning given in section 2(1) of the Public Health Act 1949;”.
- (ii) in regulation 2(1) in the definitions of “frozen confection”, “frozen yoghurt” and “ice cream” by deleting “Chief Medical Officer” where it appears and substituting “Chief Environmental Health Officer”.
- (o) Public Health (Hospitals) Regulations 2002— in regulation 2 in the definition of “register” by deleting “Chief Medical Officer” and substituting “Bermuda Health Council”.
- (p) Public Health (Imported Meat) Regulations 1956— in regulation 2 in the paragraph (i) of the definition of “official certificate” by deleting “Chief Medical Officer” and substituting “Chief Environmental Health Officer”.

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EXPLANATORY MEMORANDUM

This Bill seeks to amend various legislation to transfer certain of the Chief Medical Officer's statutory functions to the Chief Environmental Health Officer, the Director of the Department of Health and the Bermuda Health Council and to validate any function the Minister of Health or the Chief Medical Officer purportedly delegated to a public officer or public authority.

Clause 1 is the title of the Bill.

Clause 2 provides that the amendments made in the Schedule shall apply to the various legislation transferring the Chief Medical Officer's functions accordingly.

Clause 3 validates any of the Chief Medical Officer's statutory functions purportedly delegated by the Minister of Health or the Chief Medical Officer before the coming into operation of this Act.

Clause 4 provides the commencement of the Bill.