

CAYMAN ISLANDS



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**A BILL FOR A LAW TO AMEND THE HEALTH SERVICES  
AUTHORITY LAW (2003 REVISION); AND FOR INCIDENTAL AND  
CONNECTED PURPOSES**



**MEMORANDUM OF OBJECTS AND REASONS**

This Bill would amend the Health Services Authority Law (2003 Revision) to change the immunity provisions set out in section 12 of the Law as well as to provide an indemnity section. It was felt by the directors of the Authority that section 12 did not fully protect them against legal costs and expenses which may be incurred by them in any legal proceedings relating to the exercise of their powers or duties.

The Bill also amends Schedule 1 which sets out the properties vested in the Authority. The property known as Dr. Hortor Memorial Site was transferred by the Authority to the National Housing and Community Development Trust for the purposes of housing development and it is therefore necessary to amend the Schedule.

ARRANGEMENT OF CLAUSES

1. Short title.
2. Amendment of the Health Services Authority Law (2003 Revision) – repeal of section 12 and substitution-immunity.
3. Amendment of the principal Law– insertion of section 12A-indemnity.
4. Amendment of Schedule 1- property to be vested in the Authority.

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AUTHORITY LAW (2003 REVISION); AND FOR INCIDENTAL AND  
CONNECTED PURPOSES**

Enacted by the Legislature of the Cayman Islands.

1. This Law may be cited as the Health Services Authority (Amendment) Law, 2004. Short title
  
2. The Health Services Authority Law (2003 Revision), in this Law referred to as “the principal Law”, is amended by repealing section 12 and substituting the following section- Amendment of the Health Services Authority Law (2003 Revision) – repeal of section 12 and substitution-immunity  

“Immunity

12. Neither the Authority, nor any director or employee of the Authority, shall be liable in damages for anything done or omitted in the discharge or purported discharge of their respective functions or duties unless it is shown that the act or omission was in bad faith.”
  
3. The principal Law is amended by inserting after section 12 the following section- Amendment of the principal Law– insertion of section 12A- indemnity

“Indemnity

12A. The Authority shall indemnify a director against all claims, damages, costs, charges or expenses incurred by that director in the discharge or purported discharge of his functions or duties except claims, damages, costs, charges or expenses caused by the bad faith of that director.”.

Amendment of Schedule  
1- property to be vested  
in the Authority.

4. The principal Law is amended in Schedule 1 by repealing the words “Dr. Hortor Memorial site” and the words “Block 15C Parcel 28”.

Passed by the Legislative Assembly the      day of      ,2004.

Speaker.

Clerk of the Legislative Assembly.