BERMUDA

BERMUDA HEALTH COUNCIL (MISCELLANEOUS AMENDMENTS) ACT 2026

2026 : 20

WHEREAS it is expedient to amend the Pharmacy and Poisons Act 1979, the Public Health Act 1949, and the Radiation Act 1972 ("the principal Acts") to repeal the powers of the Minister to register and regulate health service providers under those Acts as such matters are provided for under the Bermuda Health Council Act 2004; and to make consequential and related amendments;

Be it enacted by The King'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 Bermuda Health Council (Miscellaneous Amendments) Act 2026.

Amendments to the principal Acts

2 The Pharmacy and Poisons Act 1979, the Public Health Act 1949, and the Radiation Act 1972 are amended in accordance with Schedule 1.

Consequential and related amendments

3 The consequential and related amendments set out in Schedule 2 have effect.

Commencement

4 This Act comes into operation on such day as the Minister appoints by notice published in the Gazette.

SCHEDULE 1

(section 2)

AMENDMENTS TO THE PRINCIPAL ACTS

Pharmacy and Poisons Act 1979

1 (1) The Pharmacy and Poisons Act 1979 is amended in accordance with this paragraph.

(2) Section 2 of the Act is amended in the definition of "Registrar" by repealing paragraph (b).

(3) Part IV entitled "Registration of Pharmacies" (sections 16 to 22) is repealed.

(4) The following are revoked—

(a) the Pharmacy and Poisons (Registration of Pharmacies) Regulations 1979; and

(b) the Pharmacy and Poisons (Standards for Pharmacies) Regulations 1979.

Public Health Act 1949

2 (1) The Public Health Act 1949 is amended in accordance with this paragraph.

(2) Section 161 of the Act is amended by repealing the following definitions—

(a) "diagnostic facility";

(b) "diagnostic services";

(c) "hospital".

(3) Section 162 of the Act is amended—

(a) in the heading by deleting the words "home, hospital etc" and substituting "home or operating a defibrillator";

(b) in subsection (1) by deleting the words "or hospital unless that maternity home or hospital" and substituting "unless that maternity home";

(c) by repealing subsection (1A).

(4) Section 163 of the Act is amended—

(a) in the section heading by deleting "homes, etc." and substituting "homes and defibrillators";

(b) in subsection (1)—

(i) by deleting the words "Bermuda Health Council" and substituting "Minister";

(ii) by repealing paragraphs (b) and (c);

(c) in subsection (2)—

(i) by repealing and replacing paragraph (a) with the following—

"(a) for specifying conditions precedent to registration of maternity homes and automatic external defibrillators, with special regard being had—

(i) to the fitness of the person carrying on, or proposing to carry on, the maternity home;

(ii) to the fitness of the person providing, or proposing to provide, the automatic external defibrillator;

(iii) to the situation, construction, state of repair, accommodation and equipment of the premises used, or to be used—

(A) as a maternity home; or

(B) in the provision of automatic external defibrillation; and

(iv) to the qualification which must be attained by operators and other specified members of staff prior to being assigned to specified duties;";

(ii) in paragraph (f) by deleting the words "homes, hospitals, diagnostic facilities" and substituting "homes";

(iii) in paragraph (g)—

(A) by deleting the words "home, a hospital or a diagnostic facility" and substituting "home";

(B) by deleting the words "home, hospital or the diagnostic facility," and substituting "home";

(d) in subsection (3)—

(i) by deleting the words "of, a maternity home, a hospital, diagnostic facility" and substituting "of a maternity home";

(ii) by deleting the words "home, hospital or the diagnostic facility" and substituting "home";

(e) in subsection (4)(a) and (b) by deleting the words "home, a hospital, a diagnostic facility" and substituting "home".

(5) Section 164 of the Act is amended—

(a) in the body of the provision by deleting the words "home, hospital or a diagnostic facility" at both occurrences and substituting "home";

(b) in the proviso by deleting the words "home, or a diagnostic facility" and substituting "home".

(6) The following are revoked—

(a) the Public Health (Clinical Laboratories) Regulations 2002;

(b) the Public Health (Clinical Laboratories) (Accreditation Bodies) Notice 2008;

(c) the Public Health (Diagnostic Facilities) (Mammography) Regulations 2000;

(d) the Public Health (Hospitals) Regulations 2002; and

(e) the Public Health (Hospitals) (Accreditation Body) Notice 2014.

Radiation Act 1972

3 (1) The Radiation Act 1972 is amended in accordance with this paragraph.

(2) Section 1 of the Act is amended by inserting the following in its proper alphabetical order—

" "high risk health technology" has the meaning given in section 16E of the Bermuda Health Council Act 2004;".

(3) Section 2 of the Act is amended by inserting the following after subsection (3)—

"(4) The provisions of the Bermuda Health Council Act 2004 relating to the regulation and registration of high risk health technology, and not this Act, apply in relation to a person who—

(a) manufactures or otherwise produces a radioactive substance and that substance is high risk health technology;

(b) sells or otherwise deals in or with a radioactive substance or an irradiating apparatus and that substance or apparatus is high risk health technology.".

SCHEDULE 2

(section 3)

CONSEQUENTIAL AND RELATED AMENDMENTS

Amends the Bermuda Health Council Act 2004

1 The Bermuda Health Council Act 2004 is amended—

(a) in section 2 in the definition of "health services" by deleting the word "dental" and substituting "dental, pharmacy";

(b) in section 15A by inserting the following after subsection (2)—

"(2A) The Council may, by notice, publish the names of institutions or bodies approved by the Council for the purpose of accrediting health service providers.".

Amends the Government Fees Regulations 1976

2 The Schedule to the Government Fees Regulations 1976 is amended—

(a) in Head 54 ("Pharmacy and Poisons Act 1979") by revoking paragraph (1);

(b) in Head 60 ("Public Health Act 1949") by revoking paragraphs (1), (2) and (3);

(c) in Head 64 ("Radiation Act 1972") by revoking paragraph (1)(a), (b), (c), (d), (e), (f), (g) and (m).

Amends BR111/2024

3 Regulation 20(4) of the Bermuda Health Council (High Risk Health Technology) Regulations 2024 is revoked.

Amends BR112/2024

4 Regulation 19(4) of the Bermuda Health Council (Health Service Providers) (Licensing) Regulations 2024 is revoked.

[Assent Date: 28 July 2026]

[Operative Date: 12 August 2026]