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Third Session Third Parliament Republic of Trinidad  
and Tobago

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REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 29 of 1989

[L.S.]

AN ACT to provide for the establishment and incorporation  
of the Eric Williams Medical Sciences Complex  
Authority and for matters connected therewith.

*[Assented to 8th August, 1989]*

ENACTED by the Parliament of Trinidad and Tobago as Enactment  
follows:—

1. (1) This Act may be cited as the Eric Williams Medical Sciences Complex Authority Act, 1989. Short title and commencement

(2) This Act comes into force on such day as the President may appoint by Proclamation published in the *Gazette*.

## PRELIMINARY

Interpretation

## 2. In this Act—

“Authority” means the Eric Williams Medical Sciences Complex Authority established under section 3;

“Board” means the Board of Directors established under section 5;

“Chairman” means the Chairman of the Board appointed under section 5;

“Chief Executive Officer” means the Chief Executive Officer of the Complex appointed under section 9;

“Complex” means the Eric Williams Medical Sciences Complex and the Mt. Hope Maternity Hospital as described in the Schedule;

“Corporation Sole” means the Corporation Sole established under section 3 of the Minister of Finance (Incorporation) Act;

“Health-care” includes veterinary and dental care;

“Minister” means the Minister to whom responsibility for health is assigned;

“NIHERST” means the National Institute of Higher Education (Research, Science and Technology) established by the National Institute of Higher Education (Research, Sciences and Technology) Act;

“Officer in the Public Service” means the holder of any office the power of appointment to and disciplinary and general control over which is vested in the Public Service Commission; and

“University” means the University of the West Indies.

Chap. 69:03

Act No. 20  
of 1984

## PART I

## ESTABLISHMENT OF COMPLEX AND AUTHORITY

Establishment  
of Authority

3. There is established a body corporate to be known as the Eric Williams Medical Sciences Complex Authority.

Office of Authority

4. The office of the Authority shall be in such place as the Authority may direct.

5. (1) The Authority shall be managed by a Board of Board of Directors Directors which shall consist of—

(a) the following members who are appointed by the President—

- (i) a Chairman and Deputy Chairman who are independent of the groups hereafter mentioned, except the groups referred to at subparagraphs (iv) and (v), but who may be members of the medical, dental or veterinary professions;
- (ii) six representatives, one each from the Ministries responsible for finance, planning, education and veterinary services, and two from the Ministry responsible for health;
- (iii) one representative nominated by and from NIHERST;
- (iv) five members drawn from the community;
- (v) a workers' representative;
- (vi) five representatives nominated by and from the University; and
- (vii) five representatives, each one nominated respectively by and from the Medical Board of Trinidad and Tobago, the Dental Council of Trinidad and Tobago, the Nursing Council of Trinidad and Tobago, the Trinidad and Tobago branch of the Caribbean Veterinary Association and the Pharmacy Board of Trinidad and Tobago; and

(b) the Chief Executive Officer who shall be *ex officio* a member of the Board.

(2) The appointment of any member and the termination of appointment of that member, whether by death, resignation, revocation, or otherwise, shall be notified in the *Gazette*.

6. (1) Subject to subsections (4) and (5), a member, other than the Chairman and the Chief Executive Officer, shall hold office for a period of three years and is eligible for re-appointment. Tenure of members

(2) The Chairman shall be appointed for a term of four years and is eligible for re-appointment on such terms and conditions as the President, acting on the advice of the Minister, may determine.

(3) The Chief Executive Officer shall be appointed in accordance with section 9.

(4) Where a member is, by reason of illness or otherwise, unable to perform his functions as a member or unable to attend meetings of the Board, the President may appoint some other person to act as a temporary member for the duration of his inability.

(5) Where a vacancy arises on the Board by reason of death, permanent disability, resignation or termination of appointment, that vacancy may be filled by way of appointment for the unexpired portion of the term of the member whose place is being filled.

(6) The appointment of a member under subsection (4) or (5), and the termination of appointment of any such person, shall be done in accordance with section 5.

(7) A member who is absent without leave for three consecutive meetings of the Board is deemed to have vacated his seat.

(8) The Board is deemed to be properly constituted for all purposes, notwithstanding any defect in the appointment of any member.

**Resignation of  
Chairman and  
members**

7. (1) The Chairman may resign at any time by instrument in writing, giving at least three months notice, addressed to the President, through the Minister.

(2) A member, other than the Chairman and the Chief Executive Officer, may resign at any time, by instrument in writing, giving at least one month notice addressed to the Chairman, who shall cause it to be forwarded to the President through the Minister.

**Remuneration of  
members**

8. (1) The Board shall pay to its members, other than the Chairman, such remuneration and allowances as the Minister may determine.

(2) The Chairman shall be paid such remuneration and allowances as the President, acting on the advice of the Minister, may determine.

9. (1) The Chief Executive Officer shall be appointed by the Board, under such terms and conditions as the Board may determine, after consultation with the Minister, and shall be responsible to the Board.

The Chief  
Executive Officer

(2) The Chief Executive Officer shall be appointed for a term of three years in the first instance, and is eligible for re-appointment for terms of four years.

(3) The Chief Executive Officer may resign his appointment by giving three months notice, in writing, addressed to the Chairman, who shall inform the Minister thereof, in writing.

(4) The Board may, with the approval of the Minister, terminate the appointment of the Chief Executive Officer by giving three months notice in writing.

(5) The appointment of the Chief Executive Officer and the termination of his appointment, whether by death, resignation or otherwise, shall be published in the *Gazette*.

10. (1) The Board shall appoint a Secretary on such terms and conditions as the Authority may think fit.

Secretary

(2) The Secretary shall be responsible for such matters as may be assigned to him by the Board.

(3) Service upon the Authority of any notice, order or other document is executed by delivering it or sending it by registered post addressed to the Secretary at its office.

11. (1) The Board shall meet—

Ordinary meetings

(a) at least once every quarter; and,

(b) at any other time as the Chairman may, in his discretion, deem necessary for the efficient performance of the functions of the Authority.

(2) The Chairman, or in his absence the Deputy Chairman, shall preside over all meetings of the Board.

(3) Notwithstanding subsection (2), neither the Chairman nor the Deputy Chairman, as the case may be, shall preside at any meeting when the provisions of section 16 apply to him.

(4) Where, for any reason, the Chairman or Deputy Chairman does not preside at a meeting, the members present may choose one of their number, other than the Chief Executive Officer, to preside over the meeting.

- Special meetings** 12. (1) The Chairman shall cause to be issued notices to all members for a special meeting of the Board, within seven days of receiving a request, in writing, signed by eight members of the Board, to do so.
- (2) Every request for a special meeting shall include sufficient indication of the purpose of the requested meeting.
- Quorum** 13. At any meeting of the Board, a quorum is constituted if at least twelve members are present, including one representative from the University and one from the Government.
- Voting** 14. (1) The decisions of the Board shall be by a majority of votes of the members present and voting.
- (2) The Chairman, or other person duly presiding, has an original vote and, if the voting is equal, a casting vote.
- Declaration of interest** 15. (1) A member who is in any way, whether directly or indirectly, interested in a contract or a proposed contract, with the Authority, that is the subject of consideration by the Board or Executive Committee, established under section 24, shall declare the nature of his interest at the first meeting of the Board or Executive Committee at which it is practicable for him to do so.
- (2) A member shall not vote on any question in respect of any contract or proposed contract, with the Authority, in which he is in any way interested, whether directly or indirectly.
- Meetings properly constituted** 16. A meeting is deemed to be properly constituted notwithstanding any vacancy in the membership of the Board, or any defect in the appointment of the members.
- Minutes** 17. (1) Minutes in proper form of each meeting shall be kept by, or under the direction of, the Secretary.
- (2) All decisions, resolutions, orders, rules and regulations made by the Board with respect to the operation of the Complex shall be recorded in the Minutes.

(3) The Minutes shall be confirmed at the next meeting by the Chairman, or other person duly presiding thereat, and a copy of the Minutes when so confirmed shall be forwarded to the Minister within seven days of the confirmation.

18. (1) The Authority shall have an official seal that is to seal be kept in the custody of the Secretary.

(2) The seal shall be used only with the permission of the Board, and every instrument to which the seal is affixed must be signed by the Secretary and any member, other than the Chief Executive Officer, authorized by the Board to act in that behalf.

(3) All documents, other than those required by law to be under seal, may be signified under the hand of the Chairman or the Chief Executive Officer or a member duly authorised by resolution of the Board to do so.

19. (1) No personal liability shall be attached to any member for— Personal liability of members

- (a) any act or omission of the Board; or
- (b) anything done or permitted in good faith in the course of the operations of the Authority under this Act.

(2) Any sums of money, damages or costs which may be recovered against the Authority or any member of the Board for anything done, omitted or permitted as aforesaid shall be paid out of the funds of the Authority.

20. The Authority may sue and be sued in its corporate name and may for all such purposes be described by that name. Legal proceedings

21. The Authority is responsible to, and shall comply with written directions of policy from the Minister, but is otherwise solely responsible for the administration and functioning of the Complex within the ambit of its powers, objects and functions under any written law relating thereto. Responsibility of Authority to Minister

22. The objects of the Authority are— Objects of Authority

- (a) to provide systems of health-care delivery, including veterinary and dental services, as approved by the Minister;

- (b) to collaborate with the University, and any other recognised training institution, in the education, training of persons, and research in medicine, veterinary medicine, dentistry, pharmacy, nursing, and bio-medical and health science fields as well as any related ancillary and supportive fields;
- (c) to operate, construct, equip, furnish, maintain, manage, secure and repair all property relating to the Complex;
- (d) to facilitate new systems of health-care delivery including veterinary and dental services;
- (e) to provide hospital facilities for service, teaching and research;
- (f) to support teaching and research at the Complex in systems of health-care delivery, including veterinary and dental services;
- (g) to establish and develop relationships with national, regional and international bodies engaged in similar or ancillary pursuits; and
- (h) to do all such things as are incidental or conducive to the attainment of the objects of the Authority.

Regulation of  
procedure

23. Subject to this Part, the Board may regulate its own procedure for the conduct of its business by way of rules or resolutions.

## PART II

### EXECUTIVE COMMITTEE AND OTHER COMMITTEES

Executive  
Committee

24. (1) There shall be an Executive Committee established by the Board and consisting of the following eleven members of the Board—

- (a) the Chairman, who shall preside as Chairman of the Executive Committee;
- (b) the Deputy Chairman;
- (c) the three representatives nominated by the Ministries responsible for health and for veterinary services;
- (d) two representatives nominated by the University;

- (e) three other members; and
- (f) the Chief Executive Officer, *ex officio*.

(2) The members of the Executive Committee shall be appointed at the first meeting of the Board for a period of one year and are eligible for re-appointment.

(3) The provisions of section 6(4) to (8) shall apply *mutatis mutandis* to the tenure of members of the Executive Committee.

(4) The Executive Committee shall meet at least once a month and shall be accountable to and report to the Board.

25. (1) The Board may delegate to the Executive Committee and to the Chief Executive Officer such functions and powers as the Board deems necessary or desirable for—

Functions and powers of the Executive Committee

- (a) the effective routine management of the Complex; and
- (b) the execution of all functions necessary for the operation of services incidental to the attainment of the objects of the Authority.

(2) Any delegation made under subsection (1), is revocable, in whole or in part, by and at the will of the Board.

(3) The delegation does not derogate from the functions, duties and powers of, or the exercise thereof by, the Board from time to time as it may think fit or as the occasion requires.

26. (1) Sections 11(2) to (4), 14 and 17(1) and (2), apply *mutatis mutandis* to the Executive Committee.

Procedure of the Executive Committee

(2) Subject to subsection (1), the Executive Committee may regulate its own procedure, but its decisions, duly confirmed and signed by the Chairman and Secretary, shall be incorporated into the Minutes circularised to the members of the Board and the Executive Committee.

27. (1) In the *bona fide* exercise of his functions and powers, the Chief Executive Officer may make decisions requiring immediate action.

Matters requiring urgent attention

(2) The decisions made by the Chief Executive Officer under this section shall be recorded in the manner prescribed by the Board by rules or resolutions.

(3) The decisions of the Chief Executive Officer and the actions duly performed thereunder are binding on the Authority.

## Other committees

28. (1) The Board may appoint other committees to examine and report to it on any matter arising out of or connected with any of its objects, duties and powers under this Act.

(2) The persons appointed by the Board to any other committee may include persons who are not members of the Board or the staff of the Authority, its servants or agents.

(3) Subject to directions of the Board or the Executive Committee, the other committees may determine their own procedure and times and places of meetings.

(4) The Board may pay to the persons appointed to other committees such remuneration, honoraria and allowances as it may determine, with the approval of the Minister.

(5) The Board and the Executive Committee are not bound by any report submitted to the Board by any other committee, and they may reject or adopt it, wholly or partly, or with such modifications, additions or adaptations as they think fit.

Health-Care  
Committee

29. There is established a committee called the Health-Care Committee, the functions of which are to ensure—

- (a) collaboration and consultation between the Authority and the Ministries responsible for health and veterinary services, for a better appreciation and implementation of the delivery of health-care at a national level; and
- (b) that matters which jointly concern the Authority, the University, the Ministries responsible for health and veterinary services, and other related institutions, including referral of patients, transfer of staff, training and research programmes and other related matters are dealt with expeditiously.

Composition of  
Health-Care  
Committee

30. (1) The Health-Care Committee shall comprise the following persons—

- (a) two representatives from the University;

- (b) three representatives from the Ministry responsible for health, including the Chief Medical Officer;
- (c) one representative from the Ministry responsible for veterinary services; and
- (d) three representatives from the Board.

(2) The members of the Health-Care Committee shall be appointed by the Board for a period of one year and are eligible for re-appointment.

(3) The members of the Health-Care Committee shall elect a Chairman at its first meeting.

(4) The Health-Care Committee shall meet at least once a month.

31. The Health-Care Committee shall submit its Minutes and reports to the Board.

Minutes and reports of Health-Care Committee

32. The Authority shall adhere to such regulations, bye-laws or rules, for the time being in force, relating to the delivery of health-care.

Authority to adhere to health-care regulations

### PART III

#### USE OF COMPLEX FACILITIES

33. (1) The facilities of the Complex shall be used for carrying into effect the objects of the Authority.

Use of facilities

- (2) The use of the facilities at the Complex is—
  - (a) restricted to personnel and organisations approved by the Authority; and
  - (b) subject to such terms and conditions as may be approved by the Authority, after consultation with the Minister.

(3) Where health-care is being administered privately, the use of the facilities and the approval of personnel to use the facilities shall be at the sole discretion of the Authority.

34. Notwithstanding section 33, the Authority shall permit the University the use of such facilities at the Complex as the Authority may decide, under such terms and conditions of use as may be agreed upon, from time to time, between the Authority and the University.

Use of facilities by University

## PART IV

## PROPERTY DEALINGS

Property dealings  
by Authority

35. The Authority may, with the consent of the Minister—

- (a) acquire, hold, enjoy and dispose of any property by purchase, barter, exchange, devise, bequest, gift or in any other way; and
- (b) lease, accept surrenders of leases, reconvey, mortgage, or grant or accept licences, rights of way or easements.

Vesting of  
Complex in  
Authority

36. (1) On the commencement of this Act, the property described in Part I of the Schedule shall be transferred to and vested in the Authority.

(2) The President may by Order transfer to and vest in the Authority the property described in Part II of the Schedule.

(3) The transfer and vesting contemplated under subsection (2) shall be subject to such conditions as the President may determine.

Chap. 76:01

(4) The Stamp Duty Act shall not apply to the transfer and vesting of any property under this Act or under any Order made under subsection (2).

Contracts, covenants  
by Authority

37. (1) There shall be a Tenders Committee of the Authority, to be appointed by the Board of the Authority, which may, subject to section 35, in respect of any transaction, contract or covenant—

- (a) invite, consider, accept or reject any offers for the undertaking of works or services necessary for carrying out the objects of the Authority under this Act; and
- (b) dispose of surplus or unserviceable articles belonging to the Authority.

(2) The Authority shall, with the approval of the Minister, make rules and regulations for the effective functioning of the Tenders Committee.

No. 22 of 1961

(3) For the purposes of this section, the Central Tenders Board Ordinance is not applicable to the Authority.

## PART V

## FINANCIAL PROVISIONS

38. The funds and resources of the Authority shall consist of— Funds and resources of the Authority

- (a) such amounts as may be appropriated therefor by Parliament;
- (b) special grants of funds as may from time to time be provided by the Government for the financing of special programmes and projects;
- (c) sums arising from grants, covenants, donations and other receipts from persons, including national and international bodies;
- (d) all sums from time to time received by, and falling due to, the Authority as fees or payments for services rendered;
- (e) such sums as may from time to time become due to the Authority by reason of the provision of facilities or services;
- (f) sums borrowed by the Authority in accordance with section 40; and
- (g) all other sums or property that may in any manner become lawfully payable to or vested in the Authority in respect of any matters incidental to its objects.

39. (1) For the purpose of carrying out its objects, the Authority may— Powers of the Authority

- (a) charge fees, with the approval of the Minister, for any service provided by the Authority;
- (b) receive donations, be a beneficiary under covenants and establish and administer trusts; and
- (c) with the approval of the Minister, build up reserves, the limit of which shall be determined by the Minister.

(2) The reserves and other funds of the Authority not immediately required to be expended to meet any obligation or discharge any function of the Authority, may be invested in such securities as the Authority, with the approval of the Minister, considers fit.

**Power to borrow**

40. (1) Subject to subsection (2), the Authority may borrow any money required by it for the efficient exercise of its functions or for meeting its obligations.

(2) Borrowing may be effected only with the approval, in writing, of the Minister with responsibility for Finance as to the amount, the sources of borrowing and the terms and conditions of the loan.

(3) Approval of the Minister with responsibility for Finance in respect of borrowing may be either general or limited to a particular transaction and may be either conditional or subject to conditions.

(4) The Authority may not pledge its assets as security for any loan without the written approval of the Minister.

**Exemption from tax**

41. The Authority is exempted from stamp duty, corporation tax, customs duties, purchase taxes, motor vehicle taxes and all other taxes, fees, charges, assessments, levies and imposts on its income or profit, or on assets which it acquires for its own use.

**Application of funds**

42. The funds of the Authority are to be applied in defraying the following expenditure—

- (a) the remuneration, fees and allowances of the members of the Board and of members of committees established by the Board;
- (b) the salaries, fees, allowances, advances, loans, gratuities and pensions of, and other payments, to the staff of the Authority;
- (c) the capital and operating expenses, including maintenance and insurance, of the property of the Authority;
- (d) the making and maintenance of investments by the Authority in the discharge of its duties and functions; and
- (e) any other expenditure authorised by the Authority in the discharge of its duties, functions and contractual obligations.

**Accounting, audit and annual report**

43. (1) The Board may, by resolution, make rules and regulations for the proper control of the system of accounting and the finances of the Authority.

(2) The accounts of the Authority shall be audited annually by the Auditor General.

(3) The Board shall, within six months of the end of each financial year, submit to the Minister a report dealing generally with the activities of the Authority during the preceding financial year and, containing financial statements and such information relating to the operations and policies of the Authority as the Minister may require.

(4) The Minister shall cause a copy of every report submitted under subsection (3) to be laid before Parliament, within twenty-eight days of its receipt by him, or if Parliament is not then in session, within twenty-eight days after the commencement of its next sitting.

44. (1) The financial year of the Authority shall be 1st Financial year January to 31st December in each year, but the first financial year shall be from the date of commencement of this Act to the end of December next following.

(2) Notwithstanding subsection (1) the Authority may, with the approval of the Minister, vary its financial year.

45. The Authority is a statutory authority for the purposes of the Guarantee of Loans (Statutory Authorities) Act. Authority a statutory authority Chap. 71:81

## PART VI

### STAFF AND RELATED MATTERS

46. (1) The Authority may appoint or employ administrative, technical, professional, and other ancillary and supportive staff as it considers necessary for the due performance of its duties and functions. Staff of Authority

(2) The qualifications, terms and conditions of service for the officers and employees are to be fixed by the Authority, but an annual remuneration in excess of seventy-two thousand dollars may not be assigned to any post in the Authority without the approval of the Minister.

(3) The Authority may arrange, subject to sections 47 and 48, the transfer of staff, either permanently or on secondment, between the Authority and either the Government, the University or such other bodies as may be considered necessary or desirable.

(4) The Authority may, with the consent of the University, grant contracts to persons employed by the University, to allow their services to be rendered to the Authority on such terms and conditions, including remuneration, as may be agreed upon among the Authority, the University and the persons so employed.

(5) The Authority may exercise disciplinary control over, terminate the appointment of or remove persons appointed under this section.

Transfer of officers  
in the public  
service to  
Authority and vice  
versa

47. (1) An officer in the public service or in a statutory authority may, with the approval of the appropriate Service Commission and the Authority, consent to be appointed on transfer to the service of the Authority, upon such terms and conditions as may be acceptable to himself and the Authority.

(2) The officer shall, upon transfer—

- (a) have preserved his superannuation or pension rights accruing at the time of the transfer; and
- (b) become a member of the pension scheme established under this Act.

(3) Where the transfer becomes effective before the pension scheme is established, the officer shall become a member within one year of its establishment.

(4) Subsections (1) and (2) apply *mutatis mutandis* to transfers of officers of the Authority to any section of the public service, and to any other transfers under section 46(3).

Transfer on  
secondment

48. (1) An officer in the public service, or in a statutory authority, or an employee of any public or private body, national or international, may, with the consent of the Authority and with the approval of the appropriate Service Commission or the relevant body, consent to be transferred on secondment to the service of the Authority, or from the service of the Authority to the public service or a statutory authority or other body.

(2) Where a transfer on secondment is effected, the Authority shall make such arrangements as may be necessary to preserve the rights of the officer or employee transferred to any pension, gratuity or other allowance for which he would have been eligible had he not been transferred.

(3) A period of transfer on secondment shall not exceed five years.

49. (1) The Authority shall within five years of its establishment provide for the establishment and maintenance of a pension scheme for the benefit of its officers and employees. Pension scheme

(2) The Authority shall provide, in the pension scheme, for an employee's service with the Authority, prior to the establishment of the pension scheme, to be taken into account in calculating his benefits under the pension scheme.

(3) Where an employee of the Authority dies or retires before the establishment of the pension scheme, the Authority shall be responsible for payment of superannuation or death benefits accruing to that employee.

(4) The basis for the accrual and payment of superannuation or death benefits shall be the same as that which was applicable to the employee prior to his transfer, including a transfer on secondment, or appointment to the Authority.

## PART VII

### MISCELLANEOUS

50. (1) The Board may make regulations, with the approval of the Minister, to carry this Act into effect. Regulations

(2) A person who contravenes any regulation commits an offence and is liable upon summary conviction to—

- (a) a fine not exceeding two thousand dollars in the first instance; and
- (b) a further fine not exceeding five hundred dollars for each day during which the offence continues after conviction therefor.

## SCHEDULE

### PART I

All the buildings and facilities for the delivery of health-care, including veterinary and dental services, training of persons and research in medicine, veterinary medicine, dentistry, pharmacy, nursing, biomedical and health science fields and related ancillary and supportive fields, the administration building and all equipment, facilities and fittings and other buildings situate on those parcels of land delineated and shown coloured pink as 1 and 2 on the plan signed by the Director of Surveys on the 26th day of April, 1989 and filed in the Vault of the Survey Department, Red House, as Cadastral Sheet B.17 .L, O & P.

## PART II

All and Singular those contiguous pieces or parcels of land situate at St. Augustine partly in the Wards of St. Ann's and Tacarigua, Trinidad, First Thereof comprising 35.3543 hectares be the same more or less and The Second Thereof comprising 10.3144 hectares be the same more or less and together bounded on the NORTH partly by lands of The University of the West Indies partly by the Priority Bus Route (P.T.S.C.) partly by other lands of The University of the West Indies now Water and Sewerage Authority (W.A.S.A.) and partly by State Land on the EAST partly by lands of The University of the West Indies now Water and Sewerage Authority (W.A.S.A.) and partly by State Land and by a Road Reserve 8.05 metres wide on the SOUTH by a Road Reserve 8.05 metres wide and on the WEST by lands of The University of the West Indies and which said pieces or parcels of land are delineated and shown coloured pink as 1 and 2 on the plan signed by the Director of Surveys on the 26th day of April, 1989 and filed in the Vault of the Survey Department, Red House, as Cadastral Sheet B. 17 .L, O & P.

Passed in the House of Representatives this 19th day of May, 1989.

N. COX  
*Acting Clerk of the House*

Passed in the Senate this 27th day of June, 1989.

R. CUMBERBATCH  
*Acting Clerk of the Senate*

Senate Amendments were agreed to in the House of Representatives on the 14th day of July, 1989.

N. COX  
*Acting Clerk of the House*