

Transfer of Hospital Property and Liabilities : Arbitration

REGULATIONS, DATED 12TH JUNE, 1948, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION TWENTY-SEVEN OF THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

1948. No. 150

The Ministry of Health and Local Government for Northern Ireland, in exercise of the powers conferred on it by paragraph (a) of subsection (8) of section twenty-seven of the Health Services Act (Northern Ireland), 1948 (hereinafter referred to as "the Act"), hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Health Services (Transfer of Hospital Property and Liabilities) (Arbitration) Regulations (Northern Ireland), 1948.

(2) The Interpretation Act, 1921, shall apply for the purpose of the interpretation of these Regulations in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

2. Any question as to whether any property or liability will be or has been transferred under Part III of the Act or as to the person to whom it will be or has been transferred shall, in default of agreement, be determined by arbitration in accordance with section seventy-nine of the Act.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this twelfth day of June, one thousand nine hundred and forty-eight in the presence of

(L.S.)

Thos. Elwood,
Assistant Secretary.

Transitional Arrangements

REGULATIONS, DATED 31ST MAY, 1948, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTIONS EIGHTY AND EIGHTY-FIVE OF THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

1948. No. 141

The Ministry of Health and Local Government for Northern Ireland, in exercise of the powers conferred on it by sections eighty and eighty-five of the Health Services Act (Northern Ireland), 1948, hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Health Services (Transitional Arrangements) Regulations (Northern Ireland), 1948.

(2) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say—

“ Act ” means the Health Services Act (Northern Ireland), 1948 ;

“ Appointed day ” means the fifth day of July, one thousand, nine hundred and forty-eight ;

“ Authority ” means the Northern Ireland Hospitals Authority ;

“ Endowment ” means any property which would for the purposes of the Act be an endowment if the fifth day of July, one thousand, nine hundred and forty-eight were the appointed day referred to in sub-sections (6) and (7) of section twenty-five of the Act ;

“ Hospital Management Committee ” means a hospital management committee appointed by the Authority under the provisions of section twenty-eight of the Act ;

“ Ministry ” means the Ministry of Health and Local Government ;

“ Temporary Committee ” means a committee appointed by the Authority under the provisions of sub-section (2) of section eighty-two of the Act to exercise powers and to perform duties which are part of the functions under the Act of a Hospital Management Committee.

(3) The Interpretation Act, 1921, shall apply for the purpose of the interpretation of these Regulations in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

2. On and after the appointed day none of the bodies referred to in sub-section (1) of section eighty-five of the Act and no Board of Guardians, Health Authority or Health Committee or other local authority which immediately before the appointed day managed or had control of any hospital transferable to the Authority under the Act shall as such perform any function in relation to the management of that hospital except as hereinafter provided or except as the Ministry may in any case direct for the purpose of giving due effect to the provisions of the Act.

3. Any such body as is referred to in the last preceding Regulation may on and after the appointed day hold any endowment which that body held immediately before the appointed day, and may receive any income, increase, increment, profit, benefit, advantage or other produce which on and after the appointed day may be derived or result or accrue from the holding of any such endowment ; and anything held or received by any body by virtue of the foregoing provisions of this Regulation shall be held by that body on trust for the purposes of the Act.

4. Regulations two and three of these Regulations shall have effect in relation to a person who, immediately before the appointed day, was a Trustee for the purposes of any endowment of a hospital which under

the provisions of the Act is transferable to the Authority on the appointed day, in like manner as the said Regulations two and three have effect in relation to the bodies referred to in those Regulations.

5. Subject to the provisions of the Act and of these Regulations on such day as the Ministry may appoint to be the appointed day referred to in sub-sections (1) and (7) of section twenty-five of the Act, all such endowments as are referred to in the foregoing Regulations and any produce thereof then in the hands of any such body or person as is referred to in Regulations three and four of these Regulations shall by virtue of the provisions of the said section twenty-five be transferred to and vest in the appropriate Hospital Management Committee, and thereupon Regulations three and four of these Regulations shall cease to have effect.

6.—(1) Any share of or produce accruing from any such property as is referred to in sub-section (5) of section twenty-five of the Act, and which but for the passing of the Act might have been held or received by any such body or person as is referred to in Regulations three and four of these Regulations, may on and after the appointed day be held or received by that body or person ; and anything so held or received shall be held by the body or person receiving it on trust for the purposes of the Act.

(2) Subject to the provisions of the Act and of these Regulations anything held on trust by virtue of the foregoing provisions of this Regulation shall, on such day as the Ministry may appoint to be the appointed day referred to in sub-section (1) and sub-section (7) of section twenty-five of the Act, be transferred to and vest in the appropriate hospital management committee, and thereupon this Regulation shall cease to have effect.

7. Where any such property as is referred to in the foregoing Regulations is subject to a liability or where any expenditure is necessarily incurred after the appointed day in the management of any such property, then notwithstanding the foregoing provisions of these Regulations, the body or person holding that property in trust, may, subject to the approval of the Ministry, discharge that liability or meet that management expenditure out of the property or the produce thereof.

8. Where, by virtue of the provisions of sub-section (9) of section twenty-seven or the provisions of section thirty-four of the Act, any property enures or may enure to the benefit of a hospital on or after the appointed day and before a hospital management committee for that hospital is appointed, that property shall be held on trust for the purposes of the Act until that committee is appointed, and upon the appointment of that committee —

(a) in the case of property to which the said sub-section (9) relates, shall be transferred to and vest in that committee as provided in that sub-section ;

- (b) in the case of property to which the said section thirty-four relates, the trustees thereof may (or, as the case may be, shall) apply that property (whether as to the capital or the income thereof) in accordance with the provisions of that section.

9. Nothing in these Regulations shall prevent any member of any body referred to in Regulation two of these Regulations from acting as a member of a temporary committee or from undertaking any duty which as a member of that committee he may be required to undertake.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this thirty-first day of May, one thousand nine hundred and forty-eight, in the presence of :

(L.S.)

William Grant,
Minister of Health and Local
Government for Northern Ireland.

Facilitating of Commencement Temporary Committees

ORDER, DATED 31ST MAY, 1948, MADE BY THE MINISTER OF HEALTH AND LOCAL GOVERNMENT UNDER THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

1948. No. 142

*Revised 1948 SR0(N.I.)296
Modified 1949 SR0(N.I.)10*

WHEREAS it is provided in sub-section (2) of section eighty-two of the Health Services Act (Northern Ireland), 1948, that the Minister of Health and Local Government may at any time after the constitution of the Northern Ireland Hospitals Authority direct that Authority to appoint a committee for such general or special purpose, and holding office for such period (not being longer than twelve months), as may be specified in the direction :

AND WHEREAS it has been represented by the Northern Ireland Hospitals Authority that it will not be practicable before the fifth day of July one thousand nine hundred and forty-eight for that Authority to appoint Hospital Management Committees under the provisions of section twenty-eight of the above-mentioned Act and to frame the scheme or schemes referred to in section twenty-nine of that Act :

AND WHEREAS it is therefore necessary and expedient that special measures should be taken to facilitate the commencement of Part III of the Act in relation to the provision of services :

NOW, THEREFORE, I, the Right Honourable William Grant, J.P., M.P., Minister of Health and Local Government, in exercise of the powers