



CHAPTER xcii.

An Act to constitute a lunatic asylums board for the county of Stafford to transfer the existing county lunatic asylums to such Board and for other purposes. A.D. 1922.
[4th August 1922.]

WHEREAS the lunatic asylums described in the First Schedule to this Act have been provided by the justices of the peace for the county of Stafford or by the county council of that county (hereinafter referred to as "the county council") and such asylums are now vested in the county council:

And whereas the council of the borough of Newcastle-under-Lyme in the said county (which borough is a quarter sessions borough and is named in the Fourth Schedule to the Lunacy Act 1890 but is not named in the Third Schedule to the Local Government Act 1888) have contributed to the cost of building and furnishing the said asylums:

And whereas the councils of certain of the county boroughs situate in the said county (that is to say) the county boroughs of Burton-upon-Trent and Smethwick and the council of the county borough of Stoke-on-Trent in respect of so much of that county borough as is not coterminous with the former county borough of Hanley (hereinafter called "the three councils") have also contributed to the cost of building and furnishing the said lunatic asylums:

And whereas the county council and the councils of all the county boroughs in the said county (that is to say) the county boroughs of Burton-upon-Trent Smethwick Stoke-on-Trent Walsall West Bromwich and Wolver-

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A.D. 1922. — hampton (which county borough councils are hereinafter called "the six councils") desire to co-operate in maintaining such asylums and in providing such additional asylum accommodation as may be necessary and it is expedient that the existing arrangements between the county council and the three councils should be terminated and in lieu thereof that a county lunatic asylums board (hereinafter referred to as "the Board") should be constituted consisting of representatives of the county council and of the six councils and that the said lunatic asylums should be transferred to the Board and that such powers should be conferred upon the Board and such provisions should be made as are contained in this Act :

And whereas particulars of the several sums of money borrowed by the county council in relation to the said asylums and not wholly repaid on or before the thirty-first day of March one thousand nine hundred and twenty-two and of the amounts of the said several sums outstanding on that date are set forth in the Second Schedule to this Act :

And whereas it is expedient that such provisions with respect to the said outstanding indebtedness of the county council as are contained in this Act should be made :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Act 1872 so far as they are applicable to the promotion by county councils of Bills in Parliament have been observed :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

PART I.

PRELIMINARY.

1. This Act may be cited as the Staffordshire Asylums Act 1922 and shall come into operation on the first day of April one thousand nine hundred and twenty-

Short title
and com-
mencement
of Act.

three (which date is hereinafter referred to as "the commencement of this Act") except for the purposes of the section of this Act of which the marginal note is "Annual election of members" for which purposes this Act shall come into operation on its passing.

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2. In this Act unless the context otherwise requires— Interpretation.
- "Existing" means existing at the commencement of this Act;
- "The county" means the administrative county of Stafford;
- "The county boroughs" means the boroughs named in the Third Schedule to this Act and "county borough" means any of the county boroughs;
- "The entire county" means the county together with the county boroughs;
- "The county council" means the county council of the county;
- "The county borough councils" means the councils of the county boroughs;
- "Council" means in relation to the county the county council and in relation to any of the county boroughs the council of such borough and "the councils" means the county council and the county borough councils;
- "The Board" means the Board constituted by this Act;
- "The existing asylums" means the asylums and asylum property specified in the First Schedule to this Act;
- "The asylums" means the existing asylums and any additional asylums and asylum property which may be acquired or provided by the Board;
- "The existing visiting committee" means the visiting committee of the existing asylums appointed pursuant to the provisions of the Lunacy Act 1890 and holding office at the commencement of this Act;
- "Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust moneys and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of

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any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Board;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed.

PART II.

LUNATIC ASYLUMS BOARD.

Constitution
of Board.

3.—(1) There shall be constituted for the entire county a Lunatic Asylums Board which shall (subject to the provisions of the sections of this Act of which the marginal notes are respectively “Revision of number of members of Board” and “As to county boroughs hereafter constituted”) consist of twenty-nine representatives of the county and twenty-seven representatives of the county boroughs.

(2) Provided that—

(A) If any order or orders made under section 54 of the Local Government Act 1888 extending as from a date not later than the commencement of this Act the boundaries of the county borough of Wolverhampton and of the entire county or of either of those areas shall be confirmed by Parliament on or before the thirty-first day of January one thousand nine hundred and twenty-three there shall be substituted for the number of representatives of that county borough specified with

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- reference thereto in the Third Schedule to this Act and for the number of representatives of the county specified in subsection (1) of this section or for one of those numbers (as the circumstances of the case may require) such numbers or number of representatives as would result from calculating the representation on the basis of the estimated population of the said county borough and of the county or of one of those areas (as the case may be) as on the date of the commencement of this Act in relation to the estimated population of the entire county as on that date; and
- (B) If under the foregoing provisions of this proviso the number of representatives of the said county borough of Wolverhampton and of the county or of either of those areas shall be greater than the numbers or number specified as aforesaid the number of representatives of the county and of the county boroughs or of some or one of those areas (as the circumstances of the case may require) as specified with reference thereto respectively in subsection (1) of this section and in the said Third Schedule shall be reduced so that the total number of members of the Board shall not be increased above or reduced below fifty-six and that the number of representatives of the county and of the several county boroughs respectively shall be as nearly as may be in proportion to the estimated populations of the said areas respectively as at the commencement of this Act; and
- (C) The numbers of representatives of the county and of the county boroughs respectively as specified in subsection (1) of this section shall be varied in accordance with any alteration in the respective proportions of representation resulting from the operation of this proviso; and
- (D) Unless before the first day of February one thousand nine hundred and twenty-three all the councils are in agreement as to the carry-

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ing into effect of the provisions of this proviso the matter shall be referred to the board of control whose decision thereon shall be final; and

(E) For the purposes of this proviso the estimates of population shall be based on the census of the year one thousand nine hundred and twenty-one.

(3) The Board so constituted shall be a body corporate by the name of "The Staffordshire Mental Hospitals Board" with perpetual succession and a common seal and with power to hold land for the purposes for which they are constituted without any licence in mortmain and to dispose of land.

Annual
election of
members.

4.—(1) The county council at their meeting held in the month of March one thousand nine hundred and twenty-three and at their quarterly meeting held in the month of March in every subsequent year or at the earliest practicable meeting held after the date of any such meeting shall elect as members of the Board twenty-nine members of their body or such other number of such members as shall give to the county council the representation on the Board to which they are for the time being entitled under the provisions of this Act.

(2) The council of each of the county boroughs at their meeting held in the month of March one thousand nine hundred and twenty-three and in the month of November in that year and in every subsequent year or at the earliest practicable meeting held after the date of any such meeting shall elect as members of the Board from among the members of their body the number of persons specified opposite to the name of their borough in the Third Schedule to this Act or such other number of persons as shall give to such council the representation on the Board to which they are for the time being entitled under the provisions of this Act.

(3)—(A) In the case of the first election the town clerk of each of the county boroughs shall forthwith return the names and addresses of the members elected by the council of such borough to the clerk of the county council.

(B) In the case of subsequent elections the names of the members elected shall be returned to the clerk of

the Board by the clerk of the county council and the town clerks of the county boroughs respectively. A.D. 1922.

(4) Members of the Board shall come into office in the case of the first election on the date of the first meeting of the Board and in the case of subsequent elections on their election. All members of the Board shall (subject to their remaining qualified in accordance with the provisions of this Act) hold office until the next ensuing election of members of the Board held by the council by whom they were respectively elected.

5. If any council fail to elect first members of the Board as by this Act provided it shall be competent nevertheless for the other members of the Board to carry this Act into execution and if any council fail to elect members of the Board at any subsequent date for such election the then existing members of the Board representing such council shall subject to their remaining qualified in accordance with the provisions of this Act continue in office until their successors are elected. Provisions where failure to elect members.

6. All acts and proceedings of the Board or of any committee appointed by the Board shall be valid notwithstanding any vacancy in their body or any irregularity in the appointment or continuance in office of any member of any one or more of the councils or in the appointment or continuance in office of any member of the Board and notwithstanding that any person not qualified or ceasing to be qualified may have acted as a member of the Board. Proceedings of Board and committees to be valid notwithstanding irregularities.

7.—(1) In the year one thousand nine hundred and twenty-eight and in the year one thousand nine hundred and thirty-three and in every tenth year after the last-mentioned year it shall be lawful for any council to apply to the Board to increase or reduce the number of representatives to be elected by that or any other council under this Act and the Board shall determine the question raised on such application within six months from the date of the meeting of the Board next after such application. Provided that if the Board fail to determine the question within that period or if any council are dissatisfied with the decision of the Board any council may within four months after the expiration of that period or after the decision of the Board (as the case may be) Revision of number of members of Board.

A.D. 1922. — appeal to the Minister of Health who shall by order determine the question.

(2) Any determination of the Board (subject to appeal as aforesaid) or of the Minister of Health (as the case may be) as to the number of representatives to be elected by the councils or any of them shall be binding unless or until subsequently varied in accordance with the provisions of this section.

(3) The Board (subject to such appeal as aforesaid) or the Minister of Health may if they think fit upon increasing or reducing the number of members of the Board to be elected by any council increase or reduce the total number of members of the Board.

Members
not to be
interested in
contracts
&c.

8.—(1) A person shall be disqualified for being elected or being a member of the Board if he—

- (A) Holds any paid office under the Board; or
- (B) Is concerned in any bargain or contract entered into with the Board or participates in the profit of any such bargain or contract or of any work done under the authority of the Board; or
- (C) Ceases to be a member of the council by whom he was elected.

(2) Provided that a person shall not be disqualified for being elected or being a member of the Board by reason of being interested—

- (A) In the sale or lease of any lands or in any loan of money to the Board; or
- (B) In any newspaper in which any advertisement relating to the affairs of the Board is inserted; or
- (C) In any bargain or contract with the Board as a shareholder in any company;

but he shall not vote at any meeting of the Board or of any committee of the Board on any question relating to any of the matters referred to in this subsection in which he is interested nor on any question in which a company of which he is a shareholder is interested.

(3) Provided also that in every year in which the triennial election of county councillors is held such members of the Board elected by the county council as may not at such election be re-elected members of the county council shall continue to be members of the Board until

the date of the meeting of the county council next following such election at which members of the Board are elected by the county council and until that date shall not be deemed by reason only of having ceased to be members of the county council to be disqualified for being members of the Board but shall on that date cease to be members of the Board. A.D. 1922.

9. If a member of the Board becomes disqualified under the provisions of this Act he shall cease to be a member of the Board. Disqualification of members.

10. If any person acts when disqualified or votes when prohibited under this Act he shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds. Penalty for acting when disqualified.

11. A member of the Board may resign his office by notifying in writing his intention so to do to the chairman or clerk of the Board. Resignation of members.

12. Any casual vacancy in the Board occurring by death resignation disqualification or otherwise shall be filled up by the council by whom the vacating member was elected as soon as reasonably practicable after the occurrence of the vacancy but a member elected to fill up a vacancy shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred. Casual vacancies.

13. Meetings of the Board shall be held and the proceedings thereat shall be conducted in accordance with the rules as to meetings and proceedings contained in the Fourth Schedule to this Act. Meetings and proceedings of Board.

14. The Board may from time to time provide maintain and furnish such buildings and offices as may be necessary for transacting their business and that of their officers and servants under this Act and for that purpose may acquire purchase or take on hire or exchange land. Power to provide offices &c.

15. At their first meeting the Board shall appoint one of their number to be chairman and another to be vice-chairman of the Board to hold office until the date of their annual meeting in the month of April one thousand nine hundred and twenty-four or until their respective successors are appointed and at such last-mentioned annual meeting and at each subsequent annual meeting or Chairman and vice-chairman.

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A.D. 1922. — at the earliest practicable meeting held after the date of any such meeting the Board shall similarly appoint a chairman and vice-chairman to hold office for the ensuing year and for such further period (if any) as shall elapse before their respective successors are appointed.

Minutes of proceedings &c.

16.—(1) A written or printed minute of proceedings of a meeting of the Board or of a committee signed at the same or at the next ensuing meeting by any person describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

(2) Until the contrary is proved every meeting of the Board or of a committee whereof a minute has been so made shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

Transfer to Board of existing asylums and rights and duties relating thereto.

17.—(1) As from the date of the first meeting of the Board the existing asylums shall by virtue of this Act be transferred to and vested in the Board together with all lands buildings hereditaments moneys and other property real or personal (including things in action) held or enjoyed with or vested in any authority or person in respect of the existing asylums immediately before that date.

(2) As from the date of the first meeting of the Board all rights powers duties obligations and liabilities of the councils as the local authorities under the Lunacy Acts 1890 and 1891 and the Asylums Officers' Superannuation Act 1909 and of the existing visiting committee shall subject to the express provisions and modifications contained in this Act be transferred to the Board and shall thereafter be vested in and attach to the Board. Provided that notwithstanding anything in this Act the powers of the Lunacy Act 1890 in relation to the provision and maintenance of asylums for private patients (whether established before or after the passing of this Act) shall be exerciseable by the councils as well as by the Board.

(3) Until the date of the first meeting of the Board the existing rights powers duties obligations and liabilities

of the county council and of the existing visiting committee and sub-committees thereof under the Lunacy Acts 1890 and 1891 shall continue and shall be exercised and discharged by the county council and the existing visiting committee and sub-committees thereof but as from the said date the existing visiting committee and the said sub-committees shall subject to the provisions of subsection (2) of this section be dissolved.

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18. The Minister of Health may by order on the application of the councils constitute the Board a local authority for the purposes of the Mental Deficiency Act 1913 for the area consisting of the entire county and by such order the Minister may transfer to the Board all or any of the powers and duties which the councils respectively possess under or by virtue of the Mental Deficiency Act 1913 and thereupon the Board and their officers shall have the powers and duties so transferred and be subject to all the provisions of the said Act relating to such transferred powers and duties as if the Board were a local authority for the purposes aforesaid and the powers and duties of the councils under the said Act shall upon any such order of the Minister of Health coming into effect cease and determine to the extent of the powers and duties so transferred to the Board.

Power to constitute Board a local authority for purposes of Mental Deficiency Act 1913.

The Minister shall have power by any such order to prescribe how the expenditure of the Board for the purposes of the transferred powers and duties shall be charged and allocated to and paid by the councils respectively.

An order of the Minister under this section may apply such of the provisions of this Act as the Minister shall prescribe with such modifications as may be considered by the Minister to be necessary to meet the circumstances of the case and any such order of the Minister may be revoked altered or varied by a further order of the Minister made upon the application of the councils or of the Board :

Provided that no further powers or duties shall be transferred by an amending order except with the consent of the councils.

19.—(1) At their first meeting and subsequently at their annual meeting in the month of April in each year the Board shall appoint out of their own body for each

Visiting and other committees.

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Act, 1922.

A.D. 1922. — of the asylums or if the Board think fit for any two or more of the asylums a visiting committee consisting of not less than seven members. The following sections of the Lunacy Act 1890 shall apply to each such visiting committee (that is to say):—

Section 171 (Vacancies to be filled up);

Section 172 (Duration of office) except subsection (1) thereof;

Section 173 (Examination of accounts);

Section 175 (Meetings of visiting committee) except subsection (1) thereof;

Section 176 (Clerk to visiting committee) except subsection (2) thereof:

Provided that three days shall be substituted for seven days in subsection (2) (B) of the said section 175.

(2) The members of a visiting committee (provided that they continue to be members of the Board) shall continue in office and shall constitute that committee until the first meeting of their successors.

(3) The Board shall also appoint out of their own body a finance committee and may appoint out of their own body such other committees either of a general or special nature and consisting of such number of persons as they think fit for any purposes which in the opinion of the Board would be better regulated and managed by means of such committees.

(4) The Board may delegate to any visiting or other committee appointed under subsection (1) or subsection (3) of this section such of their powers and duties (not being a power to borrow money or to raise contributions) as they may from time to time think fit but the acts of every such committee shall unless and except so far as the Board otherwise direct be submitted for approval to the Board.

(5) A visiting committee may appoint out of their number sub-committees and may (subject to any directions of the Board) delegate to any sub-committee such of the powers and duties delegated to them as they may from time to time think fit and may make regulations for the guidance of any sub-committee.

Transfer of officers.

20.—(1) Subject to the provisions of this section all officers and servants in the employment of the existing

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visiting committee or any sub-committee thereof immediately before the date of the first meeting of the Board shall on and from that date become officers and servants of the Board by the same tenure and upon and subject to the same terms and conditions as those by upon and subject to which they held their offices and positions under the existing visiting committee and sub-committees Provided that the clerk to the existing visiting committee shall not by virtue of his being transferred to and becoming an officer of the Board pursuant to this section become clerk to the Board.

(2) If by virtue of this Act or of anything done in pursuance or in consequence thereof any existing officer or servant of the existing visiting committee or any sub-committee thereof as aforesaid shall suffer any pecuniary loss by loss of office or diminution of salary or otherwise he shall be entitled to have compensation paid to him by the Board for such pecuniary loss and the said compensation shall subject as by this section provided be determined pursuant to the provisions of section 120 of the Local Government Act 1888 :

Provided that in construing the said section 120 for the purposes of this section the Minister of Health shall be deemed to be substituted for the Treasury in subsections (4) and (6) of that section.

21.—(1) All deeds minute books letter books books of account vouchers maps plans and other books documents and papers of a like nature which relate exclusively to any of the existing asylums shall become the property of the Board Provided that the county council shall be entitled to retain temporarily any such vouchers as aforesaid which may be required for the purposes of or in connexion with any audit of the accounts of the county council.

As to
custody of
books docu-
ments &c.

(2) The Board shall be entitled to inspection of all deeds minute books letter books books of account vouchers maps plans and other books documents and papers of a like nature which relate partially to any of the existing asylums so far as the same relate to such asylums.

22. All agreements awards bonds conveyances contracts covenants deeds leases mortgages and other acts and things made granted executed or done in relation to the existing asylums by with to or relating to the county

Saving for
contracts
deeds mort-
gages &c.

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A.D. 1922. — justices the county council or the existing visiting committee or any person or persons on their behalf respectively and in force at the commencement of this Act including the pension scheme adopted by the county council on the fourth day of August one thousand nine hundred and three for officials and servants of asylums shall continue as valid and effectual for all purposes in favour of against or with reference to the Board (as may be required in each case) as they were immediately before the commencement of this Act in favour of against or with reference to the county council and any enactment applying to or affecting the existing asylums or any of them shall (subject to the powers of delegation by this Act conferred upon the Board) continue to apply with the substitution of the Board for the county justices the county council or the existing visiting committee as may be required in each case.

Actions &c. not to abate. **23.** All actions arbitrations prosecutions or other proceedings or causes of proceeding pending or existing at the commencement of this Act by with against or in favour of the county council or the existing visiting committee in relation to the existing asylums may be continued or enforced and carried on by with against or in favour of the Board as may be required in each case.

Regulations to continue in force until repealed or altered. **24.** All rules and regulations in force at the commencement of this Act and relating to the existing asylums shall continue in force until repealed or altered in accordance with the provisions of the Lunacy Acts 1890 and 1891 or any statutory modification thereof for the time being in force.

Books &c. to be receivable in evidence. **25.** All books and documents which if this Act had not been passed would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed.

Provision of asylum accommodation and management of asylums. **26.**—(1) The Board shall be under the same obligation to provide and maintain asylum accommodation as if they were a local authority under and for the purposes of the Lunacy Act 1890 and shall so far as applicable have all the powers and be subject to all the liabilities and obligations conferred or imposed on local authorities and (subject and without prejudice to any delegation by the Board to any visiting committee or visiting committees) on visiting committees by Part IX. of that

Act as well as power to maintain alter improve and manage the existing asylums. A.D. 1922.

(2) Notwithstanding anything contained in the said Part IX. of the Lunacy Act 1890 it shall be lawful for the Board (subject and without prejudice to any such delegation as aforesaid) to exercise themselves and not by a visiting committee such of the powers thereby conferred as they may think fit.

(3) Nothing in the said Part IX. of the Lunacy Act 1890 contained shall be construed so as to require the approval or confirmation by any of the councils of any Act or proceeding of the Board or of a visiting committee appointed by the Board.

27.—(1) Subject to the provisions of this Act all Acts and things authorised or required by the Lunacy Acts 1890 and 1891 and the Asylums Officers' Superannuation Act 1909 to be done by to or with a local authority may be done by to or with the Board as if the Board were the local authority of the entire county. Adaptation
of provisions
of Lunacy
Acts.

(2) Subject to the provisions of this Act Part IX. (except sections 273 and 274 which relate to expenses and borrowing) and Part X. of the Lunacy Act 1890 shall if and so far as any visiting committee appointed under this Act is authorised by delegation from the Board to exercise such powers or any of them apply as if that committee were a visiting committee appointed under the said Lunacy Act 1890 and so far as such delegation shall not in the case of any visiting committee appointed under this Act extend the said Parts of the said Act (except as aforesaid and except provisions as to reports to and consent of the local authority) shall apply as if the Board were a visiting committee appointed under the said Lunacy Act 1890.

(3) For the general purposes of the Lunacy Acts 1890 and 1891 and the Asylums Officers' Superannuation Act 1909 as applied by this Act the term "asylum" in those Acts shall include all the asylums and any act or thing authorised or required by the said Acts or any of them to be done by or to any officer of a local authority or visiting committee may be done by or to any officer holding any corresponding office under this Act.

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PART III.

FINANCIAL.

Liability of
councils to
contribute
to county
asylums to
cease.

28. Save as provided by this Act all liability of the councils to contribute in respect of any county asylum shall cease as from the commencement of this Act.

Expenses
payable out
of asylums
fund.

29.—(1) All expenses of the Board shall be paid out of a fund to be called “the asylums fund” and all sums received by the Board shall be paid into that fund.

(2) All such sums as shall be necessary to defray the expenses of the Board (other than expenses to be charged to the guardians of poor law unions on account of the maintenance of patients or to be defrayed out of borrowed money) shall be raised by contributions to be made by the councils in manner hereinafter provided.

(3) The charge to be made for the maintenance of pauper lunatics shall be at a uniform rate in all the asylums and for that purpose any surplus arising on the accounts of any of the asylums shall be applied to meet the deficit arising on the accounts of any other of the asylums.

Excluding
operation of
certain
provisions of
Lunacy Act
1890.

30. Notwithstanding anything in this Act or in the Lunacy Act 1890 subsection (2) of section 271 (Provisions as to private patients in asylums) of the last-mentioned Act shall not apply for the purposes of this Act.

Amounts to
be contri-
buted by
county and
county
boroughs
respectively.

31. The Board shall at their first meeting or as soon as practicable thereafter estimate the total amounts required to be raised by contributions of the councils for the period commencing at the commencement of this Act and ending the thirty-first day of March one thousand nine hundred and twenty-four and shall before the first day of February one thousand nine hundred and twenty-four and before the first day of February in every subsequent year make the like estimate for the year commencing the first day of April then next ensuing and shall divide such amount between the county and the county boroughs in proportion to the aggregates of the periods of residence of the several pauper lunatics belonging to the county and to each of the county boroughs respectively in the asylums or in any other asylum or in any place where (having been sent to any of the asylums) any such lunatics have been boarded

out or sent out on trial by the Board or by any visiting committee appointed under this Act or by the county council or the existing visiting committee as shown by lists made out and signed pursuant to the provisions of the section of this Act of which the marginal note is "Clerk of Board to furnish returns as to lunatics" for the year ending the last preceding thirty-first day of December and the amount so apportioned shall subject to the provisions of the section of this Act of which the marginal note is "Payment by county boroughs of added sums" be contributed by the councils respectively in such proportions as aforesaid Provided that in estimating the total amount required for any period as aforesaid the Board may include any deficiency or shall give credit for any surplus in respect of the previous year.

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32.—(1) During a period of fifty years from the first day of April one thousand nine hundred and twenty-three the councils of the county boroughs of Stoke-on-Trent Walsall West Bromwich and Wolverhampton shall be jointly and severally liable for and shall pay to the Board in addition to the amounts to be contributed by them in accordance with the apportionment to be made by the Board as hereinbefore provided sums (hereinafter called "the added sums") amounting in the aggregate to four thousand one hundred and twenty-eight pounds for each half year.

Payment by
county
boroughs of
added sums.

The first payment of the added sums shall be due on the twenty-ninth day of September one thousand nine hundred and twenty-three and shall consist of two of such half-yearly payments The remaining payments shall become due half-yearly on each subsequent thirty-first day of March and thirtieth day of September during the said period of fifty years Each of such half-yearly amounts shall be credited in the accounts of the Board as if it had been paid by the county council and the councils of the county boroughs of Burton-upon-Trent Smethwick and Stoke-on-Trent respectively in the proportions following (that is to say):—

As respects the county council the sum of two thousand eight hundred and ninety-eight pounds;
As respects the council of the county borough of Burton-upon-Trent the sum of two hundred and seventy pounds;

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As respects the council of the county borough of Smethwick the sum of two hundred and ninety-four pounds; and

As respects the council of the county borough of Stoke-on-Trent the sum of six hundred and sixty-six pounds;

and the amounts to be contributed from time to time by those councils under this Act shall respectively be reduced by the amounts so to be credited to such councils.

(2) The amount payable by the county borough councils of Stoke-on-Trent Walsall West Bromwich and Wolverhampton in respect of each such half-yearly payment shall be paid by them to the Board on the dates aforesaid without any precept or demand from the Board and in case of default such amount with interest at the rate of five per centum per annum thereon from the date on which the same is payable shall be deemed to be a debt due from such councils jointly and severally to the Board and may be recovered by the Board from such councils or any of them in any court of competent jurisdiction.

(3) The added sums shall be deemed to be and shall be in full satisfaction and discharge of all claims which may have arisen or may arise in respect of any existing rights or interests of the respective councils in the asylums and the accommodation required for the patients from the respective areas of the said councils.

(4) If on or after the commencement of this Act a new county borough shall be constituted or an existing county borough shall be extended no claim shall be made by the county council or by the county borough councils of Burton-upon-Trent Smethwick and Stoke-on-Trent or any of them for any payment by way of increase in the amount of the added sums nor shall the council of any such new or extended county borough claim to participate therein and the added sums shall not be considered or taken into account in any adjustment arising out of the constitution or extension of a county borough.

(5) There shall be chargeable upon a copy of this Act in respect of the added sums a stamp duty of the same amount as would have been chargeable upon any instrument (as defined by the Stamp Act 1891) under

the seals of the county borough councils hereinbefore required to pay the added sums and the Board making provision as in this section made for the payment by those county borough councils to the Board of the added sums. A.D. 1922.

(6) As regards any duty so chargeable the Board shall within six months of the commencement of this Act produce to the Commissioners of Inland Revenue a King's Printer's copy of this Act duly stamped with the duty payable and in default of such production the duty with interest thereon at the rate of five per centum per annum until payment shall become a debt to His Majesty recoverable from the Board.

33. The proportions in which the councils of the county boroughs of Stoke-on-Trent Walsall West Bromwich and Wolverhampton shall as between themselves bear and contribute towards the added sums shall be ascertained from time to time in accordance as nearly as may be with the award dated the twenty-first day of June one thousand nine hundred and twenty-two of Lancelot Sackville Fletcher to whose decision the said councils referred the question of the basis upon which the contributions shall be determined and if any question shall arise between the said councils as to the effect of the said award or as to the amounts of the contributions to be paid by the councils respectively that question shall be determined by an arbitrator to be agreed upon by the said councils or failing such agreement to be appointed on the application of any one or more of the said councils (after notice in writing to the others or other of them) by the Minister of Health. Apportionment of added sums among county boroughs.

34.—(1) For the purpose of obtaining payment of the sums to be contributed by the councils respectively otherwise than by way of the added sums the clerk of the Board shall— Payment of contributions to asylums fund.

(a) as regards the year commencing at the commencement of this Act and ending on the thirty-first day of March one thousand nine hundred and twenty-four as soon as practicable after the first meeting of the Board; and

(b) as regards any year commencing on any subsequent first day of April before such first day of April

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A.D. 1922. — send to the county council and to each of the county borough councils a precept (which may be in the form in the Fifth Schedule to this Act or to the like effect) for payment of the amount to be contributed by such council.

(2) Precepts may (in addition to being prospective) be made retrospective in order to raise money for the payment of expenses which have been incurred or of sums which have become payable at any time within six months before the date of the precept and the contributions required by any such precept to be made may be made payable either in one sum or in two half-yearly sums. Provided that no such sum shall be required to be paid earlier than one month after the date of the precept.

(3) The councils shall respectively order the required amount of contributions to be paid to the treasurer of the Board out of the county fund or borough fund as the case may be at the time or times appointed by the precept.

(4) The amount stated in any precept of the Board with interest at the rate of five per centum per annum on such amount from the date when the same is required by such precept to be paid shall be deemed to be a debt due to the Board from the council to whom such precept is addressed and may be recovered by the Board from such council in any court of competent jurisdiction.

(5) If any difference shall arise between the Board and any of the councils concerning any precept such difference shall be referred to a single arbitrator to be agreed upon between the parties in difference or failing such agreement to be appointed on the application of either of such parties by the Minister of Health and the Arbitration Act 1889 shall apply as if the arbitration were pursuant to a submission.

Alternative
remedy to
Board in
case of
default by
councils.

35. If any of the councils fail to pay any sum due from them to the Board at or within the time for payment thereof in accordance with the provisions of this Act the Board may in addition to all other remedies available to them under or by virtue of this Act proceed for recovery thereof in manner following (that is to say) :—

The Board may by precept empower some officer of the Board to raise by means of a rate to be assessed upon the like property and to be made

levied and collected in like manner and with the like powers and authorities as the rate out of which the amount in arrear ought to have been paid by the defaulting council such sum (the amount to be specified in the precept) as in the opinion of the Board will be sufficient to pay the amount so in arrear and interest and all expenses incurred in consequence of the non-payment thereof and the expenses of levying and collecting such rate and any officer of the Board so empowered shall have the like powers of assessing making levying and collecting rates and of issuing precepts and of requiring officers of the defaulting council to account as the defaulting council would have under any Act or otherwise and the officer of the Board so empowered after paying all money payable under the precept shall pay any residue of the money received by him (the amount to be ascertained by the Board) to the defaulting council.

A.D. 1922.

36. All sums of money for the maintenance treatment and care of lunatics and rents and other sums at the commencement of this Act due or accruing due to the county council or the existing visiting committee in respect of the existing asylums may be collected and recovered by the Board.

Recovery of
outstanding
debts &c.

37.—(1) All sums due and payable after the commencement of this Act (whether on account of principal interest sinking fund or other expenses incidental thereto) in respect of the loans specified in the Second Schedule to this Act or any of them and in respect of all other loans (if any) contracted by the county council for asylum purposes shall be paid and discharged by the county council as if this Act had not been passed and the Board shall not later than the thirty-first day of January one thousand nine hundred and twenty-four and not later than each subsequent thirty-first day of July and thirty-first day of January while any such loans are outstanding pay to the county council a sum equal to the aggregate amount which will during the period of six months after such respective dates become due from the county council in respect of such loans Provided that the county council shall give credit for the realised

As to exist-
ing capital
indebted-
ness.

A.D. 1922. value or income of any sinking fund applicable to the
— repayment of such loans.

(2) The Board shall as early as practicable and in any case not later than the first day of October one thousand nine hundred and twenty-three repay or pay to the county council the amount (if any) paid or which will be payable by the county council in respect of such loans as aforesaid during the period from the first day of April one thousand nine hundred and twenty-three to the thirty-first day of January one thousand nine hundred and twenty-four both days included.

(3) If any such payment or repayment by the Board to the county council as is hereinbefore referred to is not made on or before the date hereinbefore specified with respect thereto the Board shall pay to the county council an additional sum equivalent to interest at the rate of five per centum per annum thereon from such date.

Power to
borrow.

38.—(1) The Board may from time to time borrow at interest (a) for paying the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act (including the amounts repayable by the Board to the county borough councils under the provisions of the section of this Act of which the marginal note is "Costs of Act") the sum requisite for that purpose and (b) with the consent of the Minister of Health such further sums of money as may be required for any purpose to which capital is properly applicable under the Lunacy Act 1890 or this Act.

(2) In order to secure the repayment of the moneys borrowed under this Act and the payment of interest thereon the Board may mortgage and charge the asylums fund and the contributions to be made by the councils to the Board under this Act including for that purpose the added sums so long as they shall continue to be payable.

Mode of
raising
money.

39.—(1) The Board may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others and for the purposes of such issue under the Local Loans Act 1875 the Board shall be

deemed a local authority under that Act and the contributions to be made under this Act by the councils (including the added sums so long as they shall continue to be payable) shall be deemed to be the local rate as defined by the said Act. Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

(2) The Board shall be deemed to be an urban authority within the meaning of Part V. (Stock) of the Public Health Acts Amendment Act 1890 and to have adopted that Part of that Act. Provided that the Minister of Health may by order make all such variations additions amendments and adaptations of all or any of the provisions contained in that Part of the said Act or in the regulations made thereunder as may be necessary to make the same applicable.

(3) All mortgages debentures annuity certificates and stock granted created or issued by the Board under any statutory borrowing power shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the granting creation or issue of the security or on any other account whatsoever.

(4) The provisions contained in sections 236 to 239 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority shall apply in the case of all mortgages granted under this Act except where any such provisions are expressly altered or varied by this Act and for the purposes of such application the term "local authority" in the said provisions shall be construed to mean the Board and the term "rates" shall be construed to mean the contributions to be made by the councils to the Board under this Act including the added sums so long as they shall continue to be payable. Provided that the mortgages issued by the Board and transfers thereof may be in the forms contained in the Sixth Schedule to this Act or to the like effect.

(5) Any receiver appointed under the said provisions of the Public Health Act 1875 as applied to this Act shall be entitled to receive the amounts apportioned by the Board to the councils respectively under the provisions of the section of this Act of which the marginal

A.D. 1922. note is "Amounts to be contributed by county and county boroughs respectively" and also the added sums and in case the Board at any time neglect or refuse to make such apportionment or to recover the amount of the contributions to be made by the councils or any of them to the Board under this Act or to recover the added sums or any part of any such contribution or sum the receiver shall in every such case be entitled to make such apportionment and to exercise all or any of the powers by or under the provisions of this Act conferred on the Board for recovering the amounts so apportioned or for recovering the added sums or any part thereof (as the case may be).

Periods for payment off of money borrowed.

40. The Board shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act respectively referred to as "the prescribed period") following (that is to say):—

As to moneys borrowed for the purpose (a) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within five years from the date of the commencement of this Act;

As to moneys borrowed with the consent of the Minister of Health within such period not exceeding sixty years as the said Minister may think fit to sanction.

Method of payment off of money borrowed.

41. The Board shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Sinking fund.

42.—(1) If the Board determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either—

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the

repayment of which the sinking fund is formed A.D. 1922.
A sinking fund so formed is hereinafter called
“ a non-accumulating sinking fund ” ; or

- (b) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three and a half per centum per annum or such higher rate as the Minister of Health may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called “ an accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the moneys in respect of which the sinking fund is formed be immediately invested in statutory securities the Board being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Board towards the equal annual payments to the fund.

(4) The Board may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Board shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(a) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any deficiency shall be made good by the Board.

(b) If and so often as the income of an accumulating sinking fund is in excess of the income which would be

A.D. 1922: derived from the amount invested if the same were invested at the rate per centum per annum on which the equal annual payments to the fund are based any such excess may be applied towards such equal annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Board in like manner as the payments provided for by this Act.

(7) If it appears to the Board at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Board to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided that when it appears to the Minister of Health that any such increase is necessary the Board shall increase the payments to such extent as the Minister of Health may direct.

(8) If the Board desire to accelerate the repayment of any moneys they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Board may reduce the payments to be made to the sinking fund either temporarily or permanently to such an extent as the Minister of Health shall approve.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Minister of Health be sufficient to repay the moneys in respect of which it is formed within the prescribed period the Board may with the consent of

the Minister of Health discontinue the equal annual payments to such sinking fund until the Minister of Health shall otherwise direct. A.D. 1922.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purposes as the Board with the consent of the Minister of Health may determine.

43. The Board may at any time apply the whole or any part of any sinking fund as follows:— Power to use sinking fund in lieu of borrowing.

- (1) Where the Board are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose any money for the time being forming part of the sinking fund and moneys so raised shall for the purposes of this Act be deemed to be moneys borrowed under a statutory borrowing power. Provided that when exercising this power the Board shall—

(a) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;

(b) Credit the sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of such sinking fund under subsection (4) of the section of this Act of which the marginal note is "Sinking fund";

(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from the sinking fund and thereupon the borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the

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issue of a fresh security and the provisions of this Part of this Act as to repayment and re-borrowing shall apply thereto accordingly :

Provided also that the powers of this section shall not extend to any sinking fund set aside by the Board for the repayment of any moneys borrowed with respect to which the mortgage or other security specifies the borrowing power under which such money is raised :

- 2) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875 :
- (3) The Board shall furnish all such information (if any) to the Minister of Health with regard to the exercise of the powers contained in this section as the said Minister shall require.

Protection of lender from inquiry.

44. A person lending money to the Board under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Board not to regard trusts.

45. The Board shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Board shall be a sufficient discharge to the Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Board have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or any interest therein not entered in their register.

Power to re-borrow.

- 46.—(1) The Board shall have power to borrow—
- (a) For the purpose of paying off any moneys previously borrowed under this Act which are intended to be forthwith repaid; or
 - (b) In order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Board in

repaying any such moneys as are referred to in the foregoing paragraph (a) and which at the time of such repayment it was intended to replace by borrowed moneys. A.D. 1922.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Board shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Board shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (a) by instalments or annual payments; or
- (b) by means of a sinking fund; or
- (c) out of moneys derived from the sale of land; or
- (d) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

47.—(1) The treasurer of the Board shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Minister of Health may require such a return to be made transmit to the Minister of Health a return in such form as may be prescribed by the said Minister and if required by the said Minister verified by statutory declaration of the treasurer of the Board showing for the year next preceding the making of such return or for such other period as the Minister of Health may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated

Return to
Minister of
Health as
to repay-
ment of
debt.

A.D. 1922. and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the treasurer of the Board shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister of Health out of the High Court.

(2) If it appears to the Minister of Health by that return or otherwise that the Board have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Minister of Health in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Minister of Health may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Minister of Health out of the High Court.

Application
of money
borrowed.

48. Moneys borrowed or raised by the Board under this Act shall be applied only to the several purposes in respect of which they were respectively authorised to be borrowed or raised and to which capital is properly applicable.

Proceeds of
sale of sur-
plus lands.

49. The proceeds of the sale of any lands or other property of the Board under the powers of this Act and the fines and premiums on any leases granted by the Board under this Act and any other moneys received on capital account under this Act shall be distinguished as capital in the accounts of the Board and shall be applied

in discharge of any moneys borrowed by the Board under this Act but shall not be applied to the payment of instalments or to payments into any sinking fund except to such extent and upon such terms as may be approved by the Minister of Health and borrowed money discharged by the application of such sums shall not be re-borrowed. A.D. 1922.

50. For the purpose of providing temporarily during any financial year for their current expenses and after the commencement of such year it shall be lawful for the Board to borrow by way of temporary loan or of temporary overdraft on any current account of the Board with any banker or on temporary loan on deposit receipt from any person and in either case at such rate of interest as they may determine such sums as they may from time to time resolve not exceeding in the aggregate at any time an amount equal to one-fourth of the total aggregate amount of their expenses on revenue account for the immediately preceding financial year and any amount so borrowed together with the interest thereon shall until payment or discharge form a charge by virtue of this Act upon the asylums fund and the contributions to be made by the councils to the Board under this Act (including the added sums so long as they shall continue to be payable) *pari passu* with any bond mortgage stock or other security affecting the same and it shall further be lawful for the Board instead of resorting to the powers conferred by the foregoing provisions of this section to utilise for providing temporarily for any such expenses any sinking funds which they may have on hand crediting the said sinking funds with such fair rate of interest not being less than the rate per centum per annum on which the equal annual payments to such sinking funds are based as they may resolve Provided that—

As to temporary borrowing.

(a) All sums so borrowed together with the interest thereon shall be repaid or discharged during the financial year in which they were borrowed or within three months after the expiration of such year :

(b) The treasurer of the Board shall within forty-two days after the end of each financial year furnish to the Minister of Health a special report showing precisely the operation of the powers of this section during such year and such

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report shall be in such form and shall contain such information as the said Minister shall approve or require :

- (c) After the receipt of the said report or if no such report shall be furnished within the said period of forty-two days then at any time after the expiration of that period the Minister of Health may make such investigation as may be necessary to satisfy himself that the requirements of this section as to repayment have been complied with and if it appear to the Minister of Health by the said report or by such investigation that the Board have failed to comply with the requirements of this section as to repayment the Minister of Health may serve upon the Board a notice in writing requiring them to show cause why an order should not be made directing the Board to take such steps in the matter as may be specified in the notice and if after considering any representations made to him by the Board the Minister of Health thinks fit he may make such an order accordingly and if the Board shall fail to comply therewith within such period as may be specified in the order the Minister of Health may make a further order suspending the powers of this section for such period as he may think fit.

Securities of Board to be statutory securities.

51. For the purposes of any enactment or regulation relating to the investment by any of the councils of any moneys standing to the credit of any sinking fund or redemption fund or of any other moneys any nominal or inscribed stock bond debenture mortgage or other security (except any security transferable by delivery) issued or granted by the Board under the authority of this Act shall be deemed to be a statutory security.

As to credit balances.

52. Any balances at the date of the first meeting of the Board standing to the credit of the existing visiting committee relating to the existing asylums shall be dealt with in manner following (that is to say) :—

- (1) Balances on patients maintenance account and all sums due to the existing visiting committee on such account together with balances on

private patients account and on out-county patients account shall be transferred to the asylums fund : A.D. 1922.

- (2) Balances on building and repairs fund account shall be credited to the accounts of the councils respectively in proportion to their respective contributions to the said building and repairs fund account for the year ending the thirty-first day of March one thousand nine hundred and twenty-three.

53. The accounts of the income and expenditure of the Board and of committees of the Board shall be made up to the end of each financial year ending on the thirty-first day of March. Accounts of Board.

54. The accounts of the Board and of committees of the Board and of their officers shall be audited by the district auditors appointed by the Minister of Health in like manner as accounts of an urban authority and their officers under sections 247 and 250 of the Public Health Act 1875 and those sections and all enactments amending them or applying to the audit of the accounts of a local authority by district auditors shall apply in like manner as if (so far as they relate to an audit of the accounts of an urban authority and the officers of such authority) they were herein re-enacted with the necessary modifications. Audit of accounts of Board.

PART IV.

MISCELLANEOUS.

55. The clerk to the guardians of every union which is not wholly contained in the county or in a single county borough shall as soon as conveniently may be after the admission of every pauper lunatic sent from such union to any of the asylums transmit to the clerk of the Board a certificate stating the name of the lunatic and the administrative county or county borough within which the township of settlement of such lunatic is situate. Clerks to boards of guardians to furnish certificates as to settlement of certain lunatics.

56.—(1) The clerk of the Board shall as soon as practicable after the first meeting of the Board and also not later than the first day of March one thousand nine hundred and twenty-four and each subsequent first day of March make out in respect of every union wholly or partly within the entire county and sign and send to Clerk of Board to furnish returns as to lunatics.

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the clerk of the county council and to the town clerk of each of the county boroughs a true and complete list in duplicate in the form in the Seventh Schedule to this Act or to the like effect of all pauper lunatics belonging to the county and to each of the county boroughs who have within the year ending the preceding thirty-first day of December been resident in any of the asylums or in any other asylum or in any other place where (having been sent to any of the asylums) any of such lunatics have been boarded out or sent out on trial by the Board or by any visiting committee appointed under this Act or by the county council or the existing visiting committee and showing the period of residence of every such lunatic within such year in the asylums or any of them and in any such other asylum or place.

(2) For the purposes of this Act—

(a) A pauper lunatic who—

(i) is chargeable to any union wholly contained in the county; or

(ii) being chargeable to a union not wholly contained in the county is settled in any parish or place in the county; or

(iii) has been adjudged chargeable to the county under the provisions of the Lunacy Act 1890

shall be deemed to belong to the county; and

(b) A pauper lunatic shall be deemed to belong to that county borough—

(i) in which the union to which he is chargeable is wholly contained; or

(ii) (where the union to which he is chargeable is not wholly contained in any county borough) in which the parish or place in which he is settled is situate; or

(iii) to which he has been adjudged chargeable under the provisions of the Lunacy Act 1890.

As to
county
boroughs
hereafter
constituted.

57. If at any time after the commencement of this Act any new county borough shall be constituted in the county the provisions of this Act shall apply to such county borough and to the council thereof as if such county borough had been named in the Third Schedule to this Act and as if the number specified opposite to the name of such borough in the said schedule had been one

and as if such council were one of the councils Subject
to revision under the section of this Act whereof the
marginal note is "Revision of number of members of
Board" the number of members of the Board shall by
virtue of this Act be increased by one upon the consti-
tution of any such new county borough as aforesaid.

A.D. 1922.

58. Such of the provisions of the Local Government
Act 1888 and of the Lunacy Acts 1890 to 1911 as con-
stitute the council of the borough of Newcastle-under-
Lyme a separate local authority for the purpose of
providing asylum accommodation shall cease to have
effect as from the commencement of this Act.

Council of
Newcastle-
under-Lyme
to cease to be
a local
authority for
providing
asylum ac-
commodation.

59. The clerk of the Board shall send to the clerk
of each of the councils annually a copy of the annual
report of the Board and abstract of accounts as sent to
the Board of Control and a sufficient number of copies
of such report and abstract for transmission to each
member of such councils.

Annual
report and
abstract of
accounts to
be sent to
councils.

60.—(1) Where in the judgment of the Board it is
expedient for the Board to apply to Parliament for the
repeal amendment or extension of any Act for the time
being relating to or affecting the Board or for any
alteration or extension of their powers or otherwise in
connection with the asylums they may pay out of the
asylums fund the costs and expenses attending such
application as taxed by the taxing officer of the House
of Lords or of the House of Commons.

Power to
promote
and oppose
Bills in
Parliament.

(2) No expenses in relation to any such application
shall be paid as aforesaid unless incurred in pursuance of
a resolution passed at a meeting of the Board by an
absolute majority of the whole number of the Board
after ten clear day's notice by public advertisement
of such meeting and of the purpose thereof in two news-
papers published or circulating in the county such notice
to be in addition to the ordinary notices required for
summoning such meeting.

(3) No further expense shall be incurred or paid as
aforesaid after the deposit of the Bill unless the propriety
of the promotion of the Bill shall be confirmed by such
absolute majority at a further meeting of the Board to
be held in pursuance of a similar notice not less than
fourteen days after the deposit of the Bill in Parliament
nor unless the said resolution shall have received the
approval of the Ministry of Health.

A.D. 1922.

(4) The Board may oppose any Bill in Parliament which in their judgment it is expedient in the interests of the Board or of the asylums to oppose and may pay out of the asylums fund the costs and expenses attending such opposition as taxed by the taxing officer of the House of Lords or of the House of Commons.

(5) All costs and expenses paid or incurred by the Board under this section shall as between the Board on the one hand and the councils on the other hand be deemed to have been paid or incurred under and for the purposes of the Lunacy Acts 1890 and 1891.

Inquiries by
Ministry of
Health.

61.—(1) The Ministry of Health may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consent or approval under this Act and the inspectors of the Ministry of Health shall for the purposes of any such inquiry have all such powers as inspectors of the Ministry of Health have for the purposes of inquiries directed by that Ministry under the Public Health Act 1875.

(2) The Board shall pay to the Ministry of Health any expenses incurred by such Ministry in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by such Ministry not exceeding three guineas a day for the services of such inspector.

Costs of Act.

62.—(1) The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall in the first instance be paid by the county council out of the county fund.

(2) The costs charges and expenses incurred by the county borough councils in relation to the Bill for this Act as taxed as aforesaid shall in the first instance be paid by such councils respectively out of any of their funds or rates.

(3) The Board shall within three months after the commencement of this Act repay to the councils respectively out of moneys to be borrowed by the Board under the powers of this Act the amounts so paid by the councils respectively as aforesaid.

THE SCHEDULES referred to in the foregoing Act.

A.D. 1922.

FIRST SCHEDULE.

ASYLUMS AND ASYLUM PROPERTY.

| Asylums. | Asylum Property. |
|---|---|
| 1. The Stafford Asylum - 2. The Burntwood Asylum - 3. The Cheddleton Asylum - All situate in the county of Stafford. | All lands buildings and hereditaments constituting or forming part of the asylums named in this schedule All other property real and personal (including things in action) held or enjoyed exclusively in respect of such asylums. |

SECOND SCHEDULE.

PARTICULARS OF LOANS FOR ASYLUM PURPOSES OUTSTANDING ON 31ST MARCH 1922.

| Name of Asylum. | Mortgagee. | Number of Loan. | Original amount of Loan. | Rate per Cent. | Amount outstanding at 31st March 1922. |
|-----------------|-----------------------------------|-----------------|--------------------------|----------------|--|
| Stafford Asylum | Staffs. County 3 per cent. Stock. | 11 (Stock) | £ 4,000 0 0 | 3 | £ 4,000 0 0 |
| | do. | 18 do. | 1,040 0 0 | 3 | 1,040 0 0 |
| | Police Pension Fund | 1 (P. P. F.) | 1,441 12 1 | 3½ | 706 0 0 |
| | General County Capital Moneys. | 10 (Capital) | 5,550 0 0 | 3½ | 4,070 0 0 |
| | | | | | |

A.D. 1922.

| Name of Asylum. | Mortgagee. | Number of Loan. | Original amount of Loan. | Rate per Cent. | Amount outstanding at 31st March 1922. |
|--------------------------------|---|-----------------|--------------------------|-----------------|--|
| | | | £ s. d. | | £ s. d. |
| Burntwood Asylum. | Staffs. County 3 per cent. Stock. | 2 (Stock) | 2,924 0 0 | 3 | 653 8 |
| | do. | 5 do. | 18,368 0 0 | 3 | 16,846 11 |
| | do. | 16 do. | 2,800 0 0 | 3 | 2,800 0 |
| | do. | 17 do. | 3,200 0 0 | 3 | 3,200 0 |
| | do. | 22 do. | 500 0 0 | 3 | 500 0 |
| | do. | 36 do. | 6,050 0 0 | 3 | 6,050 0 |
| | do. | 38 do. | 2,000 0 0 | 3 | 2,000 0 |
| | do. | 39 do. | 840 0 0 | 3 | 840 0 |
| | do. | 40 do. | 750 0 0 | 3 | 750 0 |
| | Police Pension Fund | 3 (P. P. F.) | 26,000 0 0 | 2 $\frac{3}{4}$ | 2,000 0 |
| | do. | 4 do. | 12,117 0 0 | 2 $\frac{3}{4}$ | 1,384 0 |
| | do. | 5 do. | 1,200 0 0 | 3 | 320 0 |
| | do. | 6 do. | 296 17 6 | 3 | 87 0 |
| | do. | 7 do. | 3,850 0 0 | 3 $\frac{1}{2}$ | 1,114 0 |
| | do. | 8 do. | 1,360 0 0 | 3 $\frac{3}{4}$ | 661 0 |
| | do. | 9 do. | 2,694 0 0 | 3 $\frac{5}{8}$ | 1,974 0 |
| | do. | 44 do. | 1,385 0 0 | 5 | 1,385 0 |
| General County Capital Moneys. | 11 (Capital) | 6,460 0 0 | 3 $\frac{1}{2}$ | 4,732 0 | |
| | | | | | 47,296 19 |
| Cheddleton Asylum. | Staffs. County 3 per cent. Stock. | 1 (Stock) | 12,750 0 0 | 3 | 2,109 12 10 |
| | do. | 3 do. | 164,250 0 0 | 3 | 30,846 0 |
| | do. | 12 do. | 17,800 0 0 | 3 | 10,633 10 |
| | do. | 14 do. | 1,500 0 0 | 3 | 1,500 0 |
| | do. | 26 do. | 8,555 0 0 | 3 | 8,555 0 |
| | do. | 27 do. | 8,892 0 0 | 3 | 2,892 0 |
| | do. | 28 do. | 5,500 0 0 | 3 | 5,500 0 |
| | do. | 29 do. | 5,016 0 0 | 3 | 5,016 0 |
| | do. | 30 do. | 1,174 0 0 | 3 | 1,174 0 |
| | do. | 35 do. | 8,000 0 0 | 3 | 8,000 0 |
| | do. | 37 do. | 7,000 0 0 | 3 | 7,000 0 |
| | Police Pension Fund | 10 (P. P. F.) | 2,995 0 0 | 3 | 122 0 |
| | do. | 11 do. | 4,844 0 0 | 3 $\frac{1}{2}$ | 2,422 0 |
| | do. | 13 do. | 1,373 0 0 | 3 $\frac{1}{2}$ | 684 0 |
| | do. | 14 do. | 1,465 0 0 | 5 | 482 15 |
| | do. | 42 do. | 4,240 0 0 | 5 | 4,098 0 |
| | General County Capital Moneys. | 12 (Capital) | 6,231 0 0 | 3 $\frac{1}{2}$ | 4,567 0 |
| do. | 13 do. | 6,650 0 0 | 3 $\frac{1}{2}$ | 4,874 0 | |
| do. | 14 do. | 1,589 0 0 | 3 $\frac{1}{2}$ | 1,099 0 | |
| do. | 20 do. | 4,400 0 0 | 5 | 4,252 0 | |
| Bondholders | { Bonds (1901 and 1921) | 7,519 0 0 | 3 $\frac{1}{4}$ to 6 | 6,800 0 | |
| do. | Bonds (1909) | 32,000 0 0 | 3 $\frac{5}{8}$ | 17,000 0 | |
| | | | | | 129,626 19 |
| | Staffs. County 3 per cent. Stock (Cost of creation and issue of stock for asylum purposes). | 8 (Stock) | 1,013 14 4 | 3* | 975 2 |

THIRD SCHEDULE.

NUMBER OF MEMBERS OF THE BOARD TO BE ELECTED BY COUNCILS OF THE COUNTY BOROUGHES. A.D. 1922.

| Name of County Borough. | Number of Members. |
|-----------------------------|--------------------|
| Burton-upon-Trent - - - - - | Two. |
| Smethwick - - - - - | Three. |
| Stoke-on-Trent - - - - - | Eleven. |
| Walsall - - - - - | Four. |
| West Bromwich - - - - - | Three. |
| Wolverhampton - - - - - | Four. |

FOURTH SCHEDULE.

MEETINGS AND PROCEEDINGS OF MENTAL HOSPITALS BOARD.

1. The first meeting of the Board shall be held as soon as conveniently may be after the first day of April one thousand nine hundred and twenty-three and shall be summoned by the clerk of the county council. First meetings and other meetings.

The Board shall hold a meeting in the month of April one thousand nine hundred and twenty-four and in every subsequent year to be called the annual meeting.

Other meetings shall be held at such time and place as the Board from time to time resolve.

2. The chairman may at any time call a meeting. If the chairman refuses to call a meeting after a requisition for that purpose signed by five members of the Board has been presented to him any five members of the Board may forthwith on that refusal call a meeting. If the chairman (without so refusing) does not within seven days after such presentation call a meeting any five members of the Board may on the expiration of those seven days call a meeting. Summoning meetings.

3. Three clear days at least before any meeting of the Board (other than the first meeting) a summons to attend the meeting specifying the business proposed to be transacted thereat and Notice of meetings.

[Ch. xcii.] *Staffordshire Asylums* [12 & 13 GEO. 5.]
Act, 1922.

A.D. 1922. signed by the chairman or clerk of the Board shall be left at or sent by post addressed to the usual place of abode of every member of the Board. Want of service of the summons on any member of the Board shall not affect the validity of a meeting.

Quorum. 4. To constitute a meeting of the Board there must be at least ten members present.

Chairman of meetings. 5. The chairman of the Board or in his absence the vice-chairman of the Board shall be the chairman at every meeting.

In the absence of both the chairman and vice-chairman the members then present shall choose one of their number to be chairman of that meeting.

Decision of questions at meetings. 6. All acts of the Board and all questions coming or arising before the Board may be done and decided by the majority of such members of the Board as are present and vote at a meeting held in pursuance of this Act.

In case of equality of votes the chairman of the meeting shall have a second or casting vote.

Minutes. 7. Minutes of the proceedings of every meeting of the Board shall be drawn up and fairly entered in a book kept for that purpose or printed in manner prescribed by the Board and shall be signed by the chairman of the meeting or of the next ensuing meeting.

Standing orders. 8. Subject to the provisions of this Act and to the foregoing provisions of this schedule the Board may from time to time make standing orders for the regulation of their proceedings and business and vary or revoke the same.

FIFTH SCHEDULE.

FORM OF PRECEPT.

The Staffordshire Mental Hospitals Board to wit. { To the county council of Stafford (or the council of the county borough of).

* If the sum mentioned in the precept is to be payable in two instalments this form must be altered accordingly.

These are to require you the county council of Stafford (or the council of the county borough of) from and out of the county (or borough) fund to pay* on or before the day of into the hands of treasurer of the Staffordshire Mental Hospitals Board the sum of being the proportion payable by the said council of the amount required

for the expenses incurred or to be incurred up to the day of _____ by the said Board and if such fund be insufficient to raise the requisite amount by means of a rate.

A.D. 1922.

Given under the common seal of the Staffordshire Mental Hospitals Board in pursuance of a resolution of the Board this _____ day of _____ in the presence of _____

Clerk of the Board

19 .

NOTE.—Section 34 of the Staffordshire Asylums Act 1922 contains the following provision :—

“The amount stated in any precept of the Board with interest at the rate of five per centum per annum on such amount from the date when the same is required by such precept to be paid shall be deemed to be a debt due to the Board from the council to whom such precept is addressed and may be recovered by the Board from such council in any court of competent jurisdiction.”

SIXTH SCHEDULE.

FORM OF MORTGAGE.

By virtue of the Staffordshire Asylums Act 1922 we the Staffordshire Mental Hospitals Board being a body having the powers of a local authority under the Lunacy Acts 1890 to 1911 for the administrative county of Stafford and the county boroughs of Burton-upon-Trent Smethwick Stoke-on-Trent Walsall West Bromwich and Wolverhampton in consideration of the sum of _____ pounds paid to the treasurer of the said Board by _____ of _____ (hereinafter referred to as “the mortgagee”) do grant and assign unto the mortgagee his executors administrators and assigns such proportion of the asylums fund of the said Board and of the contributions to be made to the said Board by the councils of the said administrative county and of the said county boroughs respectively by virtue of the said Staffordshire Asylums Act 1922 (including the added sums referred to in that Act so long as they shall continue to be payable) as the said sum so paid doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said asylums fund and contributions to hold to the mortgagee his executors administrators and assigns from the day of the date hereof until

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Act, 1922.

A.D. 1922. the said sum of _____ pounds with interest at
the rate of _____ per centum per annum for the same shall be
fully paid and satisfied and it is hereby declared that the said
principal sum shall be repaid on the _____ day of _____
at [place of payment].

Dated this _____ day of _____ one
thousand nine hundred and _____

[To be sealed with the common seal of the Board.]

FORM OF TRANSFER OF MORTGAGE

STAFFORDSHIRE ASYLUMS ACT 1922.

I [the within named] _____ [of _____] in con-
sideration of the sum of _____ pounds paid to me by
_____ of _____ (hereinafter
called "the transferee") do hereby transfer to the transferee
[his] executors administrators and assigns [the within-written
security] [a certain mortgage number _____ register folio
_____ bearing date the _____ day of _____ and
granted by the Staffordshire Mental Hospitals Board for securing
the sum of _____ pounds and interest thereon at the rate
of _____ per centum per annum] and all my right and interest
under the same subject to the several conditions on which I hold
the same at the time of the execution hereof and I the transferee
for myself my executors administrators and assigns do hereby
agree to take the said mortgage security subject to the same
conditions.

Dated this _____ day of _____ one
thousand nine hundred and _____

SEVENTH SCHEDULE.

STAFFORDSHIRE ASYLUMS ACT 1922.

UNION OF _____

A true and complete list of pauper lunatics belonging to the
administrative county of Stafford (and) (or) to the county borough
of _____ within the union of _____ and who
have within the year ending the thirty-first day of December
one thousand nine hundred and _____ been resident in the
asylums of the Staffordshire Mental Hospitals Board or in any
other asylum or in any other place where they have been boarded
out or sent out on trial by [the Hospitals Board*] or by a visiting

[12 & 13 GEO. 5.] *Staffordshire Asylums* [Ch. xcii.]
Act, 1922.

committee and showing the period of residence within such year of every such lunatic either in the said Asylums or in any such other asylum or place. A.D. 1922.

Lunatics sent from the Administrative County.

| Con-secutive Number. | Name. | Age. | Sex. | Period of Residence. | | | |
|----------------------|-------|------|------|----------------------|----|--------|-------|
| | | | | From | To | Weeks. | Days. |
| | | | | | | | |

*NOTE.—In the lists to be made out as soon as practicable after the first meeting of the Board the words “the county council of Staffordshire” are to be substituted for the words “the Hospitals Board” and in the lists to be made out on or before the first day of March one thousand nine hundred and twenty-four the words “the county council of Staffordshire or” are to be inserted before the words “the Hospitals Board.”

Lunatics sent from the County Borough of

| Con-secutive Number. | Name. | Age. | Sex. | Period of Residence. | | | |
|----------------------|-------|------|------|----------------------|----|--------|-------|
| | | | | From | To | Weeks. | Days. |
| | | | | | | | |

Signed by me the _____ day of _____
A.B.
 Clerk to the Staffordshire Mental Hospitals Board.

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