



CHAPTER xxv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Alexander Scott's Hospital. A.D. 1931.
[11th June 1931.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63
Vict. c. 47.
16 & 17
Geo. 5. c. 18.

Be it therefore 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:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Alexander Scott's Hospital Order Confirmation Act 1931. Short title.

A.D. 1931.

SCHEDULE.

ALEXANDER SCOTT'S HOSPITAL.

Provisional Order to extend the qualifications for the admission of inmates to Alexander Scott's Hospital to confirm an agreement with the managing committee of the Huntly Jubilee Cottage Hospital and for other purposes.

WHEREAS by Alexander Scott's Hospital Act 1868 (hereinafter referred to as "the Act of 1868") the trustees and managers of Alexander Scott's Hospital (hereinafter referred to as "the Trustees") were incorporated and further powers were conferred upon them in connection with the admission of inmates to the hospital and the administration of the trusts and trust properties and funds of the trust disposition and deed of settlement of Alexander Scott of Craibstone in the county of Aberdeen deceased dated the 8th day of June 1824 and registered in the books of council and session the 8th day of July 1833 (hereinafter referred to as "the trust disposition of 1824") which trusts are defined in the trust disposition of 1824 as being inter alia for the purpose of erecting establishing and endowing a hospital or receptacle for the maintenance aliment clothing and lodging of old men and old women in the town of Huntly having the description or qualifications set forth in the trust disposition of 1824 which hospital or receptacle was to be known styled and called by the title of Alexander Scott's Hospital (hereinafter referred to as "the hospital").

And whereas the Act of 1868 inter alia extended the powers conferred upon the Trustees by the trust disposition of 1824 with respect to the admission of inmates to the hospital :

And whereas by Alexander Scott's Hospital Order 1905 (hereinafter referred to as "the Order of 1905") the qualifications for admission of inmates to the hospital were further extended on the narrative of the provisions of the trust disposition and settlement of the late

Alexander Morison of Bognie and Larghan dated the 5th day of April 1876 and along with sundry codicils thereto recorded in the books of council and session the 8th day of January 1880 (hereinafter referred to as "the trust disposition of 1876") whereby an additional wing to the hospital was erected and handed over to the Trustees together with the residue of the estate of the said Alexander Morison : A.D. 1931.

And whereas the Huntly Jubilee Cottage Hospital (hereinafter referred to as "the cottage hospital") was erected in Huntly in the year 1889 by means of money raised by voluntary subscriptions :

And whereas in 1901 an agreement was entered into between the then managing committee of the cottage hospital (who and their successors are hereinafter referred to as "the managing committee") and the provost magistrates and councillors of the burgh of Huntly as the local authority for that burgh under the Public Health (Scotland) Act 1897 and the Huntly District Committee of the County of Aberdeen as the local authority for their district under the Local Government (Scotland) Act 1889 (hereinafter referred to as "the local authorities") whereby the managing committee set aside two wards of the cottage hospital as originally erected and agreed to erect a separate hospital building and in respect of an annual payment and a payment per patient per week undertook in such wards and separate hospital building to treat and maintain cases of infectious disease sent to the cottage hospital by the local authorities :

And whereas such separate building was erected by the managing committee on ground belonging to them and they treated and maintained such cases of infectious disease therein and also in the said two wards :

And whereas in 1926 the managing committee considering that it was undesirable to have cases of infectious disease treated in the same building as general cases arranged with the local authorities to release the said two wards of the cottage hospital so that they might be used as part of the general hospital and accordingly the local authorities erected and equipped at their own expense on ground not belonging to the managing committee but adjacent to the cottage hospital a separate infectious diseases pavilion :

[Ch. xxv.] *Alexander Scott's* [21 & 22 GEO. 5.]
Hospital Order Confirmation Act, 1931.

A.D. 1931.

— And whereas the managing committee and the local authorities in 1926 entered into a new agreement modifying the said agreement of 1901 whereby in consideration of an annual payment of fixed amount and a rate per patient per week the managing committee undertook the maintenance and treatment of patients both in the said separate hospital building and in the said pavilion :

And whereas by the Order of 1905 the Trustees were empowered and directed in each year out of the surplus revenue in their hands if any to pay to the managing committee or governing body of the cottage hospital such sum as might be required to meet the cost of managing and carrying on the cottage hospital as more particularly set forth in section 7 (Contributions by Trustees to Huntly Jubilee Cottage Hospital and other charitable institutions) of the Order of 1905 :

And whereas question arose between the Trustees and the managing committee as to the liability of the Trustees under the said section 7 of the Order of 1905 to contribute to the cottage hospital particularly in view of the arrangements with the local authorities under the said agreement of 1926 and the Trustees and the managing committee joined in submitting a special case for the opinion and judgment of the Court of Session upon which judgment was given on the 2nd day of March 1929 :

And whereas the said judgment deals only with the then existing position and gives no explicit guidance to the Trustees and the managing committee in regard to the liability of the Trustees in the event of any modification of the said agreement of 1926 and the managing committee are thus hampered in their administration of the cottage hospital having particularly in view probable modifications in the administration of public health services under the Local Government (Scotland) Act 1929 :

And whereas in the circumstances the Trustees and the managing committee have agreed that on the Trustees making payment to the managing committee of the sums hereinafter in this Order mentioned the Trustees shall be discharged of all liability in connection with the cottage hospital :

And whereas by the Alexander Scott's Hospital and the North of Scotland College of Agriculture Order 1914 the Trustees were authorised to sell their estate of

Craibstone in the county of Aberdeen to the said college and to invest the proceeds of the sale : A.D. 1931.

And whereas the revenue of the Trustees has for many years been more than sufficient for the purposes of the trust and it is expedient that the qualifications for admission to the hospital should be extended :

And whereas the Act of 1868 provided that in the event of the sheriff depute of Aberdeenshire declining to act as a trustee and manager the principal sheriff substitute of Aberdeenshire for the time being should be a Trustee but for many years past neither the sheriff depute nor the principal sheriff substitute has accepted office and it is expedient with a view to the appointment of Trustees who will act that the constitution of the Trustees should be amended as set forth in this Order :

And whereas the trust disposition of 1824 provided that the established Presbyterian minister of the parish of Huntly for the time being should be ex officio a trustee and manager and in consequence of the union of the Church of Scotland and the United Free Church of Scotland it is expedient to define more explicitly who shall ex officio be such Trustee :

And whereas it is expedient that such other provisions as are in this Order contained should be made :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

1. This Order may be cited as Alexander Scott's Hospital Order 1931 and this Order and Alexander Scott's Hospital Act 1868 Alexander Scott's Hospital Order 1905 and Alexander Scott's Hospital and the North of Scotland College of Agriculture Order 1914 may be cited together as Alexander Scott's Hospital Acts 1868 to 1931. Short title and citations.

2. The following words and expressions in this Order have the meanings hereby assigned to them (that is to say) :— Interpretation.

“The Act of 1868” means Alexander Scott's Hospital Act 1868;

[Ch. xxv.] *Alexander Scott's* [21 & 22 GEO. 5.]
Hospital Order Confirmation Act, 1931.

A.D. 1931.

- “ The Order of 1905 ” means Alexander Scott’s Hospital Order 1905 ;
- “ The Trustees ” and “ a Trustee ” mean respectively the trustees and managers or a trustee and manager as the case may be of Alexander Scott’s Hospital as incorporated by the Act of 1868 ;
- “ The trust disposition of 1824 ” means the trust disposition and deed of settlement of Alexander Scott of Craibstone dated the 8th day of June 1824 and registered in the books of council and session the 8th day of July 1833 ;
- “ The trust disposition of 1876 ” means the trust disposition and settlement of Alexander Morison of Bognie and Larghan dated the 5th day of April 1876 and with sundry codicils thereto recorded in the books of council and session the 8th day of January 1880 ;
- “ The hospital ” means the hospital erected in pursuance of the trust disposition of 1824 and the additional wing erected in pursuance of the trust disposition of 1876 with any further additions that may be made thereto and the garden and policy grounds of every description attached thereto ;
- “ The estate of Bognie ” means the entailed lands and estate of Bognie and others in the parish of Forgue and county of Aberdeen as it existed when in the possession of the said Alexander Morison on the 30th day of December 1879 ;
- “ The cottage hospital ” means the Huntly Jubilee Cottage Hospital ;
- “ The managing committee ” means the managing committee of the cottage hospital in terms of the constitution and byelaws settled at a meeting of the subscribers held at Huntly on 10th February 1888 and recorded in the sheriff court books of Aberdeenshire 11th January 1889 as amended at a special meeting of the then governing body of the cottage hospital held on 19th September 1905.

3. The Trustees may only receive into the hospital and admit to the benefits thereof persons possessing the general qualification and the special qualifications belonging to one of the seven several classes hereinafter described (namely) :—

A.D. 1931.

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Extending
qualifica-
tions of
persons
eligible to
be admitted
to hospital.

GENERAL QUALIFICATION.

Poor persons of good character not under fifty years of age being widowers or bachelors widows or spinsters free from disease at the time of admission not having been in receipt of parochial relief or public assistance on the ground of poverty within two years prior to the application for admission and having no children surviving or having only adult children unable in the opinion of the Trustees to maintain them.

SPECIAL QUALIFICATIONS.

First class Persons born in the burgh of Huntly being children or grand-children of feuars in that burgh.

Second class Persons born elsewhere being children or grand-children of feuars in the burgh of Huntly.

Third class Persons born in the burgh of Huntly and resident therein for five years immediately prior to the application for admission.

Fourth class Persons who are or have been proprietors of a trade or business (including also in the case of a widow one whose husband was the proprietor of a trade or business) carried on for ten years in the burgh of Huntly and have been resident in that burgh for five years immediately prior to the application for admission.

Fifth class Persons who are or have been agricultural tenants (including also in the case of a widow one whose husband was tenant) on the estate of Bognie who have held their land under lease for a period of not less than ten years direct from the proprietor for the time being of the estate of Bognie or the children of such tenants.

Sixth class Persons who have resided in the burgh of Huntly for fifteen years consecutively immediately prior to the application for admission.

[Ch. xxv.] *Alexander Scott's* [21 & 22 GEO. 5.]
Hospital Order Confirmation Act, 1931.

A.D. 1931.

Seventh class Persons who have resided in the parish of Huntly for fifteen years consecutively immediately prior to the application for admission :

Provided always that applicants for admission shall have priority according to the order of the classes above set forth and the Trustees shall not admit persons of any class while there are applicants for admission of any prior class not admitted who in the opinion of the Trustees are suitable for admission and provided also that the Trustees may if they think fit remove from the hospital any person ceasing to possess any qualification which entitled him to admission to the hospital and the person so removed shall thereupon lose all the benefits to which he may have become entitled by admission to the hospital.

Trustees to commute liability to Huntly Jubilee Cottage Hospital.

4.—(1) The Trustees shall as soon as they can conveniently do so after the date of the passing of the Act confirming this Order pay to the managing committee the sum of twenty-five thousand pounds with interest thereon at four and a half per centum from the 31st day of August 1930 (under deduction of income tax) which sum of twenty-five thousand pounds shall be held by the managing committee and the revenue thereof shall be applied by them for the benefit improvement extension and maintenance of the cottage hospital in such way as the managing committee in their sole discretion may from time to time deem advisable.

(2) If any revenue from the said sum of twenty-five thousand pounds remains unspent in any year it shall be carried forward by the managing committee as revenue available for expenditure in future years for the benefit improvement extension and maintenance of the cottage hospital and shall not be added to capital.

(3) On payment of the said sum of twenty-five thousand pounds and interest thereon any liability of the Trustees for the expense of managing and carrying on the cottage hospital or for any other moneys payable to the managing committee shall cease and determine and the managing committee shall accept such payments in full discharge of all liability of the Trustees to the managing committee.

Trustees may appoint members of

5.—(1) Section 8 (Power to Trustees to appoint members of managing committee of Huntly Jubilee

Cottage Hospital) of the Order of 1905 is hereby repealed as from the date when payment is made of the sum of twenty-five thousand pounds and interest thereon referred to in the immediately preceding section of this Order. A.D. 1931.

(2) After the said date the Trustees may annually appoint not more than two persons to be members of the managing committee and such persons shall hold office for twelve months from the date of their appointment. The persons or one of them so appointed may be appointed from among the Trustees. —
managing committee of Huntly Jubilee Cottage Hospital.

(3) Two of the four persons now appointed by the Trustees in office as members of the managing committee in pursuance of the said section 8 of the Order of 1905 shall on the said date cease to be members of the managing committee and the two who shall so cease to be such members shall failing agreement be settled by lot.

(4) The managing committee shall admit the persons appointed under this section to be members of the managing committee.

6. If there shall remain in any year any surplus revenue in the hands of the Trustees they may contribute therefrom such sums as they in their discretion think fit to any charitable institutions or charitable purposes calculated in the opinion of the Trustees to benefit residenters within the burgh or parish of Huntly. Power to make charitable contributions.

7. As from the date of the passing of the Act confirming this Order and notwithstanding anything contained in the trust disposition of 1824 or the Act of 1868— Alteration of constitution of Trustees.

(1) The sheriff depute of Aberdeenshire shall cease to be eligible in terms of the trust disposition of 1824 or other instrument relating to the Trustees to be a Trustee ex officio and the provisions of section 7 (Provision for appointment of two Trustees and managers in succession to two of existing lay Trustees) of the Act of 1868 so far as relating to the appointment of the principal sheriff substitute of Aberdeenshire for the time being as a Trustee in the event of the sheriff depute of Aberdeenshire declining to act as a Trustee are hereby repealed :

A.D. 1931.

(2) In the provision in the trust disposition of 1824 relating to the constitution of the trust the expression "the established Presbyterian minister of the parish of Huntly for the time being" shall mean the minister for the time being of the church of the Church of Scotland in Huntly called Huntly Church.

Provisions
for incapacity &c. of
Trustees.

8.—(1) A Trustee who shall be absent from the meetings of the Trustees for two consecutive years without leave of absence from the Trustees shall thereupon cease to be a Trustee.

(2) In the event of any one or more of the Trustees declining to act or becoming incapacitated or ceasing to be a Trustee or Trustees in terms of the immediately preceding subsection the remaining Trustees may if they think fit at a meeting of the Trustees called for the purpose appoint any person or persons whom they in their sole discretion deem to be fit and proper residing in the burgh of Huntly or its neighbourhood to supply the place of such Trustee or Trustees so declining to act becoming incapacitated or ceasing to be a Trustee or Trustees and any person or persons so to be appointed in place of such Trustee or Trustees shall before assuming office as a Trustee or Trustees intimate his or their intention to act.

(3) The person or persons so to be appointed shall have during the period of his or their acting as Trustee or Trustees the same powers rights and privileges in every respect as the other Trustees.

(4) Whenever any person qualified ex-officio to be a Trustee or being a Trustee ex-officio—

(a) having declined to act shall intimate his intention to act; or

(b) having become incapacitated shall become capable of acting and shall intimate his intention to act; or

(c) being the successor in office of any Trustee who has ceased to be a Trustee in terms of subsection (1) of this section shall intimate his intention to act;

[21 & 22 GEO. 5.] *Alexander Scott's* [Ch. xxv.]
Hospital Order Confirmation Act, 1931.

the person appointed to act instead of the person or Trustee so declining becoming incapacitated or ceasing to act shall cease to be a Trustee and the person intimating his intention to act shall thereupon become a Trustee. A.D. 1931.
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9. Section 8 (Provision for declinature or incapacity of Trustees and managers) of the Act of 1868 and section 3 (Extending qualifications of persons eligible to be admitted to hospital) and section 7 (Contributions by Trustees to Huntly Jubilee Cottage Hospital and other charitable institutions) of the Order of 1905 are hereby repealed. Repeals.

10. All costs charges and expenses of and incidental to the preparing for obtaining and confirmation of this Order and otherwise in relation thereto shall be paid by the Trustees. Costs of Order.

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