

[26 GEO. 5. & Ministry of Health [Ch. viii.]
1 EDW. 8.] Provisional Order Confirmation
(Bedford Joint Hospital District) Act, 1936.



CHAPTER viii.

An Act to confirm a Provisional Order of the Minister of Health relating to the Bedford Joint Hospital District. A.D. 1936.
—
[19th March 1936.]

WHEREAS under the provisions of the Public Health Act 1875 the Minister of Health has made a Provisional Order which needs confirmation by Parliament: 38 & 39
Vict. c. 55.

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 order of the Minister of Health which is set out in the schedule to this Act is hereby confirmed and shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Ministry of Health Provisional Order Confirmation (Bedford Joint Hospital District) Act 1936. Short title.

A.D. 1936.

SCHEDULE.

*Bedford
Order.*

BEDFORD JOINT HOSPITAL DISTRICT.

*Provisional order forming a united district under section 279
of the Public Health Act 1875.*

WHEREAS the councils of the borough and urban and rural districts named in column 1 of the first schedule to this order are local authorities for the purposes of the Public Health Act 1875 and the said councils have applied to the Minister of Health for a provisional order forming a united district for the purpose of the provision maintenance and management of hospitals for the reception of cases of infectious disease other than smallpox :

Now therefore the Minister of Health in pursuance of the powers conferred by section 279 of the Public Health Act 1875 and of all other powers in that behalf hereby orders as follows viz. :—

PART I.

PRELIMINARY.

Short title
and com-
mencement.

1. This order may be cited as the Bedford Joint Hospital Order 1935 and shall come into operation on the day on which this order is confirmed by Act of Parliament.

Interpreta-
tion.

2.—(1) In this order except as otherwise expressly provided or unless the context otherwise requires—

“ constituent district ” means a borough or district mentioned in column 1 of the first schedule to this order ;

“ constituent council ” means the council of a constituent district ;

“ half-year ” means the financial half-year commencing on the first day of April or the first day of October ;

“ the appointed day ” means the first day of April nineteen hundred and thirty-six ;

“ the hospitals ” means the hospitals for the time being maintained by the joint board ;

“ the joint board ” means the Bedford Joint Hospital Board constituted by this order ;

“ the Minister ” means the Minister of Health ;

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“ the rural council ” means the rural district council of Bedford; and A.D. 1936.

“ the united district ” means the Bedford Joint Hospital District formed by this order. Bedford Order.

(2) In this order each of the expressions “ powers ” “ duties ” and “ liabilities ” has the meaning assigned to that expression by section 100 of the Local Government Act 1888.

PART II.

FORMATION OF UNITED DISTRICT AND CONSTITUTION OF JOINT BOARD.

3. The constituent districts shall be formed into a united district to be called the Bedford Joint Hospital District for the purposes of the provision maintenance and management for the use of the inhabitants of the constituent districts of hospitals for the reception of cases of infectious disease other than smallpox. Formation of united district.

4. The joint board shall consist of three ex-officio members and nine elective members and shall be called the Bedford Joint Hospital Board. Constitution and name of joint board.

5.—(1) The ex-officio members of the joint board shall be the persons described in column 2 of the first schedule to this order. Members of joint board.

(2) Subject to the provisions of part VI. of this order the elective members of the joint board shall be elected by the constituent councils the number of members of the joint board to be elected by each constituent council shall be the number opposite the name of the constituent district in column 3 of the first schedule to this order and that number of members of the joint board shall be chosen by the constituent council from among the members of the council.

6.—(1) At meetings to be held by the constituent councils before the appointed day each constituent council shall elect from among their members the number of members mentioned in column 3 of the first schedule to this order to represent the council on the joint board: First election of members of joint board.

Provided that on an application made by a constituent council the Minister may direct that the election by that council of representatives shall take place at a meeting to be held on or after the appointed day.

(2) The clerk of each of the constituent councils shall give or send to each member of the council not less than three days' previous notice in writing of the meeting and shall within seven

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A.D. 1936. days after the holding of the meeting notify in writing to the
Minister the name address and occupation of each person elected
by the constituent council as a member of the joint board.

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(3) The persons elected in pursuance of this section as members of the joint board shall come into office on the appointed day or if the meeting at which they are elected is held on or after the appointed day upon their election by the constituent council.

Tenure of
office of
elective
members.

7.—(1) The elective members of the joint board shall retire from office on the first day of May in the year nineteen hundred and thirty-nine and in every third year thereafter and their places shall be filled by persons elected as members of the joint board by the constituent councils at meetings to be held before the day of retirement.

(2) Subject to subsection (1) of this section a member of the joint board shall continue in office until he dies or resigns or ceases to be a member of the constituent council by whom he was elected or otherwise becomes disqualified :

Provided that a member of the joint board shall not for the purposes of this order be deemed to have ceased to be a member of a constituent council by retirement if on his retirement as an alderman or a councillor he is elected or re-elected an alderman or a councillor.

Filling of
vacancies.

8.—(1) Any casual vacancy occurring among the elective members of the joint board shall be filled by the constituent council in whose representation the vacancy has occurred at a meeting to be held as soon as practicable after the occurrence of the vacancy.

(2) Any member of the joint board who for any cause ceases to hold office shall be re-eligible as a member of the joint board if at the time of re-election he is qualified to be so re-elected.

(3) The clerk of a constituent council shall forthwith notify in writing to the clerk of the joint board the name address and occupation of any person elected a member of the joint board by the constituent council whether to fill a casual vacancy or a vacancy arising on the expiration of the term of office of a member of the joint board.

Disqualification
for membership
of joint board
and absence from
meetings &c.

9. Sections 59 63 and 76 of the Local Government Act 1933 shall apply as if the joint board were a local authority other than a parish council.

Meetings of
joint board.

10.—(1) The first meeting of the joint board shall be held at such time and at such place as may be fixed by the Minister and shall be convened by such person as the Minister may direct.

(2) Subsequent meetings of the joint board shall be held at such times and places as the joint board may appoint and at all

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meetings of the joint board four members shall constitute a quorum. A.D. 1936.

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(3) An extraordinary meeting shall be summoned by the clerk of the joint board when a requisition for that purpose is addressed to him by the chairman or any three members of the joint board.

(4) The requisition shall be in writing and no business other than that specified in the requisition shall be transacted at the extraordinary meeting.

(5) Three clear days at least before any meeting of the joint board or on such earlier day as the joint board may from time to time direct a summons to attend the meeting in which the business to be transacted at the meeting is specified shall be left at or sent by post to the usual place of residence or the usual place of business of each member of the joint board.

(6) Subject to the provisions of this order the proceedings at meetings of the joint board shall be conducted in accordance with standing orders made from time to time by the joint board.

11.—(1) The joint board shall from time to time appoint one of their number to be chairman for one year at all meetings at which he is present : Chairman and vice-chairman.

Provided that a chairman so appointed shall unless he resigns his office of chairman or member of the joint board or ceases to be qualified or becomes disqualified as such a member continue in office until his successor is appointed.

(2) The joint board may from time to time appoint one of their number to be vice-chairman for one year and subject to any standing order made by the joint board anything authorised or required to be done by or before the chairman may be done by or before the vice-chairman.

12.—(1) The joint board may appoint committees composed of their members for the exercise of any powers which in the opinion of the joint board can be properly exercised by committees but the acts of every such committee shall unless otherwise directed by the joint board be submitted to the joint board for approval : Committees

Provided that a committee so appointed shall not be authorised to borrow money or to issue any precept for contributions or to enter into any contract.

(2) The provisions of section 96 of the Local Government Act 1933 shall apply as if the joint board were a local authority.

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PART III.

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Application
of enact-
ments.

POWERS AND DUTIES OF THE JOINT BOARD.

13.—(1) For the purposes of the provision maintenance and management of hospitals for the reception of cases of infectious disease other than smallpox the joint board shall exercise and perform and be subject to all the powers duties and liabilities of a local authority under the enactments mentioned in the second schedule to this order and those enactments shall with the necessary modifications extend to the joint board as if they were herein re-enacted and in terms made applicable to this order and to the joint board and to the united district :

Provided that section 258 of the Public Health Act 1875 as applied by this section shall be modified by the insertion in that section after the words "local authority" of the words "or joint board" and after the words "such authority" of the words "or joint board."

(2) Nothing in this order shall affect the powers of a constituent council under any enactment applied to the joint board by this section except so far as the powers duties or liabilities under the enactment are within the purposes for which the joint board are formed as described in subsection (1) of this section.

Transfer of
hospital and
property to
joint board.

14.—(1) On the appointed day the Oakley isolation hospital situate at Clapham in the rural district of Bedford in the county of Bedford and owned by the rural council together with the plant equipment ambulance and all furniture effects and stores at the said hospital which belong to the rural council shall by virtue of this order be transferred to and vest in the joint board.

(2) In consideration of the transfer of the isolation hospital and property made by this section there shall be paid by the joint board to the rural council such sum of money as will represent the value to the joint board as a going concern of the isolation hospital and property so transferred regard being had to the condition of the buildings and property.

(3) The sum payable by the joint board under subsection (2) of this section shall be determined by agreement made before the first day of May 1936 between the joint board and the rural council or in default of agreement before that day shall be determined by an arbitrator appointed by the Minister and subject as aforesaid the provisions of the Arbitration Act 1889 as amended by any enactment shall apply to the arbitration.

(4) The payment to be made under this section by the joint board to the rural council shall be made within three months after the date of any agreement made under subsection (3) of this

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section or within three months after the date of the award of an arbitrator appointed under that subsection as the case may require.

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(5) Interest at the rate of three and a half per centum per annum on the sum payable to the rural council under this section shall be paid to that council by the joint board from the appointed day to the day on which the sum due is paid to that council.

(6) The sum received by the rural council under this section shall be applied by them with the sanction of the Minister in the repayment of debt or for any other purpose for which capital moneys may be applied.

15.—(1) Regulations of the Minister under section 130 or section 134 of the Public Health Act 1875 as extended by any other enactment may provide for the execution of those regulations by the joint board in relation to the whole or any part of the united district and if the joint board shall be charged with the carrying out of regulations under the said section 134 the Epidemic and other Diseases Prevention Act 1883 shall apply to the joint board as that Act applies to a local authority in England.

Regulations
of Minister
under
38 & 39 Vict.
c. 55. ss. 130
and 134.

(2) Save as provided in regulations of the Minister under any enactment mentioned in this section nothing in this order shall affect any powers or duties exercisable by or imposed upon any constituent council by regulations of the Minister under any such enactment.

16.—(1) Persons shall be admitted to a hospital provided by the joint board in one of the following modes and not otherwise except with the consent of the constituent councils viz. :—

Admission of
patients to
hospitals.

- (a) By an order of the joint board or of a constituent council;
- (b) By an order of a medical officer of health of a constituent council;
- (c) By an order of a medical officer appointed by the joint board; or
- (d) By an order of a justice made under the provisions of section 124 of the Public Health Act 1875 with the consent required by that section.

(2) The joint board may by agreement with any county council provide for the reception and maintenance in a hospital provided by them of persons in receipt of poor relief and any such person may be admitted to the hospital in the manner and on the terms prescribed by the agreement.

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Notice of
provisions as
to recovery
of cost of
maintenance.

Appoint-
ment and
remunera-
tion of
officers &c.

17. A copy of section 132 of the Public Health Act 1875 and of section 60 of the Public Health Acts Amendment Act 1907 (which relate to the recovery of the cost of maintaining a patient in a hospital) shall be exhibited in a conspicuous place at the principal entrance of every hospital provided by the joint board.

18.—(1) The joint board shall appoint a treasurer and a clerk and may appoint one or more medical officers who shall be registered medical practitioners and such other officers and servants as they think requisite :

Provided that the offices of treasurer to the joint board and clerk to the joint board shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

(2) The joint board may pay their treasurer clerk medical officers and other officers and servants such reasonable remuneration as they deem expedient and every such treasurer clerk medical officer and other officer and servant shall hold office upon the terms on which he was appointed by the joint board.

PART IV.

FINANCIAL PROVISIONS.

Common
fund of
joint board.

19.—(1) All the expenses incurred by the joint board shall be defrayed out of a common fund to which all the receipts of the joint board (including the sums payable to them in respect of the cost of maintenance in their hospitals of patients) shall be carried.

(2) So far as the common fund is not provided by the receipts referred to in subsection (1) of this section precepts shall be issued by the joint board in respect of each half-year to each constituent council requiring them to pay a contribution to the common fund of the joint board.

(3) The contribution of each of the constituent councils to the common fund of the joint board to meet their expenditure in any half-year shall be based on the proportion which the population of the constituent district bears to the aggregate population of all the constituent districts.

(4) For the purposes of this section the population of a constituent district shall be ascertained from the last published census before the issue of the precept.

Calculation
and payment
of charges
for patients.

20.—(1) The charges to be made by the joint board to the constituent councils during any half-year in respect of patients maintained in a hospital during that half-year shall be a charge per day calculated to the nearest penny and derived from the

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average daily cost of the upkeep of the hospital during the half-year divided by the average number of patients in the hospital on each day of the half-year.

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(2) Within three weeks after the close of each half-year the joint board shall calculate the average daily amount of the expenditure charged in their accounts for that half-year and the average number of patients in a hospital on each day of the half-year :

Provided that establishment expenses of a hospital including—

- (a) loan charges and the expenses of the purchase or hire of land and buildings;
- (b) the provision alteration or repair of buildings and the provision or repair of furniture and fittings; and
- (c) the salaries remuneration and rations of officers and servants not being temporary nurses;

shall be excluded from the calculation of the average daily amount of the expenditure.

(3) Within four weeks after the close of each half-year the clerk of the joint board shall transmit to the clerk of each constituent council an account showing in respect of each patient maintained during that half-year in a hospital who was admitted from the district of that council—

- (a) the name and address of the patient;
- (b) the number of days in the half-year during which the patient was an inmate of a hospital;
- (c) the charge per day in respect of the patient calculated in accordance with the foregoing provisions of this section;
- (d) the charge for the half-year being the charge per day multiplied by the number of days in the half-year during which the patient was an inmate of a hospital;
- (e) a deduction in respect of any sum recovered by the joint board from or repaid to the joint board by or for the patient; and
- (f) the net sum claimed by the joint board as due for the maintenance of the patient from the constituent council.

(4) For the purposes of this section the day on which a patient entered a hospital and the day on which he was discharged therefrom shall both be included as days on which the patient was an inmate of a hospital.

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Inclusion in
precepts of
charges for
patients.

21. Any amount shown to be due from a constituent council by an account prepared by the clerk of the joint board under the preceding section of this order shall be paid by that constituent council and shall be included as a separate item of any precept which the joint board may issue to the constituent council under section 284 of the Public Health Act 1875 and in case of default shall be recovered in the manner authorised by that section.

Orders for
payments.

22. All orders for payments from the common fund of the joint board shall be signed by at least two members of the joint board and shall be countersigned by the clerk of the joint board or in his absence or inability by such other officer as the joint board may authorise for the purpose.

Inspection
of accounts.

23. The accounts of the joint board shall at all reasonable times be open to inspection and transcription free of charge by any member of a constituent council or by any officer of a constituent council authorised by that council for that purpose and shall be subject to audit by a district auditor.

Abstract of
accounts and
auditor's
report.

24. A copy of the abstract of the accounts of the joint board and of any report to the joint board made by the district auditor shall be sent by the joint board to each constituent council as soon as may be after the completion of the audit.

PART V.

OFFICERS.

Meaning in
this part of
"officer."

25. In this part of this order unless the context otherwise requires the expression "officer" means any officer or servant holding an office or employment on the passing of the Act for the confirmation of this order other than an officer or servant who holds a temporary appointment which expires before the first day of April nineteen hundred and thirty-six.

Transfer of
officers.

26.—(1) Any person who is an officer within the meaning of this part of this order and holds an office and is employed by the rural council solely for the purpose of the Oakley isolation hospital shall on the appointed day as respects that office or employment be transferred to and become an officer of the joint board.

(2) Every transferred officer shall hold his office by the same tenure and upon the same terms and conditions as if this order had not been made and while performing similar duties shall in respect of a transferred office receive not less salary or remuneration than the salary or remuneration to which he would have been entitled if this order had not been made.

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(3) The joint board may abolish the office or determine the appointment of any officer whose office they may consider unnecessary.

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27.—(1) Section 309 of the Public Health Act 1875 which enables the Minister by order to award compensation to officers in certain cases shall extend to any officer within the meaning of this part of this order who by virtue of this order or anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by determination of his appointment or by diminution or loss of salary or emoluments as if the joint board were a local authority within the meaning of the Public Health Act 1875.

Compensa-
tion to
officers.

(2) For the purposes of this section any officer whose appointment is abolished or determined or whose fees salary or emoluments are reduced within five years after the appointed day because his services are not required or his duties are diminished and not on the ground of misconduct shall be deemed unless the contrary is shown to have suffered a direct pecuniary loss in consequence of this order.

(3) Any compensation awarded by the Minister under this section shall be paid by such persons and out of such fund as the Minister may direct.

(4) No officer shall be entitled to receive both compensation under this order for pecuniary loss and a superannuation allowance in respect of the same period of service and the same pecuniary loss.

PART VI.

SUPPLEMENTARY.

28.—(1) If at any time—

- (a) any new district is formed which comprises the whole or any part of a constituent district or the boundaries of a constituent district are otherwise altered;
- (b) a constituent district is created or included in a municipal borough; or
- (c) any alteration is made in the law affecting the united district or the joint board or a constituent district or constituent council in matters touching their relation to the united district or the joint board;

Power of
Minister to
adapt this
order on
alterations of
boundaries
&c.

the Minister may on the application of the joint board or any constituent council by order provide for the adaptation of this order to the altered circumstances.

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(2) If on an application made by the joint board or any constituent council it shall appear to the Minister that the population of any constituent district as ascertained from the last published census has so increased or decreased as to render the representation of the council of that district on the joint board inadequate or excessive as the case may be the Minister may by order provide for the appointment of additional members or for the retirement of redundant members of the joint board as the case may require.

(3) Every order under this section shall be published by the joint board in such manner as the Minister may direct.

Provision for
Sundays
and public
holidays.

29. When the day on which anything is required by this order to be done is a Sunday Good Friday Christmas Day or a bank holiday that thing shall be done on the next following day not being one of the days before mentioned.

Settlement
of differ-
ences.

30. Subject to the provisions of this order any difference arising under this order shall be referred to arbitration in the manner provided by the Public Health Act 1875 and the provisions of that Act relating to arbitrations shall apply with the necessary modifications as if the joint board or a constituent council (as the case may be) were a party within the meaning of those provisions.

Inquiries
and
expenses.

31. The Minister may hold any inquiry which he may deem necessary for the purposes of this order and section 290 of the Local Government Act 1933 shall apply as if the joint board were a local authority.

Saving for
powers of
constituent
councils.

32. Until a hospital provided by the joint board is ready for the reception of patients nothing in this order shall affect any power vested in any constituent council with regard to the provision maintenance and management of hospitals for the use of the inhabitants of their borough or district.

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SCHEDULES.

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FIRST SCHEDULE.

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CONSTITUENT DISTRICTS AND NUMBER OF MEMBERS OF THE
JOINT BOARD.

1. Name of district.	2. Ex-officio members.		3. Elective members.
	Number.	Description.	
The borough of Bedford	1	The mayor of the borough.	5
The urban district of Kempston.	1	The chairman of the urban district council.	1
The rural district of Bedford.	1	The chairman of the rural district council.	3
Total - -	3	Total - -	9

SECOND SCHEDULE.

ENACTMENTS APPLIED TO THE JOINT BOARD.

Session and chapter.	Short title.	Enactments applied.	Subject-matter.
38 & 39 Vict. c. 55.	The Public Health Act 1875.	Section 122 - - - Section 123 (as amended by section 63 of the Public Health Act 1925). Section 131 - - - Section 132 (as amended by section 60 of the Public Health Acts Amendment Act 1907). Sections 179 to 181 -	Disinfection of articles. Ambulances. Provision of hospitals or temporary places for reception of the sick. Recovery of cost of maintenance in hospitals. Arbitration.

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SECOND SCHEDULE—*continued.*

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Session and chapter.	Short title.	Enactments applied.	Subject-matter.
38 & 39 Vict. c. 55— <i>cont.</i>	The Public Health Act 1875— <i>cont.</i>	Section 206 (except so far as it requires the publication in a local newspaper of the annual report). Sections 251 253 254 258 261 262 and 265. Sections 266 and 267 - Section 269 (as amended by the Summary Jurisdiction Act 1884). Section 298 - - - Section 306 (except so far as it relates to the destruction of notices &c.). Section 307 - - - Section 308 - - - Section 309 - - -	Annual report. Recovery of penalties and legal proceedings. Notices. Appeals to quarter sessions. Costs of provisional orders. Penalty for obstructing execution of Act. Penalty for damaging works &c. Compensation for damage by local authority. Compensation to officers.
23 & 24 Geo.5. c. 51.	The Local Government Act 1933.	Sections 119 120 122 123 and 125. Sections 157 to 160 and 164 to 166. Section 176 - - - Section 266 - - - Sections 277 and 278 - Section 289 - - - Paragraph 5 of part III of third schedule.	Officers and offices. Purchase and disposal of lands. Application of Lands Clauses Acts to purchases by agreement. Contracts. Legal proceedings. Penalty for destruction of notices &c. Attendance of inspectors at meetings.

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