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Infirmary and Hospital Act, 1938.



CHAPTER xxiv.

An Act to unite the Royal Infirmery Sheffield and the Sheffield Royal Hospital in one corporation to be called the Royal Sheffield Infirmery and Hospital and for other purposes. A.D. 1938.

[2nd June 1938.]

WHEREAS the Royal Infirmery Sheffield founded in one thousand seven hundred and ninety-seven and the Sheffield Royal Hospital founded in one thousand eight hundred and thirty-two were established mainly for the gratuitous reception for treatment of those adults and children who are unable otherwise to procure treatment for themselves :

And whereas the sites of the said Royal Infirmery and Royal Hospital are now vested in trustees who also hold certain lands buildings premises funds and investments on behalf of the said hospitals respectively :

And whereas the government of each of the said hospitals is vested in a general board of governors of which all persons and representatives of all bodies subscribing above a certain minimum amount are constituent members and subject thereto the management of each of the said hospitals is entrusted to a board of management :

And whereas each of the said hospitals has hitherto been governed administered and managed as a charitable institution having its property and funds

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A.D. 1938. held by trustees and the powers of the said charitable institutions and of the said trustees have been and are limited and defined by certain constitutions rules and regulations :

And whereas the lands buildings premises funds and investments hereinbefore referred to and now held respectively in connection with the said Royal Infirmary and the said Royal Hospital are specified and described in lists (in this Act called "the deposited lists") which are identified by the signatures of Sir Ronald Wilfred Matthews chairman of the said Royal Infirmary on behalf of the said Royal Infirmary and Frederick Marmaduke Osborn chairman of the said Royal Hospital on behalf of the said Royal Hospital and from the twenty-fifth day of November one thousand nine hundred and thirty-seven have been deposited as to the list of the said Royal Infirmary in the hands of the general superintendent and secretary of the said Royal Infirmary and as to the list of the said Royal Hospital in the hands of the superintendent and secretary of the said Royal Hospital :

And whereas it is expedient that the said Royal Infirmary and the said Royal Hospital should be united under a single corporate body and that those hospitals should be carried on together by such corporate body and that the provisions in this Act contained for and in relation to such union should be enacted :

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

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

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 (that is to say) :—

Short title.

1. This Act may be cited as the Royal Sheffield Infirmary and Hospital Act 1938.

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2. In this Act unless the context otherwise requires— A.D. 1938.

“The Royal Infirmary” means the institution known as the Royal Infirmary Sheffield carried on at Infirmary Road Sheffield and the lands buildings and premises associated therewith; Interpretation.

“The Royal Hospital” means the Sheffield Royal Hospital carried on at West Street and Westfield Terrace Sheffield and the lands buildings and premises associated therewith;

“The deposited lists” means the lists referred to in the preamble to this Act and there stated to be called in this Act “the deposited lists”;

“The Hospital” means the Royal Sheffield Infirmary and Hospital incorporated by this Act;

“The scheduled scheme” means the scheme set forth in the schedule to this Act;

“The byelaws” means the byelaws of the Hospital made in pursuance of the provisions of the scheduled scheme and for the time being in force;

“Governors” means governors of the Hospital;

“The court” means the court of management of the Hospital;

“General meeting” means general meeting of the governors;

“The appointed day” means the first day of January one thousand nine hundred and thirty-nine;

“Local authority” includes the council of a county or borough or urban or rural district.

3. On the appointed day the following persons (namely):— Incorporation of Royal Sheffield Infirmary and Hospital.

(1) Sir Ronald Wilfred Matthews Sir William Henry Ellis G.B.E. the Right Reverend Leonard Hedley Lord Bishop of Sheffield John Robert Townend and Moses Humberstone being persons nominated by the board of management of the Royal Infirmary;

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- (2) Frederick Marmaduke Osborn Arthur Cedric Davy Sir Arthur John Hall Arthur Dunkin Barber and John Thomas Atter being persons nominated by the board of management of the Royal Hospital; and
- (3) All other persons who shall for the time being be governors of the Hospital incorporated by this Act;

shall become and be one body corporate by the name of "Royal Sheffield Infirmary and Hospital" for such objects and purposes as in this Act appear and by the same name shall have perpetual succession and a common seal and may by and in the same name sue and be sued and do all things incidental or appertaining to a body corporate.

Dissolution
of Royal
Infirmary
organisa-
tion.

4. As from the appointed day without prejudice to anything previously done or suffered the organisation of the Royal Infirmary is hereby dissolved the powers of its governors board of management committees and officers shall terminate its rules laws and byelaws shall cease to operate and its trustees are hereby discharged.

Dissolution
of Royal
Hospital
organisa-
tion.

5. As from the appointed day without prejudice to anything previously done or suffered the organisation of the Royal Hospital is hereby dissolved the powers of its governors board of management committees and officers shall terminate its rules laws and byelaws shall cease to operate and its trustees are hereby discharged.

General
objects and
powers of
Hospital.

6.—(1) The general objects of the Hospital shall be—

- (i) The continuance of the work hitherto carried on by the Royal Infirmary and the Royal Hospital in accordance with the trusts upon which the properties of those institutions have hitherto been held;
- (ii) The provision acquisition carrying on managing and assisting of hospitals convalescent homes dispensaries and other institutions and organisations for the relief of sickness and disease and the provision of medical surgical and nursing services;

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- (iii) The education and training of nurses;
- (iv) The establishment and carrying on of medical schools either alone or in co-operation with any other body;
- (v) Research into the nature causes effects symptoms treatment and cure of sickness and disease;
- (vi) The carrying out of physical chemical bacteriological and other examinations tests analyses and experiments;
- (vii) The rendering of charitable assistance to poor persons in cases of sickness disease or convalescence;
- (viii) The provision and raising of funds for the above purposes or any of them;
- (ix) The doing of any things ancillary to or likely to advance the objects hereinbefore mentioned or any of them.

(2) The Hospital may exercise any powers necessary for the purpose of effecting any of the objects in this section mentioned.

7. Without prejudice to the generality of the last preceding section and in addition to any powers conferred upon them elsewhere in this Act the Hospital may exercise all or any of the following powers:—

Subsidiary powers of Hospital.

- (1) Employ and remunerate such officers nurses and servants and upon such terms and conditions as they may think fit:
- (2) Provide and carry on hostels houses and other residential premises and social and recreational premises and facilities for the use of officers nurses servants students patients or other persons connected with the Hospital:
- (3) Grant pensions gratuities bonuses honoraria compensations or allowances to and establish and carry on pension sickness accident welfare or other funds for the benefit of any officers nurses or servants of the Hospital or their dependants:
- (4) Grant pensions gratuities bonuses honoraria compensations or allowances to any persons

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who shall have been officers nurses or servants of the Royal Infirmery or the Royal Hospital before the appointed day :

- (5) Insure against any risks undertaken by or falling or resting upon the Hospital :
- (6) Make charges for or enter into any special arrangement in respect of any accommodation or facilities provided or services rendered by the Hospital to students or probationers or to institutions local authorities or other bodies :
- (7) Undertake the management of any hospital or block or wards in a hospital instituted and equipped for paying patients and provide in such hospital medical surgical or other treatment and maintenance for such patients and accept payment for such management and services upon special terms or agreement as the Hospital shall think fit but so that the objects and property of the Hospital do not in any way suffer from the exercise of this power :
- (8) Grant privileges with respect to the use of beds or other accommodation facilities or property of or provided by the Hospital to subscribers donors officers nurses servants or other persons or to institutions local authorities or other bodies :
- (9) Borrow money for purposes of or connected with the Hospital and secure the same and any interest thereon upon any property of the Hospital :
- (10) Accept and receive legacies bequests gifts grants annuities contributions collections allowances and other benefits and undertake and perform any services or conditions attached to the receipt thereof :
- (11) Act as an ordinary or custodian trustee either alone or jointly with any person or body of persons or corporation of any existing or future charitable trust in connection with the Royal Infirmery or the Royal Hospital or the Hospital or any charity or object subsidiary or ancillary thereto respectively :

- (12) Compromise any debts owing to or claims made by the Hospital: A.D. 1938
- (13) Promote or oppose any Bill in Parliament and prosecute or defend legal proceedings:
- (14) Make appeals publish literature advertise hold bazaars fêtes entertainments and performances and conduct such other lawful activities as may be desirable with a view to raising funds for the Hospital or making known its existence purposes or work.

8.—(1) The scheduled scheme is hereby confirmed and subject to the provisions of subsection (2) of this section shall have effect as if the same formed part of this section.

Confirma-
tion and
amendment
of scheduled
scheme.

(2) It shall be lawful for the High Court or the Charity Commissioners at any time and from time to time to make such amendments of or additions to the provisions of the scheduled scheme as to that court or the Charity Commissioners shall seem fit and thereafter the scheduled scheme shall have effect subject to any such amendments and with any such additions as shall have been so by order made. Provided that such amendments or additions shall not contravene or be inconsistent with the provisions of this Act and shall not extend or relate to any matter other than—

- (a) a matter within the scope of the provisions of the scheduled scheme as confirmed by this section; or
- (b) a matter concerning the constitution or management of the Hospital the powers exercisable by the Hospital for the purpose of carrying all or any of its general objects into effect the terms rights and privileges for admission to or use of the institutions and facilities of the Hospital or concerning the funds accounts property proceedings officers staff students or patients of the Hospital.

(3) An office or certified copy of any order made under this section shall be kept by the Hospital and shall be open to inspection at all reasonable times by any person interested. Every copy of the scheduled scheme issued by the Hospital after the date of any

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A.D. 1938. — such order shall contain the amendments or additions made by such order and a reference to such order and the date thereof.

Making of first byelaws and provision as to management until same are made.

9.—(1) As soon as possible after the appointed day byelaws for regulating the management of the Hospital and its property and affairs shall be made in pursuance of the powers and provisions contained in the scheduled scheme and all necessary steps for that purpose shall be taken by all parties concerned.

(2) From the appointed day until the coming into force of the first such byelaws the management of the Hospital and its property and affairs shall subject to the provisions of this Act and the scheduled scheme be regulated in such manner as the court may in their discretion direct but in giving any such directions the court shall have regard to the desirability of continuing temporarily so far as reasonably possible the rules regulations methods practices and organisation prevailing in relation to the Royal Infirmary and the Royal Hospital respectively immediately before the appointed day.

Making of byelaws with respect to constitution of court.

10. Not later than two months before the annual general meeting of the governors in the year next following the year in which the appointed day occurs byelaws of the Hospital shall be made with respect to the constitution of the court after that meeting.

Transfer of property and acquisition and sale of land &c.

11.—(1) On the appointed day the real and personal property described in the deposited lists (other than property sold or disposed of prior to such date) and all other (if any) real or personal property (including things in action and the benefit of funds and investments in the High Court of Justice to the credit of the Royal Infirmary or the Royal Hospital or to the income of which they are respectively entitled) and all rights and privileges then belonging to or held by or held in trust for the Royal Infirmary or the Royal Hospital (other than property held by the Official Trustees of Charitable Funds) shall by virtue of this Act without any conveyance or other instrument be transferred to and vest in the Hospital Provided that this section shall not operate to transfer the benefit of mortgages or charges of land or the debts thereby secured which shall be transferred by separate instrument.

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(2) On and after the appointed day the Hospital (without licence in mortmain) may hold the said property in perpetuity or otherwise and may also (without licence in mortmain but otherwise subject to the enactments relating to charitable trusts and mortmain) acquire and hold in perpetuity or otherwise any other real and personal estate and chattels real of whatsoever tenure which the Hospital shall think it desirable to acquire or hold for the purposes only of the Hospital or for the extension of buildings or the erection of new buildings in connection therewith. A.D. 1938.

(3) The Hospital shall be capable in law (but subject to any such consent as may by law be required) to grant sell exchange mortgage charge accept surrenders of leases let on lease or otherwise dispose of or assure or in any way deal with all or any of the real estate and chattels real and personal property belonging to the Hospital (but as regards any property held on special trusts or for bodies other than the Hospital only in accordance with the trusts relating thereto respectively) and subject to the provisions of the enactments relating to charitable trusts and mortmain all persons and corporations otherwise competent thereto may assure in perpetuity or otherwise or demise to or for the benefit of the Hospital any lands tenements and hereditaments.

(4) Any property which immediately before the appointed day shall be held by the Official Trustees of Charitable Funds for or in connection with the Royal Infirmery or the Royal Hospital shall on and after the appointed day be held by the said trustees for or in connection with the Hospital.

(5) Nothing in this Act or the scheduled scheme shall operate to transfer to or to vest in the Hospital any property real or personal not included in the deposited lists and at the appointed day held by the trustees of any charity or object connected with or subsidiary or ancillary to the Royal Infirmery or the Royal Hospital or either of them.

12. On the appointed day all debts liabilities and obligations properly incurred by or on behalf of the Royal Infirmery or the Royal Hospital shall by virtue of this Act be transferred and attached to the Hospital Transfer of liabilities.

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A.D. 1938. — and shall thereafter be discharged and satisfied by the Hospital The Hospital shall indemnify the trustees governors boards of management officers nurses and servants of the Royal Infirmery and the Royal Hospital and their respective representatives from all such debts liabilities and obligations and from all expenses and costs in respect thereof.

Continuance
of officers
and
servants.

13. Subject to the provisions of the scheduled scheme all persons who are on the honorary and salaried medical and surgical staffs and all other officers nurses and servants of the Royal Infirmery or the Royal Hospital at the appointed day other than the presidents vice-presidents and auditors thereof shall as from the appointed day hold under the Hospital offices and employments as nearly as possible the same as those they held under the Royal Infirmery or the Royal Hospital and shall hold them on the same terms and conditions as applied to their respective offices and employments immediately before the appointed day.

Bequests
&c. to
Royal
Infirmery
or Royal
Hospital.

14. Any devise bequest or gift contained in the will or in a codicil to the will of any person having died before or dying after the passing of this Act or any deed whether executed before or after the passing of this Act in favour of or directed to be administered by or in connection with either the Royal Infirmery or the Royal Hospital or a charity or object subsidiary or ancillary to either of the said hospitals shall not fail by reason of anything in this Act but shall as from the appointed day take effect in favour of or be administered by or in connection with the Hospital.

Receipt for
bequests &c.
to Royal
Infirmery
or Royal
Hospital.

15. In any case where by the will or a codicil to the will of any person having died before or dying after the passing of this Act or by any deed whether executed before or after the passing of this Act any bequest or gift has been or shall be made in favour of or directed to be administered by or in connection with either the Royal Infirmery or the Royal Hospital or a charity or object subsidiary or ancillary to either of the said hospitals and the legal personal representatives of such person or any trustees in whom such bequest or gift is vested are unable for any reason to obtain the receipt for such bequest or gift

of any person whose receipt is an effectual discharge for the same the receipt of the treasurer or the secretary of the Hospital shall be an effectual discharge to such legal personal representatives or trustees as aforesaid (as the case may be) and shall exonerate them from being concerned to see to the application of such bequest or gift and from being answerable for the misapplication or non-application thereof. A.D. 1938.

16. Any moneys other than endowments or moneys held upon special trusts at any time held by the Hospital and not required for its current needs shall be invested in manner for the time being authorised by the scheduled scheme. The Hospital may at any time realise any such investments and the proceeds thereof shall be applied to purposes consonant with the general objects of the Hospital or reinvested in manner aforesaid. Application of surplus income and capital moneys.

17. On the appointed day or so soon as practicable thereafter the deposited lists shall be handed over by the persons in whose custody they then respectively are to the secretary of the Hospital and they shall thereafter be retained and preserved by the secretary for the time being of the Hospital and shall on demand at any reasonable time be produced by him for the inspection of any person interested in the same. Custody of deposited lists.

18. No act done at a meeting of the governors or of the court or of any committee of such governors or court or of any other body representing or purporting to bind the Hospital shall be invalid by reason of its being subsequently discovered that there was some defect in the appointment of a person acting as a governor or member of such court or committee or other body as aforesaid at such meeting. Acts done at meeting of governors &c. valid notwithstanding disqualification &c.

19. The Hospital may enter into agreements or arrangements upon such terms and conditions as they may think fit with any other hospital or any national or local authority institution association or body for co-operating with or assisting or being assisted by such hospital or authority institution association or body in any manner and for any purpose which is consonant with the general objects of the Hospital. Power to co-operate with other bodies.

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Power to
amalgamate
with other
hospitals
&c.

20. The Hospital with the authority of a resolution passed confirmed and approved as in this section mentioned may unite or amalgamate with any hospital or similar institution upon such terms and conditions as shall be authorised by the resolution. Any such resolution shall be passed at a special meeting duly convened of the governors by the votes of not less than three-fourths of the governors present and voting on the resolution and confirmed at a subsequent special meeting of the said governors duly convened and held after an interval of not less than three months by a resolution similarly passed.

Sealed copy
of byelaw or
regulation
or amended
scheme to
be prima
facie
evidence.

21. The production of a written or printed copy of any byelaw of the Hospital or any regulation made by the court or of the scheduled scheme as amended or added to by any order or orders of the High Court or of the Charity Commissioners shall if such copy purports to be authenticated by the common seal of the Hospital be accepted in all courts and proceedings as prima facie evidence of the making and existence of such byelaw or regulation or (as the case may be) of the provisions of the scheduled scheme as for the time being in force.

Saving for
trusts &c.

22. Nothing in this Act or the scheduled scheme shall abrogate vary or prejudice any special trust purpose or condition for or subject to which any property or funds shall be held by or on behalf of the Royal Infirmary or the Royal Hospital or both or either of them immediately before the appointed day but after the appointed day any such special trust purpose or condition shall apply to such property or funds either in the hands of the Hospital or of the Official Trustees of Charitable Funds in the same way and to the same extent as before the appointed day it applied to such property or funds as held by or on behalf of the Royal Infirmary or the Royal Hospital or both or either of them as the case may be.

Saving for
agreements
deeds
actions &c.

23. All agreements awards contracts deeds and other instruments and all actions and proceedings and causes of action or proceedings which immediately before the appointed day are existing or pending in favour of or against the Royal Infirmary or the Royal Hospital or any person on behalf of either of those

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hospitals shall continue and may be carried into effect and prosecuted by or in favour of or against the Hospital to the same extent and in like manner as if the Hospital instead of the Royal Infirmary or the Royal Hospital or such person on behalf of one or other of those hospitals (as the case may be) had been party to or interested in the same respectively. A.D. 1938.
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24. Nothing in this Act shall take away abridge or affect any power or jurisdiction of the Charity Commissioners or any exemption from the operation of the Charitable Trusts Acts 1853 to 1925 conferred upon any charity by the said Acts or any of them. Saving for jurisdiction of Charity Commissioners.

25. The costs charges and expenses preliminary to and of and incidental to preparing obtaining and passing this Act or otherwise in relation thereto shall be borne and paid as to one-half thereof by and out of the funds of the Royal Infirmary and as to the other half thereof by and out of the funds of the Royal Hospital. Costs of Act.

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The SCHEDULE referred to in the
foregoing Act.

SCHEME REGULATING THE CONSTITUTION MANAGEMENT
POWERS FUNDS ACCOUNTS PROPERTY AND
PROCEEDINGS OF THE HOSPITAL.

GOVERNORS.

1. Subject to the provisions of clause 2 of this scheme the following persons shall be governors of the Hospital:—

- (a) Every person who immediately before the appointed day was a governor for life of the Royal Infirmary or the Royal Hospital shall from the appointed day be a governor for life;
- (b) Every person who immediately before the appointed day was by virtue of the payment of a subscription a governor of the Royal Infirmary or the Royal Hospital for a period shall from the appointed day be a governor for the remainder of that period;
- (c) Every person who immediately before the appointed day was by virtue of the holding of an office a governor of the Royal Infirmary or the Royal Hospital shall from the appointed day be a governor so long as he holds a similar office under the Hospital and there is no byelaw of the Hospital in force with reference to officers of the Hospital acting as governors;
- (d) A general meeting may appoint any person to be a governor for life in consideration of extraordinary services rendered to the Hospital or the Royal Infirmary or the Royal Hospital;
- (e) Every person who is an annual subscriber to the Hospital of £2 2s. or upwards shall be a governor after the expiration of three months from the payment of his first such subscription so long as his subscription shall not be more than three months in arrear;
- (f) Every officer of the Hospital who is entitled under the byelaws to be a governor by virtue of his office shall be a governor during his continuance in that office.

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2. The governors by a resolution passed by a majority of not less than three-fourths of the governors present and voting on the resolution at a general meeting convened by a notice specifying the intention to propose such resolution may vary or add to the qualifications for becoming a governor mentioned in clause 1 of this scheme. A.D. 1938.

3. Every governor shall have the privilege of attending and voting at all general meetings.

GENERAL MEETINGS OF GOVERNORS.

4. An annual general meeting shall be held on such day not later than 30th April in each year and at such place as shall be appointed by the court. Such meetings shall be called "annual general meetings."

5. A general meeting other than an annual general meeting may be convened at any time by the court and the court upon the requisition in writing of at least twenty governors shall forthwith cause a general meeting to be convened to consider any matter specifically stated in such requisition and in default twenty of the governors signing the requisition may themselves convene or may require the secretary for the time being of the Hospital to convene a general meeting.

6. Ten days' notice of every general meeting shall be given by circular or by advertisement in a local newspaper. Such notice shall specify the place and the day and hour of the meeting and except as to an annual general meeting every notice of a general meeting shall specify the general nature of the business for which the meeting is called and no other business shall be transacted thereat.

7. At every general meeting the president or in his absence one of the vice-presidents or in their absence the chairman of the court shall take the chair. If neither the president nor any vice-president nor the chairman of the court should be available the governors present shall appoint a chairman for the day from among themselves.

8. Ten governors shall form a quorum for any general meeting.

9. Every governor present at a general meeting shall have one vote and the chairman shall have a second or casting vote in the case of equality in the voting. All questions shall be decided by a majority of the governors present and voting.

10. Every question submitted to a general meeting shall be decided by a show of hands and a declaration by the chairman that a resolution has been carried or carried by a particular

A.D. 1938, — majority or lost and an entry to that effect in the minutes of the meeting shall be sufficient evidence of the fact without proof of the number or validity of the votes recorded in favour of or against such resolution.

11. After the chairman of a general meeting shall have declared the meeting to be over and shall have left the chair no business shall be brought forward or discussed.

12. At every annual general meeting a president four or more vice-presidents and an auditor or auditors shall be appointed to hold office until their respective successors are appointed at the next annual general meeting and any vacancies that may occur in these offices between two annual general meetings or between the appointed day and the first annual general meeting may be filled up temporarily by the court Any officer so temporarily appointed by the court shall hold office until the next annual general meeting.

13. An annual general meeting may without notice in that behalf transact any business appointed by this scheme or by the byelaws to be transacted thereat and may generally discuss any affairs relating to the Hospital.

14. A governor desiring to bring forward any special business at an annual general meeting shall give notice thereof to the secretary for the time being of the Hospital fifteen days at least before the day appointed for the holding of the meeting.

COURT OF MANAGEMENT.

15. Subject to the provisions of this scheme and the Act confirming the same and the byelaws the management of the Hospital and its property and affairs shall be entrusted to a court of management and such court may exercise all or any of the powers of the Hospital which are not by this scheme or the said Act or byelaws expressly made exerciseable by a general meeting.

16.—(1) The first court shall come into office on the appointed day and shall in the first instance be constituted as follows :—

- (a) The president and vice-presidents of the Hospital;
- (b) Fourteen persons being at the date of appointment governors of the Royal Infirmery and not being members of the medical and surgical staff of that hospital or the Royal Hospital or members of the Sheffield District Association of Hospital Contributors To be appointed by a general meeting of the governors of the Royal Infirmery;

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- (c) Fourteen persons being at the date of appointment governors of the Royal Hospital and not being members of the medical and surgical staff of that hospital or the Royal Infirmery or members of the Sheffield District Association of Hospital Contributors To be appointed by a general meeting of the governors of the Royal Hospital; A.D. 1938.
- (d) Five persons being at the date of appointment members of the medical and surgical staff of the Royal Infirmery To be appointed by a general meeting of the governors of that hospital;
- (e) Five persons being at the date of appointment members of the medical and surgical staff of the Royal Hospital To be appointed by a general meeting of the governors of that hospital;
- (f) Eight persons to be appointed by the Sheffield District Association of Hospital Contributors;
- (g) The treasurer of the Hospital;
- (h) The Dean of the Faculty of Medicine of the University of Sheffield;
- (i) One person appointed by the Sheffield Local Medical Panel Committee.

(2) The appointments to be made under the above paragraphs (b) (c) (d) (e) (f) and (i) shall be made not later than one month before the appointed day.

(3) The first court may at any time after the appointed day appoint as additional members of the court any governors not exceeding four in number and not being persons who were immediately before the appointed day members of the board of management or of the medical or surgical staff of the Royal Infirmery or the Royal Hospital.

17. The first court shall hold office until the conclusion of the annual general meeting in the year next following the year in which the appointed day occurs except so far as the byelaws may provide for the continuance in office of any of the members thereof After that meeting the court shall be constituted in such manner as shall be provided under the byelaws Immediately after the annual general meeting in every subsequent year the new court or the new members of the court (as the case may be) appointed at that meeting in pursuance of the byelaws shall come into office and the outgoing court or the outgoing members of the court (as the case may be) shall remain in office until the new court or the new members of the court (as the case may be) come into office.

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18. The first or any subsequent court may fill up any vacancy that may occur in their body between one annual general meeting and the next and may act notwithstanding any vacancy in their body.

19. A member of the court may retire from his office upon giving notice in writing to the secretary for the time being of the Hospital of his intention to do so and such resignation shall take effect at the next meeting of the court.

20. A person shall be disqualified from being appointed as or being a member of the court if he—

(a) holds any office under the Hospital save as permitted by this scheme or the act confirming the same or the byelaws;

(b) is concerned in any bargain or contract entered into with the Hospital or participates in the profit of any such bargain or contract or of any work done under the authority of the Hospital to a greater extent than as a shareholder in a company making such bargain or contract with the Hospital or doing such work :

Provided that a person shall not be so disqualified by reason of being interested—

(1) in the sale or lease of any lands or in any loan of money to the Hospital or in any contract for the supply from land of which he is owner or occupier of water or materials for building or constructional work being done by or under the authority of the Hospital;

(2) in any newspaper in which any advertisement relating to the affairs of the Hospital is inserted; or

(3) in any bargain contract or work to an extent greater than as a shareholder in a company making such bargain or contract with the Hospital or doing such work if he makes full disclosure of the nature of his interest at the meeting at which such bargain contract or work is determined upon or at the first meeting at which he is present thereafter if his interest then exists or in any other case at the first meeting of the court after the acquisition of his interest;

but no member of the court shall vote as such member on any matter in respect of any bargain contract or work in which he is interested in any manner described in paragraphs (1) (2) and (3) of this proviso;

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- (c) is convicted either on indictment or summarily of any crime and sentenced to imprisonment with hard labour without the option of a fine or to any greater punishment or is adjudged bankrupt or makes a composition or arrangement with his creditors; A.D. 1938.
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- (d) becomes of unsound mind;
- (e) becomes in any way incapable of performing the duties of a member of the court and the court resolve to this effect; or
- (f) is absent from the meetings of the court for more than six months consecutively except for some reason approved by the court.

Where a member of the court becomes disqualified from holding office the court shall forthwith declare his office to be vacant and shall notify the fact in such manner as they think fit and thereupon the office shall become vacant.

21. A meeting of the court shall be held not less than four times in each year after the year in which the appointed day occurs and whenever necessary in such last-mentioned year.

22. Whenever so required by a requisition signed by the chairman or not less than five other members of the court a special meeting of the court shall be called for a date not later than eight days after the receipt of the requisition.

23. The quorum for a meeting of the court shall be six.

24. The court shall appoint a chairman and a deputy chairman from their number. Such appointments shall be made by the first court at their first meeting after the appointed day and by each subsequent court at their first meeting after coming into office. A casual vacancy shall be filled at the next available meeting of the court after the vacancy has occurred.

25. At each meeting of the court the chair shall be taken by the chairman or failing him the deputy chairman or failing him another member of the court appointed by the meeting for that purpose.

26. All questions at a meeting of the court shall be decided by a majority of the members of the court present and voting. Each member shall have one vote and the chairman of the meeting shall have a second or casting vote in the case of equality in the voting.

27. Subject to the provisions of this scheme and the Act confirming the same and except so far as may be otherwise required by the byelaws the procedure of the court shall be determined by the court.

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28. The court may appoint committees of its number with or without the addition of any other persons and subject to the provisions of this scheme and the Act confirming the same and the byelaws may delegate any of its powers to any such committee.

29. Minutes shall be made of the transactions decisions and resolutions of the court or any committee thereof which minutes shall be entered in books provided for the purpose and shall be signed by the chairman of the meeting or by any member of the court present thereat and appointed by the meeting to sign the same in his place or by the chairman of the next meeting of the court or such committee at which such minutes shall be submitted for approval. Minutes so signed shall be received as prima facie evidence of the matters stated therein.

30. No matter or thing done and no contract entered into by the court and no matter or thing done by any member of the court acting under the direction of the court shall if the matter or thing be done or the contract be entered into bona fide for the purposes of the Hospital subject any member of the court personally to any action liability claim or demand whatsoever and any expense incurred bona fide for the purposes of the Hospital by the court or any member of the court acting under the direction of the court shall be borne and repaid out of the funds of the Hospital.

31. The medical and surgical staff of the Hospital shall in the first instance consist of the persons whose names are set forth in the annex to this scheme being the holders of the positions mentioned in the said annex on the medical and surgical staffs of the Royal Infirmery and the Royal Hospital respectively on the 25th November 1937 and the order of seniority in each separate position on the staff of the Hospital (as between such holders) shall be the order in which the names appear in the said annex. The said persons shall respectively hold positions under the Hospital similar to those held by them under the Royal Infirmery and the Royal Hospital on the appointed day subject to any changes which may have been caused by the death or retirement of any of them and the filling of any vacancies so caused before the appointed day but whether such vacancy shall occur before or after the appointed day nothing herein contained shall give to any of the said persons who is not attached to the hospital in which such vacancy occurs the right to be appointed to fill such vacancy and none of the said persons by reason of being appointed to fill a vacancy in either hospital shall gain seniority to any person on the staff of the other hospital who was previously senior to him.

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32. The following persons who are honorary consulting physicians surgeons and dental officers to the Royal Infirmary and the Royal Hospital respectively shall be honorary consulting physicians surgeons and dental officers to the Hospital:— A.D. 1938.

ROYAL INFIRMARY.

Surgeons—

Mr. Archibald Cuff.
Mr. Arthur Connell.

ROYAL HOSPITAL.

Physicians—

Emeritus Professor Sir Arthur J. Hall.
Dr. A. E. Naish.
Dr. Gilbert E. Mould.

Surgeons—

Mr. Graham Simpson.
Mr. A. Garrick Wilson.
Mr. George Wilkinson.
Mr. Percival J. Hay.

Consulting dental officers—

Mr. F. G. Mordaunt.
Mr. H. J. Stoner.
Mr. P. S. Stokes.

BYELAWS.

33. Subject to the provisions of this scheme and the Act confirming the same the governors may by resolution make byelaws for regulating the management of the Hospital and its property and affairs and by such byelaws may make provision with respect to any matter incident to the carrying on of the undertaking of the Hospital. Provided that no such byelaw shall be made rescinded or varied except by a resolution passed by a majority of not less than three-fourths of the governors present and voting on the resolution at a general meeting duly convened with notice of the intention to propose the making rescission or variation of such byelaw.

34. Without prejudice to the generality of the foregoing clause any such byelaws may subject as aforesaid make provision (inter alia)—

(1) As to medical and surgical staff of the Hospital both honorary and salaried and the officers nurses and

A.D. 1938.

servants to be appointed in connection with the Hospital and the method terms and conditions of their appointment and as to their qualifications disqualifications duties conduct responsibilities privileges resignation and dismissal and as to any such officers nurses or servants being entitled to act as governors ex officio of the Hospital and as to the granting of pensions gratuities bonuses honoraria compensations or allowances to any such officers nurses or servants or their dependants and the establishment and carrying on of pension sickness accident welfare or other funds for the benefit of any such officers nurses or servants or their dependants :

- (2) As to the carrying on of any work business or proceeding in connection with the Hospital by committees of the governors by committees of the court or by officers of the Hospital or other persons and as to the constitution appointment powers duties and procedure of any such committees :
- (3) As to the granting of the privilege of having beds dedicated to particular persons or other privileges to the donors of gifts to the Hospital :
- (4) As to the keeping of accounts records and statistics of the properties funds moneys transactions revenues expenses and liabilities and the work cases and proceedings of the Hospital.

REGULATIONS.

35. Subject to the provisions of this scheme and the Act confirming the same and the byelaws the court may make regulations for regulating the admission of patients and students the duties and conduct of officers nurses students and servants committees and visitors and for other matters affecting the working and discipline of the Hospital or any institution property or function thereof.

FIRST PRESIDENT VICE-PRESIDENTS AND AUDITORS.

36. The following persons shall be the first president vice-presidents and auditors respectively of the Hospital (namely) :—

President—

His Grace the Duke of Norfolk E.M. K.G.

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Vice-Presidents—

A.D. 1938

His Grace the Duke of Devonshire K.G.

The Right Hon. the Earl Fitzwilliam K.C.V.O.

His Grace the Duke of Portland K.G.

The Right Hon. Lord Riverdale of Sheffield K.B.E. LL.D.

Alderman J. G. Graves LL.D. J.P.

Auditors—

Messrs. John Watson Sons & Wheatcroft chartered accountants.

He or they shall respectively hold office until his or their successor or successors be elected.

SECRETARY.

37. The court shall from time to time appoint and shall after the appointed day at all times keep appointed a secretary to the Hospital.

TREASURER.

38. The court shall from time to time appoint and shall after the appointed day at all times keep appointed a treasurer of the Hospital. Forthwith on receipt he shall place all moneys which he may receive on behalf of the Hospital in such bank or banks as the court may select to an account in the name of the Hospital. He shall have authority to give a valid discharge in the name of the Hospital for any money or other property bequeathed or belonging to the Hospital.

AUDITOR.

39. The auditor or auditors of the Hospital shall be a professional accountant or professional accountants. All the accounts and books of the Hospital shall be open to him or them for inspection at all reasonable times and he or they shall audit the same and furnish to the court a report thereon as soon as possible after the end of each year and such report shall be submitted to the next following annual general meeting.

ACCOUNTS.

40. Proper accounts shall be kept of all sums of money received and expended by the Hospital and of the matters in respect of which such receipt and expenditure take place and of the property credits and liabilities of the Hospital. The financial year of the Hospital shall end on the 31st day

A.D. 1938. of December and a statement of accounts for each such year shall be prepared and audited as soon as possible after the conclusion thereof and shall be submitted to the next following annual general meeting.

SUBSCRIPTIONS.

41. Annual subscriptions to the Hospital shall be due in advance on 1st January of each year.

INVESTMENT.

42. Any moneys that shall come into the hands of the Hospital and shall not be exclusively applicable to or required for the time being for other purposes may be invested by the Hospital in any manner for the time being authorised by law for the investment of trust funds or on mortgage of leasehold property in England having at the date of such investment an unexpired term of not less than ninety years or in the purchase of freehold ground rents in England well secured in each case in accordance with the report of a duly qualified valuer Provided always that any investment security or property which is vested or to be vested in the Hospital in pursuance of this Act or which may hereafter be assured given bequeathed granted assigned or transferred to or take effect in favour of the Hospital (otherwise than by purchase) may be retained and held by the Hospital notwithstanding that such investment security or property may not be an investment hereby authorised.

ANNUAL REPORTS.

43. At the end of every year a report shall be prepared upon the affairs of the Hospital and its work and proceedings during such year and each such report after approval by the court shall be printed and submitted to the next following annual general meeting.

SEAL.

44. The common seal of the Hospital shall be kept in such custody and used in such manner and subject to such conditions and safeguards as may be determined from time to time by resolution of a meeting of the court.

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ANNEX.

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Honorary physicians—

Dr. E. F. Skinner	-	-	-	Royal Hospital.
Professor A. E. Barnes	-	-	-	Royal Infirmery.
Dr. A. G. Yates	-	-	-	Royal Infirmery.
Dr. C. Gray Imrie	-	-	-	Royal Hospital.
Dr. R. Platt	-	-	-	Royal Infirmery.

Associate physician—

Professor E. J. Wayne	-	-	-	Royal Infirmery.
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Assistant physician—

Dr. T. E. Gumpert	-	-	-	Royal Hospital.
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Honorary surgeons—

Mr. J. B. Ferguson Wilson	-	-	-	Royal Hospital.
Professor E. Finch	-	-	-	Royal Infirmery.
Mr. T. B. Mouat	-	-	-	Royal Infirmery.
Mr. R. St. Leger Brockman	-	-	-	Royal Infirmery.
Mr. H. Blacow Yates	-	-	-	Royal Hospital.

Assistant surgeons—

Mr. W. J. Lytle	-	-	-	Royal Infirmery.
Mr. A. W. Fawcett	-	-	-	Royal Infirmery.
Mr. J. C. Anderson	-	-	-	Royal Hospital.
Mr. W. Hynes	-	-	-	Royal Hospital.

Aural surgeons—

Mr. V. Townrow	-	-	-	Royal Hospital.
Mr. J. H. Cobb	-	-	-	Royal Infirmery.

Ophthalmic surgeons—

Mr. W. J. W. Ferguson	-	-	-	Royal Infirmery.
Mr. E. Gordon Mackie	-	-	-	Royal Hospital.
Mr. A. B. Nutt	-	-	-	Royal Infirmery.

Orthopædic physician—

Dr. R. G. Abercrombie	-	-	-	Royal Hospital.
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Orthopædic surgeon—

Mr. F. W. Holdsworth	-	-	-	Royal Infirmery.
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Gynæcological consulting surgeon—

Professor J. Chisholm	-	-	-	Royal Hospital.
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A.D. 1938. Radiologists—

Dr. J. L. Grout - - - - Royal Hospital.

Mr. J. Wilkie - - - - Royal Infirmery.

Physician in charge of the skin department—

Dr. R. Hallam - - - - Royal Infirmery and
 Royal Hospital.

Pathologist—

Professor H. N. Green - - - - Royal Infirmery and
 Royal Hospital.

Physiologist—

Professor G. A. Clark - - - - Royal Infirmery and
 Royal Hospital.

Bacteriologist—

Professor J. W. Edington - - - - Royal Infirmery and
 Royal Hospital.

Dental officers—

Mr. R. Cecil Webster - - - - Royal Hospital.

Mr. William Skerritt - - - - Royal Hospital.

Mr. J. H. Skerritt - - - - Royal Hospital.

Mr. Clifford T. Watson - - - - Royal Hospital.

Mr. George H. Froggatt - - - - Royal Hospital.

Professor G. L. Roberts - - - - Royal Infirmery and
 Royal Hospital.

Assistant dental officers—

Mr. G. H. Rayner - - - - Royal Infirmery.

Mr. James Hull - - - - Royal Hospital.

Mr. G. H. V. Froggatt - - - - Royal Hospital.

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