



Scottish Board of Health Act 1919

1919 CHAPTER 20

An Act to establish a Scottish Board of Health to exercise powers with respect to Health and Local Government in Scotland, and for purposes connected therewith. [3rd June 1919]

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 :

Establishment of Board.

- 1 For the purpose of promoting the health of the people throughout Scotland, and for the purpose of the exercise of the powers transferred or conferred by this Act, it shall be lawful for His Majesty to appoint a Scottish Board of Health (hereinafter called "the Board").

General powers and duties of Board in relation to health.

- 2 It shall be the duty of the Board in the exercise and performance of any powers and duties transferred to or conferred on them by or in pursuance of this Act to take all such steps as may be desirable to secure the effective carrying out and co-ordination of measures conducive to the health of the people, including measures for the prevention and cure of diseases, the initiation and direction of research, the treatment of physical and mental defects, the collection preparation and publication of information and statistics, and the training of persons for health services.

3 Constitution of Board.

- (1) The Secretary for Scotland may appoint a parliamentary under-secretary for health, who shall be responsible under him for the administration of the Board in the exercise and performance of all powers and duties under this Act. The Secretary for Scotland shall be President, and the parliamentary under-secretary shall be Vice-President of the Board by virtue of their respective offices. There shall be paid to any parliamentary

under-secretary so appointed such remuneration as the Treasury may determine. The office of an under-secretary so appointed shall not render the holder thereof incapable of being elected to, or sitting or voting as a member of, the Commons House of Parliament.

- (2) The Board shall, as at first constituted, include the existing appointed members of the Local Government Board for Scotland, and such two of the Scottish Insurance Commissioners as the Secretary for Scotland shall nominate, and shall at all times include two registered medical practitioners, one or more women, and a member of the Faculty of Advocates or law agent of not less than ten years' standing. The number of members (other than ex officio members) shall at no time exceed six, and subject as aforesaid the power of appointing such members shall be exercisable by His Majesty on the recommendation of the Secretary for Scotland. Such member of the Board as the Secretary for Scotland may designate shall be Chairman of the Board in the absence of the President and Vice-President. The Chairman and other members of the Board (not being members ex officio) shall receive such salary or remuneration as the Treasury may determine.

4 Transfer of powers and duties to and from Board.

- (1) There shall be transferred to the Board—
- (a) all the powers and duties of the Local Government Board for Scotland ;
 - (b) all the powers and duties of the Scottish Insurance Commissioners ;
 - (c) all the powers of the Privy Council and of the Lord President of the Council under the Midwives (Scotland) Act, 1915 ;
 - (d) all the powers and duties of the Secretary for Scotland under the Alkali, &c, Works Regulation Act, 1906;
 - (e) all the powers and duties of the Secretary for Scotland under the Burial Grounds (Scotland) Act, 1855;
 - (f) all the powers and duties of the Secretary for Scotland under the Rivers Pollution Prevention Acts, 1876 and 1893, section fifty-five of the Local Government (Scotland) Act, 1889, and the Rivers Pollution Prevention (Border Councils) Act, 1898 ;
 - (g) all the powers and duties of the Secretary for Scotland under the Births, Deaths, and Marriages (Scotland) Acts, 1854 to 1910, the Marriage Notice (Scotland) Act, 1878, and the Vaccination (Scotland) Acts, 1863 to 1907 ;
 - (h) all the powers and duties of the Secretary for Scotland and the Highlands and Islands (Medical Service) Board under the Highlands and Islands (Medical Service) Grant Act, 1913 ;
 - (i) all the powers and duties of the Scottish Education Department with respect to the medical inspection and treatment of children and young persons :

Provided that, for the purpose of facilitating the effective exercise and performance by the Board of the last-mentioned powers and duties, the Board may make arrangements with the Scottish Education Department respecting the submission and approval of schemes of education authorities and the payment of grants to education authorities, so far as such schemes and payment relate to, or are in respect of, medical inspection and treatment:

And provided also that in such matters of a judicial nature under the National Insurance (Health) Acts, 1911 to 1918, as may be prescribed under those Acts, the powers and duties of the Scottish Insurance Commissioners by this Act transferred to the Board

shall be exercised by the Board through a special body or special bodies of persons constituted in such manner as may be prescribed.

- (2) It shall be lawful for His Majesty from time to time by Order in Council to transfer to the Board—
 - (a) any of the powers and duties of the Secretary for Scotland under the enactments relating to lunacy and mental deficiency ;
 - (b) all or any of the powers and duties of the Minister of Pensions with respect to the health of disabled officers and men after they have left the service, so far as those powers and duties relate to Scotland ;
 - (c) any other powers and duties in Scotland of any Government department which appear to His Majesty to relate to matters affecting or incidental to the health of the people.
- (3) It shall be lawful for His Majesty from time to time by Order in Council to transfer from the Board to any other Government department any of the powers and duties of the Board which appear to His Majesty not to relate to matters affecting or incidental to the health of the people. And it is hereby declared that it is the intention of this Act that, in the event of provision being made by Act of Parliament passed in the present or in any future Session for the revision of the law relating to the relief of the poor in Scotland and the distribution amongst other authorities of any powers exercisable by parish councils, there shall be transferred from the Board to other Government departments such of the powers and duties under the enactments relating to the relief of the poor then vested in the Board (not being powers or duties relating or incidental to the health of the people) as appear to His Majesty to be such as would be more conveniently exercised and performed by such other departments.
- (4) His Majesty may by Order in Council make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to any transfer of powers or duties by or under this section, including provision for the transfer of any property, rights, and liabilities held, enjoyed, or incurred by any Government department in connection with any powers or duties transferred, and may make such adaptations in the enactments relating to such powers or duties as may be necessary to make exercisable by the Board and the officers thereof, or by such other Government department and their officers, as the case may be, the powers and duties so transferred.
- (5) In connection with the transfer of powers and duties to or from the Board by or under this Act, the provisions set out in the First Schedule to this Act shall have effect.

5 Consultative Councils.

- (1) It shall be lawful for His Majesty by Order in Council to establish consultative councils for giving, in accordance with the provisions of the Order, advice and assistance to the Board in connection with such matters affecting or incidental to the health of the people in Scotland as may be referred to in such Order.
- (2) Every such council shall include persons of both sexes, and shall consist of persons having practical experience of the matters referred to the council, and due regard shall be had in constituting them to any special interests (including those of local authorities and of labour) which may be involved.

6 Staff and remuneration.

- (1) The Board may appoint such secretaries, officers, and servants as the Board may, subject to the sanction of the Treasury as to numbers, determine, and in the making of such appointments shall give equal consideration to the suitability of persons of both sexes.
- (2) There shall be paid (out of moneys provided by Parliament) to the secretaries, officers, and servants of the Board such salaries or remuneration as the Treasury may determine.
- (3) The expenses of the Board, including payments to members of consultative councils and committees thereof, to such amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament; but no such payment shall be made to members of consultative councils and committees thereof other than the repayment of travelling expenses and payment of subsistence allowance, and reasonable compensation for loss of remunerative time.
- (4) There shall be transferred and attached to the Board the persons employed under the Local Government Board for Scotland, the Scottish Insurance Commissioners, and the Highlands and Islands (Medical Service) Board, and such of the persons employed under any other Government department in or about the execution of the powers and duties transferred by or under this Act to the Board, as the Board and Government department, with the sanction of the Treasury, may determine.
- (5) The Board may from time to time distribute the business of the Board amongst the several persons transferred or attached thereto in pursuance of this Act, in such manner as the Board think right, and those persons shall perform such duties in relation to that business as may be directed by the Board :

Provided that such persons shall be in no worse position as respects the tenure of office, salary, or superannuation allowance, than they would have been if this Act had not been passed.

- (6) For the purposes of this section, a person attached to a Government department, whether as a Commissioner, member of a Board, or otherwise, shall be deemed to be employed under the department.

7 Seal, style, and acts of Board.

- (1) The Board may sue and be sued by the name of the Scottish Board of Health, and may for all purposes be described by that name, and service on the Board of all legal processes and notices shall be effected by service on a secretary of the Board.
- (2) The Board shall have an official seal, which shall be officially and judicially noticed, and any act to be done, or deed to be signed, or instrument to be executed by or on behalf of the Board may be done, signed, or executed in the name of the Board by the President, Vice-President, or Chairman of the Board, or a secretary, or any person authorised by the Board to act in that behalf.
- (3) Every document purporting to be an order or other instrument issued by the Board, and to be sealed with the seal of the Board or to be signed as aforesaid, shall be received in evidence and be deemed to be such order or other instrument without further proof, unless the contrary is shown.
- (4) The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply to the Board as if the Board were mentioned in the first column

of the schedule to the first mentioned Act, and as if the President or Vice-President or a secretary of the Board or any person authorised by the Board to act in that behalf were mentioned in the second column of that schedule.

8 Provisions as to Orders in Council.

- (1) Any Order in Council made under this Act may be revoked or varied by a subsequent Order.
- (2) Before any Order in Council under this Act (other than an Order appointing a day for the commencement of this Act or any provision thereof) is made, notice of the proposal to make the Order and of the place where copies of a draft of the Order can be obtained shall be published in the Edinburgh Gazette, and in such other manner as the Board think best adapted for injuring publicity, and a draft of the Order shall be laid before each House of Parliament for not less than thirty days on which such House is sitting.
- (3) In the case of an Order providing for any transfer of powers and duties to or from the Board under subsection (2), or under subsection (3), of section four of this Act, the Order shall not take effect until both Houses of Parliament have by resolution approved the same and shall take effect subject to any modifications and adaptations which may be agreed to by both Houses of Parliament; and in the case of any other Order if either House before the expiration of such thirty days presents an address to His Majesty against the draft, or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft Order.

9 Short title, commencement, extent, repeal, interpretation.

- (1) This Act may be cited as the Scottish Board of Health Act, 1919, and shall come into operation upon such day or days as may be appointed by Order in Council, and different days may be appointed for different purposes and provisions of this Act:

Provided that the latest day for the transfer of powers to the Board under subsection (1) of section four shall not be later than one year from the passing of this Act.
- (2) This Act shall extend to Scotland only.
- (3) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.
- (4) In this Act the expression "Government department" includes the Scottish Insurance Commissioners, the Highlands and Islands (Medical Service) Board, and any other public department, and any Minister of the Crown acting as the head of a Government department. The expression "law agent" has the same meaning as in the Law Agents (Scotland) Act, 1873.

Status: This is the original version (as it was originally enacted).

FIRST SCHEDULE

TRANSITORY PROVISIONS

- 1 In the construction and for the purposes of any Act of Parliament, judgment, decree, order, award, deed, contract, regulation, byelaw, or other document passed or made before the transfer to or from the Board from or to any other Government department of any powers or duties by or under this Act, but so far only as may be necessary for the purpose of such transfer, the name of the Board or of the Government department shall be substituted for the name of the other Government department or -of the Board, as the case may be.
- 2 Where anything has been commenced by or under the authority of any other Government department or the Board before the transfer to the Board or another Government department of any powers or duties by or under this Act, and such thing is in relation to the powers or duties so transferred, such thing may be carried on and completed by or under the authority of the Board or the other Government department, as the case may be.
- 3 Where at the time of the transfer of any powers or duties by or under this Act any legal proceeding is pending to which any Government department or the Board is a party, and such proceeding has reference to the powers and duties transferred by or under this Act, the Board or the other Government department shall be substituted in such proceeding for the other Government department or the Board, as the case may be, and such proceeding shall not abate by reason of the substitution.

SECOND SCHEDULE

REPEALS

<i>Session and Chapter.</i>	<i>Short Title.</i>	<i>Extent of Repeal.</i>
8 & 9 Vict. c. 83.	The Poor Law (Scotland) Act, 1845.	Section four, so far as not already repealed.
57 & 58 Vict. c. 58.	The Local Government (Scotland) Act, 1894.	Sections four, five and six.
1 & 2 Geo. 5. c. 55.	The National Insurance Act, 1911.	Paragraph (b) of, and the proviso to, subsection (2) of section sixteen, subsections (1), (2), (3) and (4) of section fifty-seven and section fifty-eight, so far as applying to Scotland. Subsection (1) of section eighty from "there shall be constituted " to " the purpose aforesaid."