

[21 & 22 GEO. 5.] *Ministry of Health* [Ch. lxxxiii.]
*Provisional Order Confirmation (Lancaster and District
Joint Hospital District) Act, 1931.*



CHAPTER lxxxiii.

An Act to confirm a Provisional Order of the Minister of Health relating to the Lancaster and District Joint Hospital District. A.D. 1931.
[31st July 1931.]

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 as amended 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 (Lancaster and District Joint Hospital District) Act 1931. Short title.

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SCHEDULE.

LANCASTER AND DISTRICT JOINT HOSPITAL
DISTRICT.

*Lancaster
and District
Order.*

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

WHEREAS the councils of the boroughs and urban district named in column 1 of the first schedule to this order are local authorities for the purposes of the Public Health Act 1875 and 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;

And whereas by an agreement dated the twenty-ninth day of March nineteen hundred made between the mayor aldermen and burgesses of the borough of Lancaster and the Lancaster rural district council the Lancaster corporation in consideration of the withdrawal by the rural district council of opposition to an extension of the borough (which extension was carried into effect by the Lancaster Order 1900 as confirmed by the Local Government Board's Provisional Orders Confirmation (No. 12) Act 1900) and the waiver by the rural district council of all claims to adjustment in respect of loss of rateable value or consequent diminution of income agreed to provide hospital accommodation for patients within the rural district who might suffer from infectious disease and to provide maintenance and nursing in a hospital and the usual services of the medical officer of health for the borough of and in connection with every such patient and to permit the rural district council to use the ambulance of the corporation to convey such patients to the place where hospital accommodation is provided but that the corporation should not be at the expense of providing a horse driver or attendants for the ambulance;

And whereas the agreement contains other provisions which do not relate to the subject-matter of this order:

Now therefore the Minister of Health in pursuance of the powers conferred by section 279 of the Public Health Act 1875

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and of all other powers in that behalf hereby orders as follows A.D. 1931.
 viz. :—

PART I.

*Lancaster
 and District
 Order.*

PRELIMINARY.

1. This order may be cited as the Lancaster and District Joint Hospital Order 1931 and shall come into operation on the day on which this order is confirmed by Act of Parliament. Short title and commencement.

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

“Constituent council” means a council named in column 2 of the first schedule to this order;

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

“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 October nineteen hundred and thirty-one;

“The hospitals” means the hospitals provided by the joint board;

“The joint board” means the Lancaster and District Joint Hospital Board constituted by this order;

“The Lancaster corporation” means the mayor aldermen and burgesses of the borough of Lancaster acting by the council of the borough;

“The Minister” means the Minister of Health;

“The rural district” means the rural district of Lancaster as that district may for the time being exist;

“The rural council” means the council of the rural district;

“The Slyne Road hospital” means the new hospital at Slyne Road in the borough of Lancaster to be provided by the joint board;

“The united district” means the Lancaster and District Joint Hospital District formed by this 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 Lancaster and District Joint Hospital District for the purposes of the provision maintenance and Formation of united district.

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management for the use of the inhabitants of the constituent districts of hospitals for the reception of cases of infectious disease.

Constitution
and name of
joint board.

4. The joint board shall consist of twelve members and shall be called the Lancaster and District Joint Hospital Board.

Members of
joint board.

5.—(1) The members of the joint board shall be elected by the constituent councils.

(2) 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 council 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.

First
election of
members of
joint board.

6.—(1) At meetings to be held by the constituent councils before the appointed day or on such later day as the Minister may direct 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.

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

(3) The persons elected in pursuance of this section as members of the joint board shall come into office on the appointed day.

Tenure of
office of
members.

7.—(1) A member of the joint board shall continue in office until the expiration of the period for which he was elected a member of the joint board or 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 before the day of his retirement as a councillor he has been re-elected a councillor.

(2) Any member of the joint board who ceases to hold office by reason of the expiration of his period of office or by reason of his resignation or disqualification or by ceasing to be a member of the constituent council by whom he was elected 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.

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8.—(1) Any vacancy occurring among the members of the joint board by death resignation disqualification or other cause shall be filled by the constituent council in whose representation the vacancy has occurred at a meeting to be held within six weeks after the occurrence of the vacancy or within such further period as the Minister may direct.

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 and District
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Filling of
 casual
 vacancies.

(2) The clerk of the constituent council shall forthwith notify in writing to the clerk of the joint board the name address and occupation of any person elected under this section to fill a casual vacancy.

9. Such of the provisions of section 46 of the Local Government Act 1894 and section 10 of the Local Government Act 1929 as relate to disqualification for being elected or being a member of the council of a district other than a borough and to absence from meetings of any such council shall with the necessary modifications extend to disqualification for being elected or being a member of the joint board and to absence from meetings of the joint board.

Disqualifica-
 tion for
 membership
 of joint
 board and
 absence from
 meetings.

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.

Meetings of
 joint board.

(2) Subsequent meetings of the joint board shall be held at such times and places as the joint board may appoint and at all meetings of the joint board four members shall constitute a quorum.

(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) Notices of all meetings of the joint board shall be delivered or sent by post so as to reach the last known place of abode or business of each member of the joint board three clear days before the day of meeting or at such earlier time as the joint board may direct.

11. 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 of
 joint board.

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.

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Committees.

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 :

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 part four of the first schedule to the Local Government Act 1894 so far as those provisions are applicable shall extend to any committee appointed in pursuance of this section.

PART III.

POWERS AND DUTIES OF THE JOINT BOARD.

Application
of enact-
ments.

13.—(1) For the purposes of the provision maintenance and management of hospitals for the reception of cases of infectious disease the joint board shall exercise and perform and be subject to all the powers duties and liabilities of an urban authority under the enactments mentioned in the second schedule to this order and those enactments shall extend to the joint board with such modifications as may be necessary to make them applicable to the purposes of this order 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.

Admission of
patients from
rural district.

14.—(1) The rural council shall be empowered to send to the hospitals any inhabitant of the rural district who may suffer from infectious disease as if the rural district were a constituent district and provision shall be made by the joint board for the reception maintenance and treatment in a hospital of any such inhabitant and for the conveyance of any such inhabitant to a hospital of the joint board.

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(2) The power of the joint board to recover the expenses of the maintenance in a hospital of patients shall not extend to any patient sent to a hospital under this section.

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(3) Towards the cost of the conveyance to a hospital of the joint board of any inhabitant of the rural district who may be removed to a hospital in an ambulance of the joint board the rural council shall pay to the joint board the sum of six shillings for each patient so removed and any sum payable under this subsection may be recovered by the joint board from the rural council summarily as a civil debt.

(4) The charges of the joint board in respect of the maintenance of any patient sent to a hospital under this section calculated in accordance with the provisions of part IV of this order subject nevertheless to the deduction of any sum payable to the joint board by the rural council in respect of the conveyance of the patient shall be paid to the joint board by the Lancaster corporation but save as provided in subsection (5) of this section this section shall not affect the operation as between the Lancaster corporation and the rural council of the agreement between those authorities recited in this order.

(5) The provisions of this section shall be deemed to satisfy such of the provisions of the recited agreement as are described in the second recital to this order and as from the date upon which the Slyne Road hospital is ready for the reception of patients the provisions of that agreement so described shall be suspended until this section shall cease to have effect.

15.—(1) The joint board may by agreement—

(a) with the county council of Lancaster provide for the reception maintenance and treatment in a separate part of any of the hospitals of persons suffering from tuberculosis;

Reception of
patients by
agreement
with county
council.

(b) with any county council provide for the reception maintenance and treatment in any of the hospitals of persons in receipt of poor relief;

upon such terms and conditions as may be prescribed by the agreement and any such person may be admitted to a hospital in the manner and on the terms prescribed by the agreement.

(2) Nothing in this section shall affect any power of a constituent council with respect to persons suffering from tuberculosis.

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

Admission of
patients to
hospitals.

(1) By an order of the joint board a constituent council or the rural council;

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- (2) By an order of a medical officer of health of a constituent council or the rural council;
- (3) By an order of a medical officer appointed by the joint board;
- (4) 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; or
- (5) In such manner as may be prescribed by an agreement made under the preceding section of this order.

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

17.—(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.

(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 exerciseable by or imposed upon any constituent council by regulations of the Minister under any such enactment.

Notice of
 provisions as
 to recovery
 of cost of
 maintenance.

18. 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.

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

19.—(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.

(2) The joint board may pay their treasurer clerk medical officers and other officers or 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

20.—(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

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of the cost of maintenance in the hospitals of patients) shall be carried.

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(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 shall be based on the proportion which the rateable value of the constituent district bears to the aggregate of the rateable values of all the constituent districts :

Provided that the rateable value of the borough of Lancaster shall for the purposes of this section be deemed to be the aggregate of the rateable values of that borough and the rural district.

(4) For the purposes of this section the rateable value of a constituent district and of the rural district shall be the rateable value appearing in the valuation list in force on the first day of April or the first day of October preceding the issue of the precept.

21.—(1) The charges to be made by the joint board to the constituent councils during any half-year in respect of patients maintained in the hospitals during that half-year shall be a charge per day calculated to the nearest penny and derived from the average daily cost of the upkeep of the hospitals and other expenditure of the joint board during the half-year divided by the average number of patients in the hospitals on each day of the half-year.

Calculation
 and payment
 of charges
 for patients.

(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 the hospitals on each day of the half-year :

Provided that—

- (a) loan charges and the expenses of the purchase or hire of land ;
- (b) the provision alteration or repair of buildings or 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.

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(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 any of the hospitals 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 the 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 the hospital;
- (e) a deduction in respect of any sum recovered by the joint board from or repaid to the joint board by or in respect of the patient; and
- (f) the net sum claimed by the joint board from the constituent council as due for the maintenance of the patient.

(4) For the purposes of this section any patient admitted to a hospital from the rural district shall be deemed to have been admitted from the borough of Lancaster and the day on which a patient entered the hospital and the day on which he was discharged therefrom shall both be included as days on which the patient was an inmate of the hospital.

Inclusion in
precepts of
charges for
patients.

22. The amount shown to be due from a constituent council by the 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.

23. 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 for the purpose may authorise.

Inspection
of accounts.

24. The accounts of the joint board shall at all reasonable times be open to inspection and transcription free of charge

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by any member of a constituent council or by any officer of a constituent council authorised by that council for that purpose.

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25. 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.

Abstract of
 accounts and
 auditor's
 report.

PART V.

SUPPLEMENTARY.

26.—(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
 boundary &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.

(2) If on an application made by the joint board or any constituent council it shall appear to the Minister that the rateable value of any constituent district has so increased as to render the representation of the council of that district on the joint board inadequate the Minister may by order provide for the appointment of additional members of the joint board by that council.

(3) Upon an application made by any constituent council at any time after the expiration of five years from the date on which the Slyne Road hospital is opened for the reception of patients the Minister may by order alter the basis upon which the contributions of the constituent councils to the common fund of the joint board are calculated to such other basis as may from time to time be agreed upon by the constituent councils and the joint board or in default of agreement as may be determined by an arbitrator appointed by the constituent councils and the joint board or in case of a difference as to the person to be appointed arbitrator by the Minister.

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Settlement
of differ-
ences.

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

27. 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 a constituent council or the rural council (as the case may be) were a party within the meaning of those provisions.

Inquiries and
expenses.

28.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary for the purposes of this order and those inspectors shall for the purposes of any inquiry have all such powers as they have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

(2) Where the Minister causes any such inquiry to be held the costs incurred by the Minister in relation to that inquiry (including such reasonable sum not exceeding five guineas a day as the Minister may determine for the services of any inspector or officer of the Minister engaged in the inquiry) shall according as the Minister may direct be paid by the joint board any constituent council or the rural council and the Minister may certify the amount of the costs so incurred and any sum so certified and directed by the Minister to be so paid shall be a debt due to the Crown.

Saving for
powers of
constituent
councils.

29. Until the Slyne Road hospital 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 urban district.

Determina-
tion of
certain
agreements
as to
reception by
Lancaster
corporation
of smallpox
patients.

30. As from the date on which a hospital provided by the joint board is ready for the reception of patients suffering from smallpox the agreement dated the seventh day of November nineteen hundred and twenty-two between the Lancaster corporation and the urban district council of Heysham for the reception and treatment in the Littlefell hospital of the Lancaster corporation of persons suffering from smallpox who have been landed at the port of Heysham and any agreement between the Lancaster corporation and the council of the borough of Morecambe and Heysham for the reception in that hospital of cases of smallpox arising within the borough of Morecambe and Heysham shall cease to have effect without prejudice however to the recovery of any sum which may then be due under any such agreement to the Lancaster corporation or the council of the borough of Morecambe and Heysham.

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31.—(1) Any expenses incurred by the Lancaster corporation before the date of the first election of the joint board in the acquisition of the site of the Slyne Road hospital and the preparation of the plans and other purposes in connection with the erection of that hospital shall to such extent as may be agreed between the joint board and the Lancaster corporation be repaid by the joint board to the Lancaster corporation and shall be deemed to be expenses incurred by the joint board in pursuance of the powers conferred by this order.

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Payment by
joint board
of certain
expenses of
Lancaster
corporation.

(2) Nothing in this section shall affect the duty of the joint board under the last paragraph of section 279 of the Public Health Act 1875 to defray all costs charges and expenses of and incidental to the formation of the united district.

SCHEDULES.

FIRST SCHEDULE.

CONSTITUENT DISTRICTS CONSTITUENT COUNCILS AND NUMBER
OF MEMBERS OF THE JOINT BOARD.

1.	2.	3.
Name of borough or district.	Name of council.	Number of members.
The borough of Lancaster -	The council of the borough of Lancaster.	7
The borough of Morecambe and Heysham.	The council of the borough of Morecambe and Hey- sham.	4
The urban district of Carn- forth.	The urban district council of Carnforth.	1
	Total - - -	12

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SECOND SCHEDULE.

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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.	<p>Section 122 -</p> <p>Section 123 as amended by section 63 of the Public Health Act 1925.</p> <p>Section 131 - -</p> <p>Section 132 as amended by section 60 of the Public Health Acts Amendment Act 1907.</p> <p>Sections 173 and 174 except subsection (3) of section 174.</p> <p>Sections 175 to 177 -</p> <p>Sections 179 to 181 -</p> <p>Sections 192 to 197 -</p> <p>Section 205 - - -</p> <p>Sections 245 and 247 (as amended by the District Auditors Act 1879 section 58 of the Local Government Act 1894 section 61 of the Finance Act 1921 and the Audit (Local Authorities) Act 1927).</p> <p>Section 249 - - -</p> <p>Section 250 - - -</p> <p>Sections 251 253 254 258 to 262 and 265.</p> <p>Sections 266 and 267 -</p> <p>Section 269 (as amended by the Summary Jurisdiction Act 1884).</p> <p>Section 298 - - -</p>	<p>Disinfection of articles.</p> <p>Ambulances.</p> <p>Provision of hospitals or temporary places for reception of the sick.</p> <p>Recovery of cost of maintenance in hospitals.</p> <p>Contracts.</p> <p>Purchase and disposal of lands.</p> <p>Arbitration.</p> <p>Officers and offices.</p> <p>Attendance of inspectors at meetings.</p> <p>Accounts and audit.</p> <p>Taxation of bills of costs.</p> <p>Accounts of officers.</p> <p>Recovery of penalties and legal proceedings.</p> <p>Notices.</p> <p>Appeals to quarter sessions.</p> <p>Costs of provisional orders.</p>

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Session and chapter.	Short title.	Enactments applied.	Subject-matter.
38 & 39 Vict. c. 55.	The Public Health Act 1875.	Section 306 (as amended by section 48 of the Public Health Acts Amendment Act 1890). Section 307 - - - Section 308 - - - Section 309 - - -	Penalty for obstructing execution of Act and for destruction of notices &c. Penalty for damaging works &c. Compensation for damage by local authority. Compensation to officers.
47 & 48 Vict. c. 74.	The Public Health (Officers) Act 1884.	The whole Act - - -	Restriction on recovery of penalties under section 193 of the Public Health Act 1875.
48 & 49 Vict. c. 53.	The Public Health (Members and Officers) Act 1885.	Sections 1 and 2 - - -	Amendment of section 193 of the Public Health Act 1875.

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